

# **INTERNATIONAL LABOUR CONFERENCE**

**FORTIETH SESSION  
GENEVA, 1957**

**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  
GENEVA, 1957**



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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 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 1955 to 30 June 1956, contains information on the 85 Conventions in force at that time. In a certain number of cases information covering the preceding reporting period (1 July 1954 to 30 June 1955) 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 summarising information supplied by governments for the first time (i.e. in respect of reports submitted after the coming into force of Conventions for the country 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".

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The present volume covers reports received by the Office up to 15 February 1957. 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 1957.

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*Note.* The following abbreviations are used throughout the summary:

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

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



## FIRST SESSION (WASHINGTON, 1919)

### 1. Hours of Work (Industry) Convention, 1919

*This Convention came into force on 13 June 1921*

Countries	Date of registration of ratification
Argentina . . . . .	30. 11. 1933
Austria <sup>1</sup> . . . . .	12. 6. 1924
Belgium . . . . .	6. 9. 1926
Bulgaria . . . . .	14. 2. 1922
Burma <sup>2</sup> . . . . .	14. 7. 1921
Canada . . . . .	21. 3. 1935
Chile . . . . .	15. 9. 1925
Colombia . . . . .	20. 6. 1933
Cuba . . . . .	20. 9. 1934
Czechoslovakia . . . . .	24. 8. 1921
Dominican Republic . . . . .	4. 2. 1933
France <sup>1</sup> . . . . .	2. 6. 1927
Greece . . . . .	19. 11. 1920
Haiti . . . . .	31. 3. 1952
India . . . . .	14. 7. 1921
Israel . . . . .	26. 6. 1951
Italy <sup>1</sup> . . . . .	6. 10. 1924
Luxembourg . . . . .	16. 4. 1928
New Zealand . . . . .	29. 3. 1938
Nicaragua . . . . .	12. 4. 1934
Pakistan <sup>3</sup> . . . . .	14. 7. 1921
Peru . . . . .	8. 11. 1945
Portugal . . . . .	3. 7. 1928
Rumania . . . . .	13. 6. 1921
Spain . . . . .	22. 2. 1929
Uruguay . . . . .	6. 6. 1933
Venezuela . . . . .	20. 11. 1944

<sup>1</sup> Conditional ratification.

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

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

#### Argentina.

Legislative Decree No. 10375/56 of 26 June 1956, to amend Act No. 11544.

The above-mentioned Legislative Decree provides that the limits of eight hours per day and 48 hours per week fixed by Act No. 11544 do not preclude shorter hours being worked.

During the period under review 735 infringements were noted. Overtime worked as provided for in Article 3 of the Convention totalled 26,868 hours. In regard to Article 6 of the Convention, permanent exceptions were granted in 669 cases and temporary exceptions in 879 cases.

#### Belgium.

Various Royal Orders of 10, 17 and 29 March, and 8 and 13 June 1956 to make compulsory the decisions of the national joint committees for transport in forestry undertakings, for the paper-pulp and cardboard industry, and for the food trades.

The Government mentions the negotiations which took place during the period under review between the Government and the employers' and trade union organisations with regard to the question of a general reduction in hours of work and enumerates the decisions reached and, in particular, the national agreement of 28 October 1955 on the five-day week of 45 hours, the text of which is appended to the report. The Government states that there is a definite tendency in Belgium at the present time to reduce the weekly limit of hours, which is at present fixed at 48 under section 2 of the Act of 14 June 1921, to 45, either in one or in several stages, the hours to be spread over five or six days in the week.

In reply to a question raised by the Committee of Experts, the Government states that there is no provision 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.

With regard to the observation of the Committee of Experts as to the criteria adopted by the Government for defining persons employed in a confidential capacity, the Government refers to the reply given by its representative to the Conference Committee on the Application of Conventions and Recommendations in 1956 with regard to the problem of persons employed in a confidential capacity according to Article 2 (a) of the Convention, and the scope of the Convention. The Government adds that the definition given by the Committee of Experts to the expression "confidential position" tends to be confused with the second expression employed both in the Convention and in the Belgian Act, i.e. "position of management".

A duty may constitute a confidential position while implying a direct share in the carrying out of the work. Even more, the duty in question may imply the complete execution of the work in question. This would appear to be the case, for example, in the position of cashier.

Further, the very fact that the Convention uses the expression "employed in a confidential capacity" and "position of management" constitutes an argument for maintaining that it is possible for persons employed in a confidential capacity to take part in carrying out the work, which would appear to be excluded in the case of positions of management.

It should also be noted that the postal service is not mentioned in Article 1 (c) of the Convention, but only telegraphic and telephonic installations.

It could, therefore, be maintained that the Convention is not applicable to the Postal

Administration, and all the more so because another Convention, concerning hours of work in commercial undertakings, includes postal as well as telegraphic and telephonic services within the scope of its first Article.

During the period under review 126 legal decisions were taken with regard to the application of the Convention, including 113 sentences. The labour inspectors visited 18,000 undertakings employing 278,526 persons. They noted 348 infringements, detailed information with regard to which is given in the report. It appears from the report that 97,844 hours' overtime was worked by 1,820 workers, with the necessary authorisation under section 7 of the Act of 14 June 1921.

The Federation of Belgian Industries stated in a letter communicated to the Office by the Government that the eight-hour day and 48-hour week are still prescribed in the legislation but that shorter hours of work for certain branches have been fixed by agreements.

#### *Bulgaria.*

Ordinance respecting overtime, approved on 3 May 1952 (L.S. 1952—Bul. 2 B).

Hours of work have been reduced for new categories of workers, a list of which is appended to the report.

In reply to the request made by the Committee of Experts in 1955, the Government transmits copies of various texts regulating hours of work, including a list of processes carried on continuously, and an order concerning the organisation and method of remuneration of shift work, both approved by decision of the Council of Ministers dated 21 March 1952; and an Ordinance respecting overtime, approved by an Order of the Council of Ministers dated 3 May 1952.

#### *Burma.*

No rules have as yet been issued under the Oilfields (Labour and Welfare) Act, 1951. A copy of the rules under section 57, paragraph 1, of the Factories Act will be forwarded to the I.L.O. when it has been adopted.

#### *Canada.*

In British Columbia various Wage Orders made during the period under review provided for specified overtime rates to apply to workers in several industrial activities which are subject to the 44-hour week provisions of the Hours of Work Act. Certain deviations from the 44-hour week provisions which were authorised in this province, and also under 44-hour week legislation in Saskatchewan, were in respect of a few activities for which such exemptions have been made in previous years. The report also contains information as to the number of exemptions granted in other provinces under legislation concerning hours of work and overtime, in some cases to facilitate the working of a five-day week.

According to the Department of Labour's annual survey of working conditions in industry, in April 1955 nearly 58 per cent. of workers in

manufacturing industries were on a standard week of 40 hours, and 3.7 per cent. on a week of more than 48 hours; in public utilities 0.1 per cent. were on a standard week of more than 48 hours. Average hours worked per week, as reported at 1 May 1956, were as follows: manufacturing, 41.4; mining, 42.8; electric and motor transport, 44.5; building construction, 40.3; and highway construction, 39.9.

#### *Chile.*

Three infringements of the provisions of the Convention were reported in 1955.

#### *Czechoslovakia.*

Since 1 October 1956 hours of work in all branches of industry have been reduced to 46 a week, and for young persons of under 16 years of age to 36 a week, without any reduction in wages.

In reply to the observations made by the Committee of Experts in 1956, the Government gives the following information:

*Article 5 of the Convention.* Under Act No. 91 of 1918 and Decree No. 11 of 1919, certain groups of undertakings were authorised to calculate hours of work over a period of four weeks, the total not to exceed 192 hours.

*Article 6.* The permanent exceptions are provided by section 7 of the Act of 1918. They refer to complementary work which must necessarily be done before or after the normal work, such as heating the boilers, cleaning the workshops, and certain other tasks as, for example, the supervision of the undertakings, the messenger service, and the transport of the staff of the undertaking. Temporary exceptions are provided by section 6 of the above-mentioned Act. The maximum overtime allowed during a calendar year is 240 hours. Within these statutory limits, undertakings are authorised to require overtime from their workers when necessary. The wage rates for overtime are 25 per cent. higher than normal rates and 50 per cent. higher for work done on Sundays, public holidays and during the night.

#### *Dominican Republic.*

Act No. 4468 of 3 June 1956, to amend the Labour Code.

The Government has completed its study of the points raised in the observations of the Committee of Experts in 1954 and 1955. As a result, the Legislature has adopted Act No. 4468 of 3 June 1956 to amend sections 137, 138, 149, 268 and 269 of the Labour Code in accordance with the Committee's previous observations.

*Article 2 of the Convention.* Section 137 of the Labour Code has been amended to provide that normal hours of work may not exceed eight per day and 48 per week. Section 138 has been amended so as to specify that, in respect of family and small establishments, exceptions are permitted in small rural undertakings worked by members of a single family or by one person only.

*Article 4.* Section 149 of the Labour Code has been amended so as to limit exceptions to undertakings fundamental to the national economy, where the processes are continuous and seasonal. Such exceptions, which are authorised only where there are not enough workers, are permitted in rare cases only, and are subject to the payment of higher rates for overtime. In these cases hours of work may be extended to 12 and workers may be asked to work on rest days.

*Article 6, paragraph 1 (a).* Section 269 of the Labour Code has been deleted and replaced by the second part of section 268. Workers in urban road transport undertakings are no longer considered as being engaged in intermittent work, and only transport workers whose work is in fact essentially intermittent are exempt from the hours limits.

*Article 6, paragraph 2.* The maximum number of hours of overtime which may be worked is laid down in section 139 of the Code.

*Article 7.* The report states that the list of necessarily continuous processes (section 160 of the Code), referred to in previous reports, includes also intermittent work and work calling only for the worker's attendance. In fact, no list of necessarily continuous processes has been drawn up in accordance with this Article because the maximum hours of work fixed by section 137 of the Labour Code apply also in the case of such processes.

#### Greece.

The Government states that it is hoped that during the year beginning 1 July 1956 a first step will be made towards the progressive application of the eight-hour day to the category of railway workers not yet covered, in conformity with the declaration made by the Government representative before the Conference in 1955.

Information is supplied in the report regarding recent measures affecting the labour inspection service and regarding the work carried out by this service during the period under review.

#### Haiti.

In reply to the observations made by the Committee of Experts in 1955 and 1956, the Government states that the scope of the Act of 5 May 1948 extends to all categories of industrial undertakings listed in Article 1 of the Convention. No line of division has been fixed between industry on the one hand and commerce and agriculture on the other.

Generally speaking, use is made of the exceptions allowed by Articles 3 to 6 of the Convention, although there are no legislative provisions on the subject. Overtime may be authorised in the following cases: (a) for the repair of damage caused by *force majeure* or an unforeseen event; (b) for work in agriculture, stock-breeding or industry which, owing to the nature of the needs which it must satisfy and for technical reasons or reasons based on the need of avoiding serious harm to the public interest, cannot be interrupted; (c) for tasks which owing to their nature can only be carried out

at certain seasons and depend on the irregular action of the forces of nature; (d) for operations which are necessary to ensure the satisfactory working of an undertaking and which cannot be deferred; (e) for domestic work and work in hospitals. The permits for overtime are issued by the Department of Labour.

In the report of the Labour Office for the period 1954-55 it was stated that, apart from the 2,574 visits of inspection, the labour inspectors made regular rounds of visits to supervise the statutory closing hour of working establishments in the commercial and industrial area. At Port-au-Prince seven establishments were served with injunctions for not having observed the rest period between two periods of work, and 16 for not having observed the statutory closing time. During the period 1955-56, 58 infringements of the hours of work provisions were noted at Port-au-Prince and the necessary rectifications were made.

The Government proposes to amend the provisions of the Act of 5 May 1948, which allow the daily limit of hours of work to be exceeded by two hours, and which in this respect are not in agreement with Article 2 (b) of the Convention.

#### India.

Indian Railways (Amendment) Act No. 59 of September 1956.

The Government states that the ratification of the Convention has not given force of law to its provisions.

In reply to the observations made last year by the Committee of Experts on the Application of Conventions and Recommendations, the Government supplies the following details:

The regulations framed by the States of Bombay, Uttar Pradesh, West Bengal and Orissa under section 64 (2) of the Factories Act limit to 56 the weekly hours of work in the cases covered by section 64 (2) (d). The other States, which have not fixed the maximum hours, will be requested to take similar action.

As regards the consultation of employers' and workers' organisations the Government recalls that, under section 115 of the Factories Act, regulations framed under that Act are finalised only after previous publication in the *Official Gazette* for comments to be received within three months from the date of publication. In addition, the governments concerned usually send copies of the draft regulations to the more important employers' and workers' organisations for comments. The Government considers, therefore, that the requirements of paragraph 2 of Article 6 of the Convention are complied with.

With regard to section 65 (2) of the Act, the Government states that exemption may be granted on an *ad hoc* basis by the appropriate authority on the ground that it is required to enable the factory or factories to deal with exceptional pressure of work, and subject to the maximum hours of work laid down in section 64 (4) of the Act; no regulations need therefore be framed.

The Government considered the observation of the Committee with regard to section

64 (2) (j) of the amending Act of 1954. In this connection, the State Governments will be instructed to take into account the limit prescribed under Article 10 of the Convention in finalising the rules relating to this section. It does not appear necessary, therefore, to undertake any amendment of the Act for this purpose.

The report gives the following details as regards the implementing of the individual Articles of the Convention :

*Article 4.* The provisions of the Article are covered by sections 64 (2) (d), 53 and 64 (4) (ii) of the Factories Act and sections 39 (d), 29 (1) and 35 of the Mines Act.

*Article 6.* Sections 64 (2) (b) and 65 (2) of the Factories Act provide for permanent and temporary exemptions in factories. The exemptions granted under the former section must be renewed every three years (section 65 (5)). The maximum additional hours permissible are specified in section 64 (4). The payment of overtime is governed by section 59 which allows overtime at twice the ordinary rates of wages. As regards mines, sections 33, 35 and 39 of the Mines Act give effect to the provisions of the Convention. As regards railways, section 71 C (4) of the new amending Act of September 1956 provides for similar exceptions.

*Article 10.* Under sections 51 and 54 of the Factories Act the working hours are now fixed at 48 a week and nine a day. It is, however, provided that for work which, for technical reasons, must be continuous throughout the day, this limit may be exceeded, but the total number of hours of work in any day must not exceed ten and the total number of hours of overtime must not exceed 50 for one quarter. Sections 28, 30 (1) and 31 (1) of the Mines Act, 1952, provide for a six-day week of not more than 48 hours. Section 71 C of the Indian Railways (Amendment) Act No. 59 of 1956, introduces the principle of 50 hours a week for a railway servant whose employment is continuous and 45 hours a week for one whose employment is intensive. In the case of intermittent workers, the weekly limit is 75 hours.

The report also states that the term "urgent repairs" was the subject of a judgment by the Bombay High Court in January 1956 (a copy of the judgment was appended to the report). The report supplies details as to the number of workers covered by the Factories Act and the number of contraventions reported.

#### *Israel.*

Only a very limited use has been made of the permissive clause contained in Article 4 of the Convention; the maximum number of overtime hours authorised is eight per week. Workers are entitled to a compensatory day of rest, so that the average hours of work calculated over a number of weeks do not include any overtime.

The number of special permits for overtime work granted during the period under review was 384. Three cases of contravening the law were brought before the courts and employers were found guilty and fined.

#### *New Zealand.*

The report confirms the reply already supplied to the Conference Committee in connection with the observation made by the Committee of Experts in 1956. It also indicates a number of amendments made to award references and shows the number of workers in the various industries covered by the legislation giving effect to Conventions Nos. 1 to 47.

#### *Nicaragua.*

Decree No. 85 respecting work in mines.

The Higher Labour Court in several judgments has imposed penalties on private undertakings to compel them to pay double rates for hours worked in excess of the statutory maximum.

During the period 1 July 1955 to 30 June 1956 strict enforcement action was taken by the competent authority to secure compliance with the above-mentioned legal provision; the Ministry of Labour is responsible for the protection of the workers so that they do not work exhaustingly long hours, especially in unhealthy places and places where the work is of a laborious character, and particularly in the mines. Decree No. 85, which affords special protection to the workers concerned, was issued with a view to making labour inspection in the mines more effective.

#### *Pakistan.*

The report contains statistical information regarding the hours of work in seasonal and perennial factories in the different provinces.

The Government states, in a letter mentioned in its report, that the question of the extension of the hours of employment regulations to the running staff employed on railways is still being examined by the railway administrations; it adds that efforts are being made to have the question settled as soon as possible.

#### *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.

The Government supplies detailed information on a number of decisions given by courts of law respecting the posting of notices, extension of hours of work, and overtime pay.

#### *Spain.*

Act of 9 September 1931 to fix the maximum statutory daily hours of work at eight hours (Decree of 1 July 1931, L.S. 1931—Sp. 9A). Various labour regulations for individual branches of industry, commerce and the liberal professions.

The eight-hour day was originally laid down as the statutory maximum by a Decree of 3 April 1919.

*Article 1 of the Convention.* Section 1 of the above-mentioned Act defines its scope, referring to "industrial undertakings, occupations and

paid work of all kinds". It thus applies to industry, commerce and agriculture, special provisions on the latter being contained in Chapter II.

*Article 2.* Section 1 of the Hours of Work Act lays down the maximum statutory daily hours of work as eight a day, subject to the exemptions, reductions and extensions authorised therein.

Section 2 provides that the foregoing statutory system will not apply to directors, managers and high officials in undertakings.

In cases where authorisation has been granted to exceed the regulation eight-hour limit, the daily hours of work of each employee may not in any case exceed nine hours (section 1, paragraph 2).

*Article 3.* This is covered by sections 8 and 9 of the Act.

*Article 4.* Section 6 of the Sunday Rest Act makes provision for the case envisaged in Article 4 of the Convention by prescribing that workers employed in continuous processes that are permitted on Sundays are to enjoy an uninterrupted rest of 24 hours within seven days counting from the Sunday in question. The same section stipulates that they may not work a full day on two consecutive Sundays, and are to have one hour off to perform their religious duties without any deduction from their wages. Effect is thereby given to the principle in the Convention that working hours are not to exceed 56 in the week.

*Article 5.* This Article is not applied in Spain.

*Article 6.* The labour regulations referred to above contain provisions relating to the principles laid down in Article 6 of the Convention regarding exceptions that may be allowed in preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working of an establish-

ment, as well as temporary exceptions so that undertakings may deal with exceptional cases of pressure of work.

*Article 8.* This Article is fully applied by sections 16 and 17 of the Hours of Work Act.

*Article 14.* Though there is no express provision in the hours of work legislation to cover the principle in this Article of the Convention, the Government has the power referred to therein in the cases mentioned.

Inspection for compliance with the law and regulations on the subject is entrusted to the National Labour Inspectorate under the provisions of section 2 (d), of the Act of 15 December 1939, and section 3, paragraph 1, of the Decree of 13 July 1940 to approve regulations for labour inspection.

The labour courts are competent to try disputes arising out of non-observance of the regulations limiting hours of work in industrial undertakings.

The annual report of the Labour Inspectorate for 1954 is appended to the Government's report. Although this report does not give details of the infringements reported by the Inspectorate it may be stated that a large proportion of these cases arise out of the enforcement of the provisions relating to hours of work.

The national trade union organisation has submitted additional information on the application of the Convention.

### Uruguay.

In the period under review 639 breaches of Act No. 5350 were noted and fines were imposed amounting to 19,375 pesos. Forty-six infringements of Act No. 10542 were reported; fines were imposed amounting to 1,040 pesos.

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

*Colombia, Cuba.*

## 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

Countries	Date of registration of ratification
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.*

The National Directorate of the Employment Service registered 173,216 applications for employment and 30,074 vacancies.

*Austria.*

Federal Act of 30 June 1955 to amend the Unemployment Insurance Act (Seventh Unemployment Insurance Amendment Act).

Federal Act of 8 September 1955 to extend the validity of the Building Industry (Bad Weather Allowance) Act.

Federal Act of 6 December 1955 to amend the Young Persons Recruitment Act.

Federal Act of 29 February 1956 to amend the Unemployment Insurance Act (Eighth Unemployment Insurance Amendment Act).

In order to alleviate the difficult situation of elderly unemployed workers, which persists despite the general favourable development of the employment situation, the Federal Ministry of Social Administration, in agreement with the Federal Ministry of Trade and Reconstruction, has addressed an appeal to private and public employers urging that elderly persons be retained in their employment as far as possible and that recourse be had to such persons in case of recruitment.

During the period under review the average number of persons registered as applicants for employment with the public employment agencies at the end of each month was 119,118; the average number of unfilled vacancies was 23,071. The average monthly number of new applicants for employment was 54,534; and of openings notified 35,844. A monthly average of 26,575 vacancies were filled through the public employment offices.

In reply to the observation made by the Committee of Experts the Government supplies the following information, which partially reproduces that submitted to the Conference Committee last year:

Following an appeal by the "International Geneva Federation" (an Austrian union of catering employees) the Constitutional Court stated that the monopoly provisions regarding placing contained in the Act of 5 November 1935 stemmed from national-socialist ideology and were therefore repealed *ipso jure* by the Legislative Provisions (Transition of Validity) Act, 1945 (decision of 17 December 1953). Agencies engaged in placing in the collective interest are therefore no longer required to secure authorisation from the employment service authorities and are no longer supervised by them. In a later decision, the Constitutional Court specifically stated that the illegal character of the provisions concerned, in that they accord a monopoly of placing to the employment service authorities, relates not only to employment agencies conducted in the collective interest but also to those conducted with a view to profit.

Since the Bill respecting placing and vocational guidance designed to replace the Act of 5 November 1935, and referred to by the Government in the information submitted to the Conference Committee last year, has not yet been the subject of a decision by the legislature, a modified Bill will be introduced in the near

future. The intention is to provide in this Bill that non-fee charging employment agencies shall require authorisation and shall be placed under the supervision of the public employment service.

*Belgium.*

Various Royal and Ministerial Orders and instructions issued during the period under review and relating in particular to the regulations with regard to unemployment benefit, the institution and organisation of general and special training courses for unemployed women, new rules for providing work for the unemployed by the provinces, communes and public authorities, and the establishment of specialised national advisory boards for certain industries, beginning with agriculture and the diamond industry (L.S. 1955—Bel. 2 A, B, C, D).

The principle of setting up specialised national advisory boards for certain industries was admitted in the course of the period under consideration. It would be the duty of these boards to examine the problems which arise, at the national level, from the placing either of workers belonging to certain industries or occupations or certain classes of workers, and to give advice on such problems.

The National Placement and Unemployment Office comprises at the present time 29 regional placing offices and 47 local offices. According to the statistics in the report, the daily average number per month of unemployed workers in receipt of benefit varied from a minimum of 78,000 (June 1956) to a maximum of 136,000 (January and February 1956). The number of persons placed varied from a maximum of 30,000 (October 1955) to a minimum of 12,000 (December 1955).

The report mentions a new agreement—signed in Paris on 19 January 1951 between Belgium, France and Italy, and approved by the Act of 2 July 1953—to extend and co-ordinate the application to nationals of the three countries of the Belgian and French social security legislation and the Italian legislation respecting social insurance and family allowances, legislation which relates in particular to unemployment insurance.

*Bulgaria.*

Ordinance No. 46 of 8 June 1954.

The above Ordinance lays down the duties of the manpower registration offices entrusted with the regulation of the recruitment and distribution of labour. These free public services are staffed with state officials with the necessary qualifications; they register applicants for work and take note of their skills. Moreover, they must be notified each month of the number of vacancies in undertakings, establishments and organisations.

The offices are set up in areas as needed. In areas where no offices have yet been opened, applicants for employment can apply to the People's Councils, which are bound to transmit their applications to the appropriate registration offices within three days.

The registration offices also work in close co-operation with the trade unions. Together with the district trade union councils and the public health and social welfare services of the



district People's Councils, they make arrangements for the suitable employment of women and of the handicapped.

From 1953 to 1955 the number of persons occupied in the socialist sector of the economy (excluding co-operative farms, craftsmen, etc.) increased by 187,000 (50,000 during 1955).

#### *Burma.*

Seamen's Employment Control Board Order, 1956.  
Seamen's Employment Control Board Regulations.

During the period under review 11,484 persons sought the assistance of the two employment offices at Rangoon and Mandalay; vacancies notified to these offices totalled 6,982; out of 8,062 persons referred to employers, 6,637 were placed. The Rangoon office helped to supply seamen to a shipping line operating between Burma and the United Kingdom until 1 March 1956, when the newly-formed Seamen's Employment Control Board took over matters relating to the recruitment of seamen.

#### *Colombia.*

During the period under review 13,753 workers registered with the official employment exchange; 10,425 of them were referred to employers by the exchange and 5,643 were placed in employment.

#### *Denmark.*

Official negotiations have taken place between Denmark and the Federal Republic of Germany with a view to concluding a convention concerning reciprocity of payment of unemployment benefits. A draft convention has been prepared.

The Government will communicate to the Office statistical data on public employment service activities as soon as they are available.

#### *Egypt.*

The Government intends in future to send the statistical and other information mentioned in Article 1 of the Convention every three months.

The permanent committees on unemployment responsible for dealing with all questions relating to employment policy, and in particular with measures to combat unemployment, have not yet been set up at the local level.

From January to June 1956 the number of unemployed registered with the public employment offices was 40,021.

#### *France.*

According to the statistics given in the report, the number of unfilled vacancies registered by the manpower services on the first of each month varied between a minimum of 19,579 (January) and a maximum of 54,919 (July). The unsatisfied applications for employment varied between a minimum of 93,745 (July) and a maximum of 161,364 (February). The number of persons placed ranged from 36,284 (February) to 55,324 (November).

#### *Federal Republic of Germany.*

Although no new mandates for non-profit-making placing activities were granted during the period under review, the number of such agencies rose owing to the fact that several such agencies were reopened on the strength of the Act of 9 July 1954 respecting the resumption of non-profit-making placing activities (voluntary societies), described in a previous report. Statistical data concerning the operation of this Act will be given in next year's report.

At the end of June 1956 there were 270 private employment agencies. During the period 1 July 1955 to 30 June 1956 these agencies placed 243,502 persons.

During the same period the existing 208 local public employment offices placed 4,494,029 persons, 1,277,103 of whom were women. New applications for employment registered with the public employment offices (September 1955-June 1956) numbered 5,158,100. On 30 June 1956 a total of 610,829 applicants for employment were registered with the public employment offices, of whom 478,846 (263,825 women) were unemployed and 131,983 were seeking a change in employment. At the same time unfilled vacancies notified by employers numbered 260,079, of which 98,298 were for women.

It was anticipated that the parliamentary debate on a Bill to amend and supplement the Placement and Unemployment Insurance Act (already referred to in previous reports) would be completed by the autumn of 1956, so that the Act could come into force early in 1957.

During the period under review reciprocity agreements on unemployment insurance concluded by the Federal Republic with Austria and the Netherlands came into force. Final negotiations of similar agreements to be concluded with the United Kingdom and with Sweden, and preliminary talks for the same purpose with Denmark, are pending. The European Interim Agreement on Social Security of 11 December 1953, which includes provisions on unemployment insurance, was approved with some exceptions by the legislative authorities and is expected to come into force in the Federal Republic in the near future.

#### *Greece.<sup>1</sup>*

Legislative Decree No. 2961 of 10 August 1954 respecting the establishment of the Employment and Unemployment Insurance Institution (L.S. 1954—Gr. 2).

Act No. 3198 of 20 April 1955, to amend and supplement the provisions relating to the termination of contracts of employment (L.S. 1955—Gr. 1).

Act No. 3252 of 2 June 1955 respecting the administration of the Employment and Unemployment Insurance Institution and the organisation of employment offices.

Decision No. 43715/55 of the Minister of Labour respecting the composition of advisory committees attached to public employment offices.

Decision No. 51493/55 of the Minister of Labour respecting the competence of advisory committees attached to public employment offices.

Various regulations respecting the establishment of public employment offices in different localities.

<sup>1</sup> This summary covers the period 1 July 1953 to 30 June 1956 as the annual reports for the preceding two years were received too late to be included in the respective summaries.

Hitherto, owing to deficiencies in the employment and statistical services, it has not been possible to compile statistical data on unemployment. Intensive efforts have been made, in collaboration with an I.L.O. expert, to improve the working of the public employment offices and, subsequent to the period under review, steps have been taken to establish a statistical service within the Ministry of Labour; plans are being made to collect statistics on unemployment. During the period 1 July 1955 to 30 June 1956 the number of unemployed persons in receipt of unemployment insurance benefit averaged 9,878 monthly.

The purpose of the establishment of the Employment and Unemployment Insurance Institution was to ensure that the problem of unemployment should be dealt with not only by the payment of unemployment insurance benefits but also by measures aimed at the expansion of employment opportunities. The system of free public employment offices operated by the Institution is under the control of the Employment Department of the Ministry of Labour. Act No. 3252 of 1955 authorises the Minister of Labour to appoint, at each employment office, an advisory committee with an equal participation of employers and workers.

Legislative Decree No. 2961 of 1954 provides that, subject to reciprocity, foreigners receive equality of treatment with nationals.

#### *Ireland.*

The total number of persons on the live registers at employment exchanges and branch employment offices stood at 40,725 at the beginning of the period under review. It fell during the late summer to 38,200, rose to a peak of 71,661 during the winter, then fell again to 49,533 at the end of the period.

During the same period 43,173 vacancies were notified and 40,936 vacancies were filled by the employment exchanges and branch employment offices.

#### *Italy.*

On 25 June 1954 Italy concluded a reciprocal agreement with Sweden, and on 21 July 1956 with Spain, concerning the question of unemployment insurance benefits.

Similar agreements are in process of negotiation with Denmark and Norway.

The number of inspections made by the regional services was 3,056 in 1954 and 3,078 in 1955.

#### *Japan.*

See under Convention No. 88.

#### *Netherlands.*

During the period from 1 July 1955 to 30 July 1956 the 84 regional labour offices registered 474,227 applications for employment (358,103 from men and 116,124 from women), 525,787 vacancies (443,653 for men and 82,134 for women) and placed 301,915 persons (252,618 men and 49,297 women).

#### *New Zealand.*

Unemployment is still negligible, there being 281 male workers and 19 female registered at exchanges for employment as at June 1956. Vacancies registered at the same date numbered 8,835 for males and 4,145 for females. During the period under review 10,475 males and 4,893 females were placed in employment.

#### *Nicaragua.*

Decree No. 161 of 22 December 1955 to promulgate the Social Security Act (L.S. 1955—Nic. 1).

Section 42 of the above-mentioned Act provides that the social insurance system is to be extended in a gradual and progressive manner, by geographical area and in successive stages, to cover the risk of unemployment.

During the period under review the Managua employment office found employment for 3,537 workers.

#### *Norway.*

Convention of 15 September 1955 between Denmark, Finland, Iceland, Norway and Sweden respecting social security (L.S. 1955—Int. 1).

Act of 29 June 1956 to amend the Unemployment Act of 24 June 1938.

The Act of 29 June 1956 provides that the National Reserve Fund shall allocate 25 million crowns to an unemployment insurance development fund, the purpose of which shall be the granting of loans for measures providing increased, permanent possibilities of employment. Provisional regulations concerning this development fund are laid down by a Decree of the Crown Prince Regent of 13 July 1956. The fund shall be administered by the Ministry of Labour and Local Government.

There are now 18 county employment offices (the same number as in 1954-55), 673 local employment exchanges (683 in 1954-55), of which 35 (31) are joint offices serving several localities, 16 offices for seamen (as in 1954-55) and 12 local offices for regional planning.

According to the provisions of the Unemployment Insurance Act of 1938, aliens may only join the special unemployment insurance fund for seamen sailing in foreign trade when they are permanently domiciled in Norway. However, according to the Act of 29 June 1956, the Crown may decide that the latter condition may not apply.

A comprehensive convention respecting social security was signed by all the Scandinavian countries in September 1955. With respect to unemployment insurance, the convention leaves the adjustment of the arrangements between the individual countries to special agreements. So far, no mutual agreement respecting unemployment insurance has been concluded between the Scandinavian countries.

Negotiations concerning reciprocal agreements concerning social security have been conducted with Italy, France and Great Britain. An agreement with France came into operation on 1 July 1956.

#### *Poland.*

During the period of the Six-Year Plan (1950-55) the emphasis on manpower activities has

no longer been on action against unemployment, as under the previous Three-Year Plan, but on recruitment of the necessary manpower to fulfil the plan targets. In the course of the six-year period the total volume of employment increased by 400,000 persons, of whom about 100,000 were women.

A negligible amount of frictional unemployment is reported to exist; on 1 July 1956 it affected 36,693 persons, 26,761 of whom were women. This represented only 0.7 per cent. of the total volume of employment. On the same date 118,729 unfilled vacancies were registered at the public employment offices. Despite the small volume of unemployment, special measures have been taken to provide employment opportunities to the unemployed, e.g. the allocation of special funds for developing craftsmen's co-operatives and local industries.

On 1 July 1956 there were 19 regional public employment offices (one operating at each of the 17 People's Councils of the provinces, and in the towns of Warsaw and Lodz), and 357 local employment offices (one at each of the district People's Councils).

During the period under review these offices placed 1,519,626 persons in employment, of whom 499,865 were women.

The employment service is assisted in an advisory capacity by the "committees on labour and social assistance" which have been set up by the People's Councils at the different levels. These committees, which have up to 15 members in the provinces and up to 12 members in the districts, maintain contact with the trade unions and other organisations representing the interests of the workers. They have advisory, supervisory and assistance functions in the field of employment.

### *Spain.*

Act of 15 December 1939 respecting the organisation of the National Labour Inspectorate (L.S. 1939—Sp. 4).

Decree of 13 July 1940 to approve regulations for labour inspection.

Decree of 13 July 1940 to institute an allowance for unemployment due to the lack of cotton.

Decree of 17 October 1940 to grant specified exemptions and subsidies for the involuntarily unemployed.

Act of 10 February 1943 respecting employment exchanges (L.S. 1943—Sp. 2).

Legislative Decrees of 3 August 1945 and 25 September 1953 to institute an allowance for unemployment due to the scarcity of electricity.

Decree of 16 June 1954 to establish insurance against technological unemployment.

*Articles 1 to 3 of the Convention.* The legislation indicated above forms a group of measures taken by the labour authorities with a view to combating unemployment. Under the Act of 10 February 1943 the employment exchanges constitute a national, public and free service set up by the State within the framework of the trade union organisation and dependent on the Ministry of Labour, which inspects them; there are no fee-charging employment exchanges.

The only unemployment insurance in Spain is partial and protects workers in specified circumstances and for specified reasons. Apart from this type of insurance and other measures to assist certain classes of unemployed persons,

the State does its best to come to the assistance of unemployed workers in certain areas where there is seasonal unemployment. In this connection, the report mentions the subsidising of public works and the putting in hand of several plans for industrialisation in the areas which are most seriously affected.

Under the Act of 15 December 1939 and the Decree of 13 July 1940, the National Labour Inspectorate is responsible for enforcing the provisions mentioned above.

It is the duty of the labour courts to deal with disputes in this field.

Included with the Government's report were data relating to the application of the provisions during the year 1954, which were supplied by the labour inspection service.

All the laws concerning social security treat nationals of Portugal, Brazil, Andorra, the Philippines and the Spanish-speaking countries of America on the same footing as Spanish nationals; nationals of other countries who carry on their occupational activity in Spain enjoy the same rights when their countries of origin grant reciprocal treatment to Spaniards.

The Government communicates the following supplementary information from the national trade union organisation:

*Article 1.* This Article has not been applied by Spain since that country has ceased to be a Member of the International Labour Organisation.

*Article 2.* As regards placing, there are at present 53 provincial offices, 705 regional offices and 56 local offices. In addition, there are 2,411 offices for registration with a view to placing, the scope of which is more restricted, and 548 branches of the employment exchanges in the corresponding trade unions. The setting up of employment exchanges, even if they are non-fee-charging, is prohibited.

The number of applications for employment registered from 1939 to 1954 was 12,938,864, and the number of persons placed was 12,808,149.

*Article 3.* There is no actual unemployment insurance in Spain.

### *Sweden.*

During the period under review the number of applications for work registered by public employment agencies was 1,948,196 and the number of vacancies notified 1,284,372. The public employment service placed 1,055,244 persons in employment.

### *Switzerland.*

See under Conventions Nos. 44 and 88.

### *Turkey.*

The number of employment agencies rose from 53 to 58.

The Employment Service received 513,103 applications for employment (326,895 from men and 186,208 from women), and was notified of 528,040 employment vacancies. The number of persons placed was 451,304 (273,939 men and 177,365 women).

*Union of South Africa.*

The number of persons for whom employment was provided by special measures to combat unemployment during the year under review, and the fields in which they were employed, are as follows: afforestation, 1,258; railway works, 140; sheltered employment, 6,729; other subsidised employment, 6,060.

The number of agencies dealing with juvenile work-seekers has been reduced to 16; 213,491 applications for employment were received from adults at employment agencies conducted by public officials and 25,429 from juveniles. The number of adults placed was 72,484 and the number of juveniles 17,390.

The employment agencies conducted by the Department of Native Affairs received 1,270,088 applications for employment. These agencies placed 1,026,378 persons.

*United Kingdom.*

Employment and Training (Advisory Committees) Regulations (Northern Ireland) (S.R. and O. 1956, No. 2).

In *Great Britain* there are now 946 employment exchanges, 125 sub-offices, 76 branch employment offices, 29 local agencies, 1,146 youth employment offices, 1 technical and scientific register, 3 appointments offices, and 11 regional and 167 local nursing appointments offices. The monthly average number of unemployed applicants registered for employment at employment exchanges during the period was 230,012; the number of vacancies notified to employment exchanges remaining unfilled at the end of the year was 406,979. The number of persons placed in employment during the period under review was 2,817,841.

In *Northern Ireland* there are 28 employment exchanges, 72 sub-offices and 1 employment office for young persons. The average number of unemployed applicants registered for employment at employment exchanges in the period was 30,971, while the number of vacancies notified to employment exchanges remaining unfilled at 11 June 1956 was 1,080. The number

of persons placed in employment during the 52 weeks ended 11 June 1956 was 24,518.

Under the Regulations of 1956 the system of advisory committees for Northern Ireland has been revised and there is now a Central Advisory Committee for the whole of Northern Ireland and seven regional committees.

*Uruguay.*

Decree of 27 September 1955 to issue regulations under Act No. 10681 of 10 December 1945.

Resolution of 27 September 1955 to organise a National Employment Service.

The above-mentioned Resolution, arising out of technical assistance agreements concluded with the I.L.O., sets up a department to carry out the duties of the employment service, as a basis for, and without prejudice to, the establishment of the Office of the National Employment Service through the appropriate legislative channels.

*Yugoslavia.*

Decree of 4 January 1956 to amend the Decree of 12 April 1952 respecting pecuniary benefits and other rights of wage and salary earners who are temporarily unemployed.

General Instructions concerning the application of the Decree of 12 April 1952 respecting pecuniary benefits and other rights of wage and salary earners who are temporarily unemployed, as amended on 10 August 1952 and 25 January 1956.

The above legislation deals only with the eligibility for unemployment assistance of workers who are temporarily unemployed, and in no way affect the existing organisation of the employment service nor the entitlement of alien workers to unemployment assistance.

The monthly average of workers registered as temporarily unemployed was 84,328, of vacancies notified, 28,904, and of persons placed, 31,269.

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

*Chile, Finland.*

## 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

Countries	Date of registration of ratification
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.

*Argentina.*

During the period under review the amount paid out in maternity benefits was 4,145,781

pesos. Twenty-eight infringements of the regulations were reported.

A legal decision given during the same period ruled that a woman employee who falls ill after her confinement is entitled to all the benefits provided by section 155 of Act No. 11729. Under the terms of that section a worker is entitled, if absent owing to an involuntary accident or sickness, to three months' wages if the length of service in the employment is less than ten years, and six months' wages if it is more than ten years. The period laid down in section 155 runs from the end of the period fixed under section 14 of Act No. 11317 respecting women's and children's work.

#### *Brazil.*

The social assistance law which is at present before Parliament provides that maternity benefits shall be paid exclusively by the Institute of Social Welfare, and no longer jointly by the employers and the social insurance institutes. However, the Chamber of Deputies has not yet ended its discussion of the Bill, which has yet to be submitted to the Senate.

During the period under review proceedings were initiated in five cases of infringement of the national legislation with regard to the Convention.

#### *Chile.*

Decree to approve the Regulations issued to apply Act No. 11462 of 29 December 1953 respecting maternity protection within the medical service for salaried employees.

The Government appends to its report a copy of the above-mentioned Decree and refers to the information previously supplied with regard to revision of the Labour Code. It states that before being submitted to Congress the proposed revised text was submitted for examination to the Institute of Political and Administrative Sciences of the University of Chile in order to ensure that the draft is scientifically objective.

As regards the observation made by the Committee of Experts, the Government refers to the explanations given in the past.

The Government forwards a copy of a legal decision relating to matters connected with the Convention.

Inspection service reports show that no contraventions of the provisions on maternity protection in industrial and commercial undertakings were reported during the period under review.

According to statistics enclosed with the report the maternity benefits granted in 1955 totalled 102,572,474 pesos and nursing benefits 23,875,913 pesos.

The Government transmits a table showing the numerical distribution of women workers, both wage earners and salaried employees, by occupation.

#### *France.*

Referring to the observations made by the Committee of Experts with regard to the rest periods for nursing, the Government adds the following to its statements in previous reports :

" Although, as indicated to the Conference Committee in 1955, the nursing rooms are not often used, this is due to the fact that women who work are tending to give up the practice of nursing their children. The amendment of the present regulations to increase the two daily rest periods from 20 to 30 minutes each, even when there is a nursing room, would not check this development of a habit which is a consequence of the conditions of life of the wage-earning woman."

With regard to the observations of the Committee of Experts respecting Article 4, the Government states that it does in fact interpret that Article in the sense of the observations. It adds that, if a woman's contract of employment is due to be terminated during the period of her maternity leave, fixed by section 29 of Book I of the Labour Code, the period of notice provided by section 23 of Book I only begins as from the date when the period of her maternity leave ends.

During the period under review the social security funds of the general scheme for non-agricultural occupations paid maternity benefits in respect of 459,445 births ; the cost of benefits in kind in respect of these births amounted to 14,145 million francs.

Daily benefits amounting to 4,863 million francs were paid out to 153,581 insured mothers by the funds of the general scheme, and 12,529 mothers employed in the civil service received their remuneration from their respective administrations while they were on maternity leave.

#### *Federal Republic of Germany.*

Referring to the observations made by the Committee of Experts in 1956, the Government states that the preparatory work on the revision of the Maternity Protection Act is not yet completed and that there is little likelihood of its being completed during the present session of the legislature, since the Federal Assembly and its committees are overburdened with work relating to labour legislation.

The Government transmits in an appendix to its report a number of legal decisions which have been given during the period under review and which relate to questions of principle in regard to maternity protection.

The Government also transmits as an appendix to its report extracts from the annual report for 1954 of the provincial labour inspection services of the Federal Republic, which contain a large number of references to the enforcement of the Maternity Protection Act.

The report states that it is not yet possible to supply precise figures as to the number of persons in receipt of allowances under section 13 of the Maternity Protection Act, and that it will not be possible to do so before next year. However, the number of women subject to compulsory insurance under the sickness insurance scheme who received maternity benefit in 1954 under the Reich Insurance Code was 190,592. Nearly all of these women were also entitled to benefits under section 13 of the Maternity Protection Act, the scope of which covers many more women than does the Code, and the number of persons benefiting from section 13 of the Act

without doubt largely exceeds the figure of 190,592.

The sums paid out of the federal funds to persons covered by sickness insurance under the Maternity Protection Act amounted to 62,655,578 marks in 1955.

#### *Greece.*

Referring to the statement made by a Government representative to the Conference Committee in reply to the observations made in 1956, the Government states that in the event of confinement the woman worker is entitled, apart from the allowances provided by sections 657 and 658 of the Civil Code, to the following benefits under the general insurance scheme: (a) medical treatment, which includes the care of a midwife or a specialist, either in the woman's home or in a hospital or nursing home, and the granting of medicaments, etc.; if it is not possible to receive these benefits the woman is entitled to a special lump-sum allowance which is at present fixed at 800 drachmas; (b) a pregnancy and confinement allowance, paid for 42 days before the probable date of confinement and 42 days after the confinement, amounting to 50 per cent. of wages.

The benefits under (a) above are granted on condition that the insured woman has done 50 days' work during the year preceding her confinement; those under (b) are only granted if she has done 200 days' work during the two years preceding her confinement. This latter condition for the granting of maternity benefit has been instituted as a result of abuses which were noted in the application of Act No. 6298, which only required a qualifying period of 50 days' work.

A table showing the number of confinements and the sums paid in the form of maternity and confinement allowances during the period 1955-56 is appended to the report. The report adds that the social insurance scheme set up by the Social Insurance Institute (I.K.A.) is continually being extended and tends to become more generalised.

#### *Italy.*

The Government repeats information supplied in the reports of previous years concerning the provisions of the law which afford special protection to 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. It confirms that a modification of this scheme has been considered and is being carefully studied, although any amendment of the present arrangement is closely linked up with a reorganisation of sickness insurance, which is not practicable in the near future. Nevertheless, the Committee and the Conference will be kept informed of further developments with a view to a solution of this problem.

Some 3,000 infringements were reported during the period under review. In just over 800 of these cases penalties were imposed; for the others warnings were given.

The Government has supplied provisional statistics for 1955 and final statistics for 1954 on the number of insured persons, the number

of cases of maternity leave, the aggregate duration of such leave, the proportion of cases of maternity leave to number of employed women, the average duration of maternity leave and the "maternity leave index" (i.e. average number of days' maternity leave per employed woman). The figures are given separately for agriculture, commerce and industry.

#### *Nicaragua.*

Decree No. 161 of 22 December 1955 to promulgate the Social Security Act (L.S. 1955—Nic. 1).

During the period under review the administrative authorities have ensured application of article 95 of the Constitution. The report also states that the Social Security Act covers maternity contingencies not only for women workers but also for workers' wives and for women who have lived for over five years with single workers.

#### *Spain.*

Act of 14 December 1942 to establish compulsory sickness insurance (L.S. 1942—Sp. 4).

Decree of 11 November 1943 to approve the regulations under the Sickness Insurance Act.

Order of 19 February 1946 to revise the supplementary provisions with regard to sickness insurance.

Decree of the Minister of Labour of 9 July 1948 to integrate maternity insurance into the sickness insurance scheme.

The above-mentioned provisions have the force of national law. The authorities empowered to supervise the enforcement of the maternity protection provisions are: the Ministry of Labour, its General Welfare Directorate, the National Welfare Institute in so far as it acts as a managing body of the insurance scheme, the provincial branches of the Ministry of Labour and the General Labour Inspectorate. Undertakings which infringe the provisions are liable to be fined.

The sickness and maternity insurance legislation is applicable to all women who are employed in any branch of production, either on their own account or for another person, including women who work at home or are domestic workers, although in the latter case the methods of application are still being examined in view of the special conditions under which they work.

All women employed in any branch of industry or commerce whose earnings are less than 30,000 pesetas a year are considered as persons of small resources and are therefore compulsorily insured. Nationals of the Spanish-speaking countries of America, Portugal and the Republic of Andorra are treated on the same footing as Spaniards, but nationals of other countries only profit by these provisions if their respective countries have concluded international agreements or conventions with Spain providing for reciprocity.

Under the legislation in force, women who are confined must cease all work for the six weeks following the confinement and, if the physician so orders, for a period up to six weeks before their confinement. They are also entitled, without a medical certificate being necessary, to an optional rest period of six weeks before the probable date of their confinement.

A working woman who is pregnant is entitled to medical care from the beginning of her

pregnancy. She must attend a dispensary or consultations organised by the insurance scheme from the sixth month of her pregnancy, and must remain under medical supervision. During her confinement she is assisted by a physician and a midwife and is hospitalised in a nursing home where, if necessary, surgical attention can be given. The medical aid also includes any other action or measures which the pregnancy or confinement makes necessary in maternity homes or day nurseries, together with any necessary curative treatment and medicines.

Every insured woman is entitled to be hospitalised, if the physician so orders it, for not less than eight days after her confinement, or longer if necessary.

The death of the child does not excuse the woman from taking the rest to which she is still entitled.

The woman has the right to compensation equal to 60 per cent. of her wages during her period of compulsory rest, and, in the event of pathological complications, as long as these complications continue. She cannot avail herself of this right unless she has been insured for not less than nine months before the confinement took place and abstains from work of all kinds during the rest period. If she gives birth to twins, she is granted a special cash benefit. A nursing benefit is also paid to mothers who nurse their infants or who are excused from nursing them by order of the physician, and in addition the insurance institute pays every mother 75 pesetas for her confinement and 50 pesetas for each child which she nurses.

Undertakings which employ mothers who have children under one year of age are obliged to provide a special nursing room and day nurseries in the working premises are also encouraged.

Mothers are entitled to rest periods during their day's work for the purpose of nursing their children.

Beneficiaries who consider that their rights are being threatened may complain to the labour courts whose sentences are compulsory and take precedence of the decisions of the administrative authorities concerned.

In 1954 the total amount of maternity benefits for loss of wages amounted to 15,554,814 pesetas, or 0.665 per cent. of the total of sickness insurance benefits. Maternity and nursing benefits paid directly and without security by the State amounted in the same year to 57,127,760 pesetas.

Spain has at the present time 482 maternity homes and confinement hospitals. In 1954, 45,973 women were hospitalised in the obstetric departments, with a total of 350,246 days of hospitalisation. In the gynaecological departments, 11,129 women were hospitalised with a total of 128,843 days of hospitalisation. The number of confinements was 194,446.

The Government also transmits the following information supplied by the national trade union organisation :

The maximum income to be taken into account for membership of social insurance was raised to 30,000 pesetas by the Decrees of 9 January and 29 December 1948 and 18 January 1954. Maternity insurance benefits are paid without regard to the age of the beneficiary or to the legitimacy or illegitimacy of the child.

Women workers who have children under one year of age are entitled to a rest period of one hour during their working day, divided into two periods of half-an-hour each, in order to nurse the child. With regard to Article 4 of the Convention, the report of the national trade union organisation indicates that since maternity insurance is part of sickness insurance, when the absence of the insured woman exceeds the length of the compulsory rest period, she continues to receive benefits under the general sickness insurance scheme up to the date indicated on her medical certificate, and her employer cannot terminate her contract during that period.

#### *Yugoslavia.*

In the period July 1955 to June 1956, 1,129,639,000 dinars were paid out as compensation for loss of wages during maternity leave.

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

*Bulgaria, Colombia, Cuba.*



## 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>2</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
Morocco . . . . .	13. 6.1956
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 <sup>2</sup> . . . . .	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.

#### Argentina.

During the period under review 352 infringements were reported in the provinces and territories.

#### Chile.

The question of the ratification of the Night Work (Women) Convention (Revised), 1948 (No. 89) is still before the Chamber of Deputies, and it has therefore not been possible as yet for the Government to denounce Convention No. 4.

The total number of women protected by the provisions of the Convention is 179,286. No cases of infringement of the provisions which prohibit the employment of women during the night were reported during the visits made by the inspectors.

#### Cuba.

During the period under review the inspectors paid 182 visits; 57 infringements of the prohibition of employment of women during

the night were reported, and nine sentences were passed.

#### Czechoslovakia.

In reply to the observations made by the Committee of Experts in 1956 the Government refers to the information given by the Government representative to the Conference Committee in 1956, to the effect that the competent authorities are in process of considering the possibility of repealing Government Order No. 19 of 1951 and the Regulations issued under it.

#### India.

See under Convention No. 89.

#### Italy.

During the period 1954-55 exemptions from the prohibition of night work for women were granted, under section 16 (c) of the Act No. 653 of 26 April 1934, which corresponds to Article 4 (b) of the Convention, to the following undertakings: 68 undertakings engaged in the drying of silk cocoons in the provinces of Cremona, Macerata, Venice and Udine; 89 undertakings engaged in fish and fruit processing, the manufacturing of sweets and wood-working in the provinces of Leghorn, Messina, Palermo and Parma; 33 market gardens; and 90 canning undertakings. These exemptions were authorised for brief periods and on condition that the necessary hygienic and health measures were taken for the protection of the women workers. Nine thousand inspections were made by the staff of the Labour Inspectorate. According to the information supplied by the inspectors, penalties for contraventions are strictly imposed on those who have infringed the law. In the undertakings recorded in the census, 530,000 women were covered by the provisions of the Convention.

During the period 1955-56, 116 exemptions from the prohibition of night work were permitted; 3,000 women were affected.

#### Portugal.

During the period under review 18 infringements of the relevant legislation were reported; a Decision of 1 August 1955 (published in the *Boletim do I.N.T.P.* No. 18 of 30 September 1955) lays down *inter alia* (1) that no manufacturing undertaking shall be permitted to engage or transfer any woman for employment on night work, and (2) that the Office of the Director-General of Labour and Corporations will assemble urgently the necessary information as a basis for measures to restore, within a period of time to be specified, the normal arrangements prescribed by law as regards the employment of women at night.



*Spain.*

Legislative Decree of 15 August 1927 respecting nightly rest for women workers (L.S. 1927—Sp. 5 A), amended by Legislative Decree of 2 March 1928 (L.S. 1928—Sp. 1).

Royal Decree of 6 September 1927 to approve the Regulations for the administration of the Legislative Decree of 15 August 1927 (L.S. 1927—Sp. 5 B).

*Article 1 of the Convention.* Section 2 of the Legislative Decree of 15 August 1927 prohibits the employment at night of all women, irrespective of age, employed in factories, workshops and other industrial and commercial undertakings and establishments.

*Article 2.* Section 1 of the Legislative Decree defines "night" as the period between 9 p.m. and 5 a.m., and "employment at night" as work performed during that period.

*Article 3.* Under section 2 of the Legislative Decree, a continuous rest period of not less than 12 consecutive hours between every two consecutive working days shall be granted to all women, irrespective of age, employed in public or private undertakings, with the exception of women employed in domestic service, women engaged in home work and women employed in family workshops.

There is no Spanish law making a definite distinction as to the kind of work carried out by women in industrial establishments.

*Article 4.* The two exceptions authorised by the Convention are provided by sections 5 and 6 of the Legislative Decree, which makes the use of these exceptions subject to the observance of certain formalities prescribed in sections 5 (cases of *force majeure*) and 6 (materials liable to rapid deterioration) of the administrative Regulations.

*Articles 6 and 7.* The exceptions allowed by these Articles are provided for in sections 3 and 9 of the Legislative Decree.

The National Labour Inspectorate is responsible for supervising the application of the provisions with regard to nightly rest for women under section 2 (d) of the Act of 15 December 1939 respecting the organisation of the National Labour Inspectorate, and section 3, paragraph 1, of the Decree of 13 July 1940 to approve regulations for labour inspection.

The labour courts are competent to take cognizance of individual appeals arising from breaches of the provisions concerning employment of women during the night.

The Government states that as an appendix to its report it is transmitting a report of the Labour Inspectorate for the year 1954.

The Government also communicates the following information supplied by the national trade union organisation:

*Article 1.* The general provisions of the labour legislation are applicable to all classes of industrial and commercial establishments, without any distinction between commerce, industry and agriculture, except for the special legislation governing each of these branches of activity.

*Article 2.* The rest period prescribed by section 2 of the Legislative Decree is 12 consecutive hours, i.e. a longer period than that prescribed by the Convention.

On the other hand, there are the following exceptions to this rule:

- (a) In factories, workshops or undertakings in which the two-shift system has been established for day work, if women are employed in the said shifts, the night period may be reduced to the period from 10 p.m. to 5 a.m., provided that each shift shall have during its statutory hours of work an uninterrupted break of not less than half-an-hour, which shall be granted to all the workers of the shift at the same time and fixed in such a way that neither of the working periods exceeds five hours.
- (b) In textile establishments which habitually use mechanical power generated by hydraulic or electric motors, if the work is carried on in two shifts, the night period may be reduced to the period between 10 p.m. and 4 a.m. This exception is governed by the same condition as the one mentioned in (a) above.
- (c) A further reduction of the night period of not more than half-an-hour in cases where it is necessary to make up time lost for various reasons.

*Article 4.* In exceptional cases women were authorised to work during the night, for example in 1940, in order to make ties for sheaves, indispensable for the harvest, and in 1942, in the metallurgical and textile factories of Catalonia, where the demand was made owing to the considerable cuts which had been made in the supply of electrical current.

The Labour Inspectorate authorises exceptions only to a limited extent and for a temporary period, after prior consideration of the reasons for the demand and consultation of the trade unions.

*Article 6.* A similar provision of the Legislative Decree authorises the reduction of the night period to 11 hours in exceptional circumstances. The cases in which this exemption may be allowed are not indicated, and it is therefore the duty of the labour authorities, after being duly advised by the trade unions concerned, to decide with regard to such cases.

The use of this exception is subject to the same conditions as those required for the exceptions provided in Article 4.

*Viet-Nam.*

The Government states that during the period 1954-55 a request by an undertaking manufacturing rice bags for authorisation to employ women workers at night was categorically rejected.

*Yugoslavia.*

Decision of 26 April 1956 respecting the prohibition of the night work of women.

The report confirms the statement made by the Government representative to the Conference Committee on the Application of Conventions and Recommendations in 1956, stating that the competent authorities had studied carefully the question of bringing the national

legislation into harmony with the Convention concerning the night work of women, and had come to the conclusion that the situation in the country was such as to permit the ratification of the Night Work (Women) Convention (Revised), 1948 (No. 89). The report adds that the Federal Executive Council had ratified Convention No. 89 on 20 December 1955 and had issued, on 26 April 1956, a Decision (Službeni list FNRJ No. 19/56) respecting the prohibition of night work of women, for regulating the application of this Convention.

According to the Decision night work of women without distinction of age is prohibited in industrial and building undertakings. The night work of women may be exceptionally authorised (1) in cases of *force majeure* when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character; (2) in cases where the work has to do with raw materials or materials in course of treatment, which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss; and (3) when in case of serious emergency the national interest demands it.

The Administrative Committee of the undertaking must make known the authorisation for women to work at night in the cases referred to under (1) and (2), and must inform the labour inspection service within 24 hours. The authorisation of night work in the cases referred to under (3) must be issued by the Federal Executive Council or such agency as has been designated for that purpose, after consultations with the Central Council of the Confederation of Trade Unions of Yugoslavia or the Chamber of Industry concerned or the Union of Chambers of Industry.

According to the Decision night work is prohibited for women who are pregnant or nursing their babies, during the nursing period of eight months.

The Decision of the Federal Executive Council may apply to a specific branch of industry or

an undertaking, or a power station, or one unit or section in the undertakings or specific branches of industry. A request for exemption may be made by the People's Committee of the administrative district where the undertaking is situated; a decision on the matter may be taken by the Federal Executive Council either at the request of the undertaking or on its own initiative.

According to the Decision respecting the prohibition of night work of women, "night" signifies the period of at least 11 consecutive hours of which seven hours must fall between 10 p.m. and 7 a.m. This interval is defined by the Administrative Committee of the undertaking. If this period begins after 11 p.m. it is necessary to have the previous consent of the trade unions and the competent chamber of industry or the occupational association concerned.

The Decision provides that in industrial undertakings influenced by the seasons, and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on 60 days of the year.

According to the Decision the prohibition of night work of women does not apply to (1) women holding responsible positions of a managerial or technical character; and (2) women employed in health and welfare services who are not ordinarily engaged in manual work.

The provisions of the Decision ensure the application of the revised Convention. Furthermore, the undertakings are obliged by paragraph VIII of the Decision to conform in their activities with the provisions of the Decision. This means that when the revised Convention, whose ratification by Yugoslavia was registered with the International Labour Office on 20 June 1956, comes into force, its application will be ensured in the country.

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

*Afghanistan, Austria, Bulgaria, Burma, Colombia, France, Nicaragua, 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

Countries	Date of registration of ratification
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.

*Albania.*

Labour Code of 3 April 1956 (L.S. 1956—Alb. 2).

Under section 9 of Act No. 2250 of 3 April 1956 to issue the Labour Code, children under 14 years of age may not be engaged for employment either in the industrial establishments mentioned in Article 1 of the Convention or in any other branch of economic, cultural or administrative activity. For this reason it has not been necessary to define the line of division between industry, on the one hand, and commerce and industry, on the other hand, as provided for in Article 1, paragraph 2, of the Convention. Section 9 of the Labour Code does not allow any exception, and therefore no use has been made in Albania of the exception allowed under Article 2 of the Convention for undertakings in which only members of the same family are employed.

Paragraph 2 of section 9 of the Labour Code provides that, even when a child has reached the age of 14 years, its parents or guardian or the body responsible for supervising the observance of the labour legislation may at any time demand that the contract of employment shall be terminated if it endangers the health of the young person or is contrary to his interest.

Registers of the children employed are regularly kept, but in a different form from that provided by the Convention. The law, in fact, requires undertakings to keep lists of their staff, and work books showing, *inter alia*, the date of birth, must be issued to the workers.

The enforcement of the provisions regarding the employment of children is the duty of the undertakings, institutions, co-operative and social organisations and private employers who employ minors. In addition to the branches of the department of the Public Prosecutor and other state bodies, the enforcement of these provisions is supervised by the trade unions, on which the labour inspection services depend, under section 162 of the Labour Code. The labour inspectors possess wide powers which allow them to enter the workplaces, to inspect the conditions of work, to check whether the safety standards are respected, etc. In the event of breaches of the health and safety regulations or of other labour protection regulations, the labour inspectors may inflict fines if the infringements in question are not punishable under the Penal Code. They may also suspend any work which in their opinion endangers the life or health of the worker.

In addition, the trade unions carry out their supervision by means of labour protection committees attached to the departmental committees of the area, and by means of social inspectors for labour protection elected by the workers in each occupational group. In the event of infringement, these latter can intervene and, if necessary, supply the competent bodies with the necessary information for criminal, civil or disciplinary proceedings.

The Penal Code lays down penalties for any violation of the rights of workers, whether they are adult or children.

The educational system of the country includes a certain number of vocational and apprenticeship schools managed by the State; these are open to young persons over 14 years

of age who have completed the seven years of school attendance which are compulsory for all town children.

*Argentina.*

During the period under review 104 infringements were reported in the provinces.

*Austria.*

Federal Act of 6 December 1955 to amend the Federal Act of 9 July 1953 respecting the employment of children and young persons.

The Federal Act of 6 December 1955 prolongs, up to 31 December 1956, the period of application of section 1 of the Act of 9 July 1953.

The statistics contained in the report of the work of the labour inspection offices during 1955 show that there were 27 notifications of infringements of the provisions which give effect to the Convention. The report shows how these cases were divided among the various industries.

*Belgium.*

During the period under review the number of children employed in the 18,032 industrial establishments visited by the labour inspectorate was 7,317.

Six legal decisions were given; there were 34 infringements of the law by employers and 31 by parents or guardians. The report supplies details of the legal results of the reports drawn up in cases of infringement during the preceding period.

*Brazil.*

During the period under review 39 breaches of the provisions of section 403 of the Consolidation of Labour Laws were reported.

*Bulgaria.*

Ordinance of 31 March 1953 concerning work books.

Under section 4 of the Ordinance a worker who takes another job must hand in his work book to his employer when he first reports for work. A worker starting on his first job must be supplied with such a book by the undertaking within five days. Under section 5 of the Ordinance the book must give the worker's date of birth. Section 10 of the Ordinance provides that the undertaking shall keep the work books of the workers in its employment and hand them back to each worker in person when he leaves the undertaking.

*Chile.*

Only a small number of legal decisions have been given with regard to the application of the provisions of the Convention; a copy of the only decision relating to the period in 1955 covered by the present summary was appended to the report.

*Cuba.*

During the period under review 182 inspection visits were made; 38 infringements were reported and five sentences were passed against employers who were employing young workers illegally.

*Denmark.*

Regulations of 30 May 1956 concerning dangerous work carried out by young persons.

In accordance with section 8 of Act No. 226 of 11 June 1954 respecting workers' protection generally, the above Regulations, the text of which was appended to the report, lay down the minimum ages, varying between 16 and 18 years, for employment in three groups of occupations.

*Article 1 of the Convention.* Referring to the first observation made last year by the Committee of Experts the Government states that "in so far as transport of passengers and goods by inland waterway must be considered as work that is carried out by seamen and must be included under service on board ship, such work will be excepted from the Act (section 1, subsection (4), clause (iii), of the Act). If so, the work in question will be covered by the Seamen's Act of 7 June 1952, which in section 10 fixes the minimum age for employment at 15 years for men and 18 years for women."

During 1955-56 a few decisions were given with a view to determining whether a particular work is covered by the Act of 1954 or by the Act relating to commerce and offices or by the Act relating to agriculture, forestry and horticulture. So far, however, no actual lines of policy have been laid down for the separation between industry and commerce and agriculture.

*Article 2.* Referring to the second observation of the Committee of Experts the Government points out that "the term 'transport by hand' in the Convention has been rendered in Danish as 'work consisting strictly of messenger duties'. Even prior to the enforcement of the Act of 11 June 1954 a particular provision on a lower minimum age applied to work consisting strictly of messenger duties." The concept of messenger duties in section 38 of the Act of 1954 "should be so interpreted as to cover transport by hand (or on a carrier cycle) of small parcels, minor quantities of goods, etc. Thus, the question raised by the Committee of Experts seems to be one of translation rather than one of observance of the Convention."

*Article 4.* A copy of the work book for young persons referred to in last year's report was appended to the report. No exceptions have been made from the general requirement concerning work books for all young persons, except for messengers and apprentices.

With reference to the third observation of the Committee of Experts the Government points out that section 2, subsection 1, of the Act of 11 June 1954 authorises the Minister of Social Affairs to direct undertakings to keep registers of young persons. The work books provided for in section 40 of the Act shall be deposited with the employer, thus serving as registers of

young persons (below 18 years) employed in his service.

The regulations referred to in last year's report relating to (a) co-operation between the Labour Inspection Service and the police, and (b) the assistance of the school commissions in the enforcement of the legal provisions governing minimum age, are being prepared.

Proceedings in respect of contraventions of the provisions concerned have been instituted in two cases.

*Greece.*

The report of the Government contains information on an apprenticeship scheme set up within industry, which is similar to the existing scheme operated under the supervision of the Ministry of Industry.

*India (First Report).*

Employment of Children Act, No. XXVI of 1938 (L.S. 1938—Ind. 5), as amended (L.S. 1939—Ind. 3; L.S. 1951—Ind. 6).

Factories Act, 1948 (L.S. 1948—Ind. 4), and the Rules made thereunder by various State Governments.

Mines Act, 1952 (L.S. 1952—Ind. 3).

*Articles 1, 2, 3 and 6 of the Convention.* In accordance with Article 6 of the Convention, in India children under 12 years of age shall not be employed (a) in manufactories working with power and employing more than ten persons; (b) in mines, quarries and other works for the extraction of minerals from the earth; (c) in the transport of passengers or goods or mails by rail, or in the handling of goods at docks, quays and wharves, but excluding transport by hand.

The above-mentioned Acts prohibit the employment of children below the age of 14, 15 and 15 respectively in (a) any factory; (b) any mine; and (c) in the transport of passengers, goods or mails by railways, or connected with a port authority within the limits of any port.

*Article 4.* The Employment of Children Act, as amended in 1951, provides that every employer shall maintain a register of the children employed by him giving particulars about the dates of birth, etc., of the children concerned.

The Factories Act, 1948, requires the maintenance of registers of child workers, though these registers are not required to contain entries regarding their dates of birth. In 1953 the State Governments, which prescribed the form of these registers, were requested to amend the form to show the date of birth of child workers if available. Most of the State Governments have taken action accordingly.

The Mines Act, 1952, provides for the maintenance of a register including, *inter alia*, an entry showing the age of each person employed, though not the date of birth.

The administration of the Employment of Children Act rests with the State Governments except in the case of central undertakings, where it is administered by the Chief Labour Commissioner under the Government of India. Inspectors for the purpose of securing compliance with the provisions of this Act are appointed by the State Governments. The Factories Act

is administered by the State Governments and the enforcement of the Act is entrusted to the factory inspectorates in various states. The administration of the Mines Act, 1952, rests with the Central Government and its enforcement has been entrusted to the Mines Inspectorate.

No court decisions involving questions of principle relating to the application of the Convention have so far come to the notice of the Government.

On the whole the implementation of the provisions of the Acts has been quite satisfactory. However, a few contraventions relating to the employment of children below the prescribed age have been observed. Infringements are invariably pointed out by the inspectors to the employers concerned and, where necessary, the latter are prosecuted.

No observations have been received from the employers' and workers' organisations concerned regarding the practical fulfilment of the conditions prescribed by the Convention or the application of national law implementing the Convention.

#### *Israel.*

The number of work books issued under the provisions of section 28 of the Employment of Children and Young Persons Act of 15 July 1953, is 15,138. However, regulations under section 31 requiring employers to keep one more register, as required by Article 4 of the Convention, have not been published, as it is felt that the work books already contain all the required particulars. The Government contemplates postponing the issue of regulations requiring special registers until a way is found for the consolidation of all the registers to be kept by employers.

In all the six cases brought before the courts the employers were found guilty and punished.

#### *Netherlands.*

During 1955, 579 reports were drawn up regarding infringements of section 9 of the Labour Act of 1919. In addition, 629 warnings were given to parents to take care that their children did not perform any prohibited work.

#### *Norway.*

See under Convention No. 59.

#### *Spain.*

Order of the Ministry of Labour of 4 August 1938 respecting the placing of apprentices.

Order of the Ministry of Labour of 23 September 1939 to make apprenticeship compulsory for workers under 20 years of age and to lay down rules for their registration with the employment exchange (L.S. 1939—Sp. 2).

Act of 15 December 1939 respecting the organisation of the National Labour Inspectorate (L.S. 1939—Sp. 4).

Decree of 26 January 1944 to approve the consolidated text of the First Book of the Act respecting contracts of employment (L.S. 1944—Sp. 1 A).

Decree of 31 March 1944 to approve the consolidated texts of the Acts respecting seamen's articles of agreement, apprenticeship, employment of women and children, and home work (L.S. 1944—Sp. 1 B.)

Act of 17 July 1945 respecting primary education.

Ordinance of 10 February 1948 to approve the national trade regulations.

*Articles 1 to 3 of the Convention.* Under section 171 of the Act respecting contracts of employment, young persons of either sex who have not attained the age of 14 years shall not be admitted to any kind of employment other than agricultural work or work performed in family undertakings.

This provision applies to industry, agriculture and commerce, which makes it unnecessary for the competent authority to determine the line of division between these three sectors of the economy.

*Article 4.* With a view to the supervision of the enforcement of the above-mentioned provisions, section 178 provides that a young person under the age of 18 years shall not be admitted to employment unless evidence is furnished (1) of the permission of the father or, in default of the father, the mother or guardian or head of the establishment of which the young person is an inmate; this permission shall be given by means of an instrument drawn up before the Labour Inspectorate or, in places where there is no Labour Inspectorate, before the municipal authority; the said instrument shall give the names of the parents, guardian (if any) or head of the establishment, and their addresses or domicile; (2) of the age of the young person, by means of a certificate from the office of the registrar of births, deaths and marriages; (3) that the kind of employment in which the young person is to be employed does not exceed his strength, that the young person is not suffering from a contagious or infectious disease and that he has been vaccinated; these particulars shall be established by means of a medical certificate. These documents shall be retained by the undertaking or employer and shall be produced at the request of the labour inspector.

Title III, concerning apprenticeship, of the Act respecting contracts of employment and the Orders of the Ministry of Labour of 4 August 1938 and 23 September 1939 respecting the placing of apprentices, require employers to keep a register of their apprentices. An apprentice is defined as a young person of either sex under 20 years of age who does not possess a certificate of occupational proficiency.

Under section 2 (d) of the Act of 15 December 1939 and section 3, paragraph 1, of the Decree of 13 July 1940 to approve regulations for labour inspection, the National Labour Inspectorate is responsible for the supervision of the enforcement of the legislation.

The labour courts take cognizance of individual appeals based on an infringement of the provisions concerning the minimum wage for admission to employment.

The report of the Labour Inspectorate for the year 1954 is appended to the Government's report. Although the reports drawn up by the Inspectorate do not give any details of the infringements of the provisions concerning the minimum age for admission to employment, most of them relate to the supervision of these provisions.

The Government also communicates the following information supplied by the national trade union organisation :

*Article 1.* The Decree of 26 January 1944 to approve the consolidated text of the First Book of the Act respecting contracts of employment contains in section 5 a statutory definition of the word "contractor" in the general sense of the term covering all industrial, commercial or agricultural activities.

*Article 3.* The provision concerning the minimum age for admission to employment does not apply to pupils in technical or vocational schools. The Act of 17 July 1945 respecting primary education provides for the organisation of vocational training courses for young persons of 12 to 15 years of age.

*Article 4.* Sections 11 and 135 of the Act respecting contracts of employment require that, in order to be admitted to employment, young persons under 18 years of age shall produce an authorisation from one of the following persons in the order in which they are mentioned: father, mother, paternal or maternal grandfather, guardian, etc. Section 144 of the same Act provides that contracts of apprenticeship of such young persons shall be drawn up in quadruplicate and shall contain a number of particulars, including the age of the apprentice. One copy of the contract is sent to the employment exchange for registration.

#### Switzerland.

With regard to the scope of the Factories Act the Federal Court, when giving a decision on an appeal on 29 March 1956, ruled that artisan repair shops are industrial in character and are therefore subject to the Factories Act as soon as they reach the required size.

The scope of the Act was slightly extended during the period under review, the number of factories having increased from 11,682 to 11,849 between 1 July 1955 and 30 June

1956. The number of factory workers rose, between mid-September 1954 and mid-September 1955, from 564,311 to 587,988. In all probability the staff covered by the Act respecting the minimum age for admission to employment increased in the same proportion. The results of the general census of undertakings, which was begun on 25 August 1955, have not yet been published.

The federal inspectors reported six convictions under the Act respecting the minimum age for admission to employment; the fines inflicted ranged from 20 to 300 francs.

#### Viet-Nam.

Order No. 55-XL/ND of 7 August 1953, prescribing the model for an "employer's register".

In reply to the observation made by the Committee of Experts in 1955 the Government states in its report for 1954-55 that under section 158 of the Labour Code every employer is required to keep at all times, at the workplace, an "employer's register", the model for which is prescribed in the above-mentioned Order.

Under the same section the obligation to keep an employer's register applies to every head of an industrial, mining, commercial or handicraft undertaking and to all professional persons. The register must contain particulars of all the persons employed, including children under 16 years of age.

The report for 1955-56 refers to information given previously.

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

*Ceylon, Colombia, Czechoslovakia, Dominican Republic, France, Ireland, Japan, 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 <sup>3</sup> . . . . .	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

Countries	Date of registration of ratification
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 <sup>3</sup> . . . . .	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.

#### Albania.

Labour Code of 3 April 1956 (L.S. 1956—Alb. 2).

Under section 160 of the Labour Code young persons under 18 years of age may not be

employed underground either by day or night, nor may they be employed on arduous work and work injurious to their health, as defined by the legislation.

Under section 56 of the Labour Code night work is prohibited for young persons under 16 years of age in all classes of work not covered by section 160 of the Code; this provision does not permit of any exception.

Section 54, paragraph 2, of the Labour Code provides that daily hours of work for young persons under 16 years of age may not exceed six.

The timetable of work may not exceed the limits laid down; it must be drawn up so that the workers have at least 16 hours' rest in the course of every 24 hours. Section 55 of the Labour Code provides that night work begins at 10 p.m. and ends at 6 a.m.

In addition to the Department of the Public Prosecutor and the other state organs, application of these provisions is supervised by the trade unions on which, according to section 162 of the Labour Code, the labour inspection services depend; these latter services have wide powers. In the event of a breach of the regulations, if the breach is not punishable as an offence under the Penal Code, the inspectors may inflict fines. They are also entitled to suspend work if they consider that the life or health of the worker is endangered. In addition, the trade unions carry out their supervision by means of labour protection committees attached to the trade union councils of the region or the district and to the undertakings and branches of undertakings. Lastly, supervision is exercised by social inspectors for labour protection, elected by the workers in each occupational group. These inspectors intervene in the event of a breach of the law and if necessary supply the competent bodies with information with a view to criminal, administrative or disciplinary proceedings. Any contravention of the workers' rights, whether they are adults or children, is punishable under the Penal Code.

#### *Argentina.*

During the period under review 305 contraventions were reported in the provinces and territories.

#### *Austria.*

Federal Act of 6 December 1955 to extend until 31 December 1956 the validity of the Federal Act of 9 July 1953, amending Federal Act No. 146 of 1 July 1948 respecting the employment of children and young persons (L.S. 1948—Aus. 3).

During the year 1955, 230 infringements of the provisions with regard to the nightly rest of women and young persons were reported.

#### *Belgium.*

During the period under review 15,010 young workers, including 7,317 between 14 and 16 years of age and 7,693 between 16 and 18 years of age, were employed in the 18,032 industrial undertakings visited by the labour inspectors.

Two infringements were reported and one decision was given by a court of law. Very little use has been made of the exceptions allowed under Articles 2, 3 and 4 of the Convention.

#### *Brazil.*

During the period under review there were 97 infringements of section 404 of the Consolidation of Labour Laws prohibiting the night work of young persons under 15 years of age.

#### *Chile.*

During the period under review one legal decision was given. Seven breaches of the provisions of the Convention were noted.

#### *Cuba.*

For statistical information see under Convention No. 5.

#### *Denmark.*

With reference to the observations made by the Committee of Experts in 1956 with regard to the scope of the Danish law, the Government states that no young persons are employed on building and construction activities during the hours which, under the Convention, are regarded as night. It is being considered whether use should be made of the authority provided by section 43 (1), 8, of Act No. 226 of 11 June 1954 respecting workers' protection generally, which authorises the Minister of Social Affairs to make restrictions with regard to the night work of young persons after consultation with the industrial organisations concerned and the Labour Council.

During the period under review proceedings were taken in respect of one contravention of the legislation.

#### *France.*

In reply to the observations made by the Committee of Experts in 1956, the Government gives the following information:

Section 29 of Book II of the Labour Code only applies to apprentices employed in the establishments which are not covered by section 21 of Book II of the Code.

The provisions of Book II which correspond to Article 2 of the Convention are contained in sections 21 and 22, which prohibit the employment of women, and young persons up to 18 years of age, between 10 p.m. and 5 a.m. in "factories, manufactories, mines and quarries, yards, workshops and their branches, of whatever nature, whether public or private, lay or religious, even when such establishments are for the purposes of vocational training or are charitable in character".

Sections 21 and 22 apply without distinction to apprentices and to young workers.

These sections contain a prohibition of the employment of young persons during the night which is as categorical as the one provided by Article 2 of the Convention.



Section 22 provides that night work shall be defined as work done between 10 p.m. and 5 a.m.

With regard to the question of prohibiting night work for young persons in bakeries, it should be noted that the small food industries are not considered as definitely industrial, and are therefore not covered by the provisions of sections 21 and 22 of Book II of the Labour Code. This discrimination is the result of the opinion expressed by the Council of State and adopted on 7 July 1894 in a circular sent by the Government to the Labour Inspectorate. However, as regards work in baking and pastry-cooks' establishments, section 20 of Book II of the Labour Code prohibits the employment of "workers" in the manufacture of bread and pastry between 10 p.m. and 4 a.m. This provision covers all the workers in the industry, whether adults or young persons.

Further, section 29 of Book II provides that no night work may be required from apprentices under 16 years of age employed by a manufacturer, a workshop foreman or a worker.

It may be concluded from this review of the regulations that young workers under 18 years of age employed in baking and pastry-cooks' establishments, who are protected as regards night work only by section 20 of Book II of the Labour Code, may be employed from 4 a.m.

As regards apprentices under 16 years of age, under section 29 of Book II they may only be employed from 5 a.m., while apprentices over 16 years of age are treated in the same way as all the other workers in the industry and may therefore be employed from 4 a.m.

An inquiry carried out by the Labour Inspectorate has shown that the legislation with regard to night work of young persons is in general correctly observed.

#### *India.*

See under Convention No. 90.

#### *Ireland.*

During the period under review 11 breaches of the provisions of the Convention were noted.

#### *Italy.*

During the period 1954-55 the exceptions provided for under Article 2, paragraph 2, of the Convention were authorised in sugar mills at Cremona, Ferrara, Parma and Bologna, paper mills at Florence, Milan and Parma, and glass works at Florence, Leghorn, Milan, Palermo, Parma and Trieste.

Nine thousand inspections were carried out. A census was taken of a number of undertakings, and it was found that 180,000 children were covered by the provisions of the Convention.

In 1955-56, 500 contraventions of the laws and regulations giving effect to the Convention were reported to the supervisory authorities. In all of these cases penalties were imposed or warnings given. The exceptions authorised under Article 2, paragraph 2, of the Convention covered only a few persons.

#### *Portugal.*

During the period under review 21 infringements of the relevant legislation were reported; a Decision of 1 August 1955 (published in the *Boletim do I.N.T.P.* No. 18 of 30 September 1955) emphasised the necessity of strict enforcement of the provisions of the relevant national law and the international Convention. The Decision lays down *inter alia* (1) that no manufacturing undertaking shall be permitted to engage or transfer any person under 18 years of age, and (2) that the Office of the Director-General of Labour and Corporations will assemble urgently the necessary information as a basis for measures to restore, within a period of time to be specified, the normal arrangements prescribed by law as regards the employment of young persons at night.

#### *Spain.*

Decree of 26 January 1944 to approve the consolidated text of the First Book of the Act respecting contracts of employment (L.S. 1944—Sp. 1 A).

Decree of 31 March 1944 to approve the consolidated texts of the Acts respecting seamen's articles of agreement, apprenticeship, employment of women and children, and home work (L.S. 1944—Sp. 1 B).

*Articles 1 to 7 of the Convention.* Section 172 of the Act respecting contracts of employment provides that young persons over 14 but under 16 years of age shall not be employed on night work. Night work is defined as work performed between 8 p.m. and 6 a.m.

Under section 2 (d) of the Act of 15 December 1939 and section 3, paragraph 1, of the Decree of 13 July 1940 to approve regulations for labour inspection, the National Labour Inspectorate is responsible for supervising the application of the provisions relating to the employment of young persons during the night. The labour courts are competent to take cognizance of appeals arising from breaches of the provisions concerning the employment of young persons during the night.

The report of the Labour Inspectorate for the year 1954 is appended to the Government's report. The Government also transmits the following information supplied by the national trade union organisation:

*Article 1.* The Decree of 26 January 1944 to approve the consolidated text of the First Book of the Act respecting contracts of employment gives a statutory definition in its section 5 of the word "contractor" in the general sense of the term covering all industrial, commercial and agricultural activities.

*Article 2.* Section 172 of the Act respecting contracts of employment prohibits the employment of young persons under 16 years of age during the night, but does not contain any provisions with regard to young persons under 18 years of age other than the one which prohibits the employment of young girls at any time in workshops engaged in the production of documents, advertisements, engravings, sketches, pictures, emblems or other articles which, though not prohibited by the penal laws, are of such a nature as to offend the young girls' sense of decency.



*Article 3.* With regard to bakeries, the Royal Decrees of 3 April and 10 June 1919, confirmed by section 33 of the national regulations with regard to work in the baking industry, adopted on 12 July 1946, prohibit work from 8 p.m. to 5 a.m.

*Articles 4 to 7.* These provisions are not applicable in Spain, since night work is not prohibited for young persons over 16 years of age.

#### *Switzerland.*

With regard to the scope of the Factories Act, the Federal Court, when giving a decision on an appeal on 29 March 1956, ruled that artisan repair shops are industrial in character and are therefore subject to the Factories Act as soon as they reach the required size.

The scope of the Act was slightly extended during the period under consideration, the number of factories having increased from 11,682 to 11,849 between 1 July 1955 and 30 June 1956. The number of factory workers rose, between mid-September 1954 and mid-September 1955, from 564,311 to 587,988. In all probability the staff covered by the Act respecting the employment of women and young persons in arts and crafts increased in the same proportion.

In reply to the observations made by the Committee of Experts in 1956, the Government refers to the information given in writing to the Conference Committee to the effect that "the federal authorities are not losing sight of

the question of the application of the Convention to bakers' apprentices. The Government is waiting until the cantonal reports with regard to the enforcement of the Act on the employment of women and young persons in arts and crafts for the years 1954 and 1955 are drafted, in order to make the usual extracts from them, copies of which will be sent to the International Labour Office, if possible before the next annual report."

#### *Viet-Nam.*

The report for the period 1954-55 states, in response to the observations made by the Committee of Experts in 1955, that measures will be taken shortly to eliminate the discrepancy between section 172 of the Labour Code (exceptions in the case of urgent work) and the provisions of the Convention.

#### *Yugoslavia.*

In response to an observation made by the Committee of Experts in 1956 the report states that the Night Work of Young Persons (Industry) Convention (Revised), 1948 (No. 90) was ratified on 9 October 1956.

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

*Burma, Bulgaria, Greece, Nicaragua, 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.

#### *Belgium.*

See under Convention No. 58.

#### *Bulgaria.*

The report states that, under the regulations respecting the documents to be carried by Bulgarian ships, every ship must keep a register in which should be noted the name and the age of each member of the crew. This information is also indicated in the work book with which every member of the crew must be provided.

#### *China.*

In reply to the observations made in 1956 by the Committee of Experts, the Government states that vessels excluded from the scope of legislation are unsuitable for maritime navigation. As regards Article 2 of the Convention, although the requirements of the Convention

were being observed in practice, appropriate provisions would be included in the proposed Seamen's Act. Specimens of the register and list of crew are appended to the report.

#### *Cuba.*

The number of young persons under 18 years of age who entered the shipping industry during the period under review was 57.

#### *Finland.*

Seamen's Act No. 341 of 30 June 1955 (L.S. 1955—Fin. 2).

*Article 2 of the Convention.* Article 10, paragraph 1, of the above Act, which came into force on 1 August 1955, raises the minimum age of admission of young persons to maritime employment from 14 to 15 years.

#### *Japan.*

The number of regional maritime offices at which maritime labour inspectors are posted rose to 86, representing an increase of 12 over the preceding year. A total of 16,035 inspections took place during the period under review, covering 85.7 per cent. of the vessels to which the Mariners' Law applies.

#### *Spain.*

Act of 15 December 1939 respecting the organisation of the National Labour Inspectorate (L.S. 1939—Sp. 4).

Decree of 13 July 1940 to approve regulations for labour inspection.

Basic Law of 19 December 1951 respecting conditions of employment in the Mercantile Marine.

Order of the Ministry of Labour of 23 December 1952 to approve the consolidated text of the law on conditions of employment in the Mercantile Marine (L.S. 1952—Sp. 2).

National Labour Regulations for the Mercantile Marine, approved by Order of the Ministry of Labour of 23 December 1952.

*Articles 1 to 3 of the Convention.* Section 7 of the Act of 23 December 1952 and sections 73 and 74 of the Regulations of 23 December 1952 provide that persons under 14 years of age shall not be admitted to employment on board or be included in the crew list, and lay down certain conditions for the signing on of persons between 14 and 21 years of age.

*Article 4.* Section 74, paragraph (c), of the Regulations provides that whenever a seaman under 18 years of age is signed on his date of birth is to be stated in the crew list.

The enforcement of these provisions is entrusted to the National Labour Inspectorate in accordance with section 2 (d), of the Act of 15 December 1939, and section 3, paragraph 1, of the relevant regulations of 13 July 1940.

The labour courts are competent to judge any claims alleging non-observance of the Regulations on the subject.

The following additional information has been provided by the national trade union organisation and forwarded by the Government :

*Article 1 of the Convention.* In the above-mentioned legal provisions the term " vessel " is deemed to include all ships of the Mercantile Marine registered in Spain, whether the said ships are owned or chartered by shipping companies or shipowners engaged in maritime commerce, and whether they are engaged in local, home or foreign trade.

The Regulations do not apply, however, to the crews of boats or floating craft used in building or repairing harbours, persons employed by the Harbour Works Board and the Harbour Administrative Committees, employees working on lighters and boats during trials, sea fishermen, workers employed in the dried cod

industry and crews of boats plying within harbours. They also do not apply to ships of war.

*Article 2.* Section 69 of the Regulations also prohibits the employment at sea of persons under 14 years of age.

*Article 3.* The employment of young persons under 14 years of age on training ships is not permitted.

*Article 4.* No person may be signed on as a member of the crew of a vessel if he does not produce his seaman's record book which gives proof of his identity and is a record of his personal history. The maritime authorities or the Spanish Consuls will not give clearance unless the conditions of employment of all the men in the ship's complement are of the standard prescribed by law.

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

*Argentina, Australia, Brazil, Canada, Ceylon, Chile, Colombia, Denmark, Dominican Republic, Federal Republic of Germany, Greece, Ireland, Italy, Nicaragua, 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

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

### *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 28 payments of compensation.

### *Bulgaria.*

Seafarers are engaged by a state-owned shipping company which, in case of shipwreck, is required to provide employment on another ship for the crew members concerned. Thus no special provisions are necessary to apply Article 2 of the Convention, as seafarers cannot remain unemployed as a result of shipwreck.

### *Chile.*

During the period under review there were six shipwrecks, involving a total of 115 seamen. Compensation was paid to all the personnel concerned without any difficulty or disputes. The legislation gives protection to 1,437 officers and 2,653 seamen.

### *Cuba.*

The number of seamen in active employment during the period under review and covered by the legislation was 2,100. Three vessels were lost through shipwreck ; in two of these cases no indemnity was payable.

### *Finland.*

During the period under review five vessels were damaged, one of which was engaged in inland navigation.

### *France.*

The number of seafarers covered by the Convention during the period under review was 45,160.

*Greece.*

During the period under review six ships were wrecked; about 30 seamen received the statutory compensation.

*Italy.*

During the period under review 27 ships were lost through shipwreck; compensation was paid to 238 seafarers in accordance with Article 2 of the Convention.

*Japan (First Report).*

Civil Code (Law No. 89), 1896.  
Commercial Code (Law No. 48), 1898.  
Law No. 100 of 1 September 1947 respecting mariners (L.S. 1947—Jap. 5).

*Article 1 of the Convention.* Article 1 of the Convention is applied by sections 1, 2 and 120 of the Mariners' Law.

*Article 2.* Article 2 of the Convention is applied by sections 4, 39 and 58 (1), (3) and (4) of the same Law.

Although the expression "foundering or loss" as used in the provisions of section 39, paragraph 1, clause 1, of Law No. 100, does not cover vessels in a state of total unseaworthiness, an indemnity against unemployment is also payable in the latter case.

The unemployment indemnity is payable in full for a period not exceeding two months in respect of every day of unemployment, irrespective of the period that has still to elapse between the date of the wreck and the date on which the contract would have ended had the wreck not taken place.

The term "wages" in the Convention is interpreted as being equivalent to the expression "salary or wages" as used in section 4 of the Mariners' Law. The expression "salary or wages" does not include a messing allowance. The total indemnity payable is limited to two months' wages.

*Article 3.* Effect is given to Article 3 of the Convention by section 103 of the Mariners' Law, section 306 of the Civil Code and sections 295 and 842 of the Commercial Code. The last-mentioned three articles give a preferential right to claims arising in respect of arrears of wages or unpaid indemnities originating in a contract of employment.

In the event of non-payment of the prescribed indemnities, the penalties laid down are more severe than in the case of non-payment of arrears of wages.

Enforcement of the provisions of the Mariners' Law and the regulations thereunder is the responsibility of the Labour Standards Section of the Bureau of Seamen in the Ministry of Transportation (the central authority) and of ten regional maritime bureaux, 54 branch offices and 103 local offices established in 86 main ports in Japan. These offices at present employ 161 labour inspectors appointed by the Ministry of Transportation. The labour inspectors are empowered at any time to make a search of any vessel or any other place of work, to examine books and documents, to question witnesses and draw up reports on the subject.

In 1955, 191 vessels with a total of 20,803 gross register tons were total losses and 96 vessels totalling 12,987 gross register tons were seriously damaged. During the period July 1955 to June 1956 four infringements were reported, action on which resulted in the payment of indemnities against unemployment to ten seamen in a total amount of 380,397 yens.

*Mexico.*

*Article 2 of the Convention.* The report gives details of a collective agreement between the Pacific Seamen's and Stokers' Union and the Maritime Industrial and Trading Company. One of the clauses in the agreement provides that in the event of shipwreck or total loss of the vessel the company will pay to each seaman an indemnity of 800 pesos.

*Netherlands.*

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

*Norway.*

In reply to the observation made last year by the Committee of Experts the report states that the question of the application of the Convention to foreign seafarers who are not citizens of States which have ratified the said Convention has been submitted to the organisations concerned, and will be settled by the coming revision of the Seamen's Act of 17 July 1953.

During the period under review about 72,000 Norwegian seafarers and 14,000 seafarers of other countries signed on for service in Norwegian ships. The total number of seafarers in service at the same time was about 40,000 Norwegians and about 8,000 foreign nationals. Thirty vessels, totalling 28,000 gross register tons, were lost at sea by shipwreck or other causes.

*Spain*

Decrees of 13 May and 15 December 1938 and 1 September 1939 respecting the establishment and jurisdiction of labour courts.

Act of 17 October 1940 respecting labour courts (L.S. 1940—Sp. 6).

Decree of 26 January 1944 respecting conditions to be fulfilled in the event of temporary or permanent closure of undertakings.

Basic Law of 19 December 1951 respecting conditions of employment in the Mercantile Marine.

Order of the Ministry of Labour of 23 December 1952 to approve the consolidated text of the law on conditions of employment in the Mercantile Marine (L.S. 1952—Sp. 2).

National Labour Regulations for the Mercantile Marine, approved by Order of the Ministry of Labour of 23 December 1952.

*Articles 1 to 3 of the Convention.* Section 100 of the Seamen's Articles of Agreement Act, which has been repealed by the new enactments, applied the Convention in full. According to a more recent approach, articles of agreement bind the seaman to the shipowners or ship-

ping company and not to the vessel in which he is serving. As a result, loss of the vessel through shipwreck is not tantamount to unemployment since the crew remains in the employ of the undertaking. The latter may, however, ask the competent labour authorities for authorisation to reduce or discharge the ship's personnel. The Decree of 26 January 1944 will apply in such a case.

Enforcement of the laws and regulations on this subject is entrusted to the area headquarters and branches of the Labour Inspectorate.

The labour courts are competent to try claims of any description brought on the grounds of non-observance of the relevant rules and regulations.

The following additional information has been provided by the national trade union organisation and forwarded by the Government:

*Article 1.* The above-mentioned legislation applies to every person employed on ships classified as merchant vessels.

*Article 2.* Clause 5 of the Basic Law, section 26 of the Act of 23 December 1952 and section 197 of the Regulations make loss or foundering of the vessel a ground for the termination of the employer-employee relationship, subject to payment of such compensation as may be fixed by the labour judge at his discretion and in the light of the circumstances, the upper limit on such compensation being 12 months' wages.

"Wages" are deemed to be the regular wages plus an allowance equal to 50 per cent. of

the messing allowance laid down under the Regulations for seagoing personnel.

#### *Sweden.*

The Government states that the question raised by the Committee of Experts concerning the payment of indemnity to all seafarers, irrespective of nationality, is still under consideration.

#### *Yugoslavia.*

Amending Decree of 9 March 1956 respecting the crews of Yugoslav merchant vessels. (Službeni list FNRJ—No. 11/56.)

A Government representative stated before the Conference Committee in 1956 that the above-mentioned decree provides that, in case of shipwreck, shipowners must pay merchant seamen two months' wages and all other allowances as required by the Convention.

In addition, the report states that a seaman is entitled to his wages if he remains unemployed after a shipwreck, as long as he does not receive any other indemnity of an equal or greater amount.

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

*Argentina, Australia, Canada, Ceylon, Colombia, Denmark, Federal Republic of Germany, Ireland, 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
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.

#### *Australia.*

During the period under review the number of seamen engaged (including officers) was 10,053; the total number of engagements and re-engagements of seamen (including officers) was 36,256, while the estimated daily average number of unemployed seamen (excluding officers) at the principal ports was 318.

#### *Bulgaria.*

No person or undertaking may carry on the business of the placing of seamen for pecuniary gain.

#### *Chile.*

The total number of registered officers and seamen is 1,437 and 2,653 respectively, of whom 888 officers and 1,813 seamen are actually at sea.

#### *Denmark.*

The total number of engagements effected by the six state shipping offices during the period 1 April 1955 to 31 March 1956 was 15,032.

*France.*

Approximately 70 per cent. of the total number of French seamen are assured of steady employment in virtue of the collective agreement in force.

During 1955 the seamen's employment offices (except Rouen) received 4,344 applications for employment and placed 811 persons. The corresponding figures for 1954 were 4,555 and 1,168.

*Federal Republic of Germany.*

The new regulations concerning the organisation, administration and management of seamen's employment offices, referred to in last year's report, are still in preparation.

Despite a rising volume of employment, the situation in the maritime labour market is characterised by an increasing shortage of manpower.

During the period under review a total of 47,192 seafarers (of whom 47 were foreigners) were placed by the seamen's employment offices and 4,234 by the labour exchanges. The total number of applications registered with the seamen's employment offices on 30 June 1956 was 1,957 (of whom two were foreigners); there were 267 unfilled vacancies. On the same date the labour exchanges had 701 applications for work and 220 unfilled vacancies.

*Greece.*

During the period under review the total number of seafarers registered with the employment offices was 45,332; of these, 40,908 were placed in employment and 4,424 were still awaiting employment on 1 July 1956.

*Italy.*

The number of officers and seamen registered at the seamen's employment offices on 1 July 1955 was 83,258 (4,681 officers and 78,577 seamen); on 1 June 1956 the number was 85,798 (4,424 officers and 81,374 seamen).

*Japan.*

During the period under review three new mariners' employment security offices were opened, bringing the total to 43. The total number of seamen placed in employment by these offices during the period in question was 13,425 (4,334 officers and 9,091 seamen).

*Mexico.*

In reply to last year's observations by the Committee of Experts, the report gives the following explanations:

*Article 3 of the Convention.* Section 5 of the Regulations respecting employment agencies permits, in exceptional cases, the existence of private employment agencies. Such agencies must, however, comply with the Regulations as far as they are applicable.

*Articles 4 and 5.* Joint shipowners' and seamen's committees, acting as free employ-

ment offices for seafarers, have been established at Acapulco, Guaymas, Manzanillo, Mazatlán and Tampico.

*Netherlands.*

During the period under review the various employment offices registered 8,893 applications and 13,622 vacancies and placed 10,953 persons; in addition, 1,947 persons were placed by the Mercantile Marine Foundation (*Koopvaardijstichting, 1946*).

*New Zealand.*

During the period under review the Department of Labour (National Employment Service) placed 95 male workers in water transport undertakings (including waterfront workers).

*Norway.*

During 1955 the seamen's employment offices registered a total of 43,199 applicants and 44,225 vacancies, and placed 38,454 seafarers in employment.

The report states that the Norwegian Shipping Employers' Association has made some observations as regards the reports on this Convention previously submitted by the Government, and that the matter will be discussed between the Association and the competent authorities; a report on the conclusions arrived at will be forwarded in due course.

*Spain.*

Act of 10 February 1943 respecting the placing of workers (L.S. 1943—Sp. 2).

Basic Law of 19 December 1951 respecting conditions of employment in the Mercantile Marine.

Order of the Ministry of Labour of 23 December 1952 to approve the consolidated text of the law on conditions of employment in the Mercantile Marine (L.S. 1952—Sp. 2).

National Labour Regulations for the Mercantile Marine, approved by Order of the Ministry of Labour of 23 December 1952.

*Articles 1 to 3 of the Convention.* The Government refers to the information given under Convention No. 2, to the effect that section 3 of the Act of 10 February 1943 respecting employment exchanges prohibits private agencies or organisations of any kind from carrying on placing activities. There are no persons, societies or undertakings which find employment for seamen for pecuniary gain.

*Article 4.* The above-mentioned Act organises on behalf of the State a national, public and free employment exchange system through the agency of the trade union organisation and under the inspection and supervision of the Ministry of Labour, i.e. in accordance with the provisions of paragraph 1, clause (b), of this Article of the Convention. These employment exchanges are all organised on the same lines and their structure is laid down by a provincial headquarters in each province and a national directorate with jurisdiction over the whole country.

Section 6 of the Act of 23 December 1952 respecting conditions of employment in the

Mercantile Marine and section 57 of the relevant Regulations require the national trade union organisation to organise in each port, through the trade union concerned, a special seamen's placement office at which all persons wishing to go to sea are required to register. The shipowner must defray any travel and subsistence expenses in respect of the selected seaman's journey from the locality where the placement office is situated to the port at which he is to embark.

*Article 5.* In view of the governmental character of the placement services the committees referred to in this Article do not exist.

*Article 6.* Section 6 of the Act of 23 December 1952 and section 55 of the Regulations provide that the shipowner is entitled to make his choice among the registered workers in any placement office, subject to the priorities laid down in the Order of 7 June 1941 in favour of ex-service-men and former prisoners of war. The seafarers also have the right to choose their ship.

*Article 7.* Sections 62 and 63 of the said Regulations give full effect to this provision.

*Article 9.* The provisions also apply to deck and engineer officers, these categories being expressly mentioned in the Regulations cited above.

The organisation of the placement services is the responsibility of the trade union organisation—on which both employers and workers are represented—while enforcement of the law on the subject and inspection for compliance therewith are entrusted to the area and local offices of the Labour Inspectorate.

The labour courts (special tribunals) are competent to hear and decide any disputes arising in this field.

The following additional information has been supplied by the national trade union organisation and forwarded by the Government :

*Article 1.* The provisions apply also to officers.

*Article 5.* Control of the placement agencies is effected through the Transportation Union, in which both shipowners and seafarers are represented.

*Article 7.* The articles of agreement—the clauses and safeguards in which are set out in sections 60 to 64 of the Regulations—must be in accordance with the form of contract approved by the General Labour Directorate on the recommendation of the trade union organisation and published in the Official Gazette (*Boletín Oficial del Estado*) of 2 December 1955.

#### *Sweden.*

During the period under review the number of applications for employment was 65,178 and the number of vacancies 41,139; 35,509 seafarers were placed in employment by the seamen's employment offices. In addition, 7,492 foreign seafarers applied for employment at these offices, of whom 5,671 were placed.

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

*Argentina, Belgium, Colombia, Cuba, Finland, 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
Byelorussia . . . . .	6.11.1956
Chile . . . . .	18.10.1935
Cuba . . . . .	22. 8.1935
Czechoslovakia . . . . .	31. 8.1923
Dominican Republic . . . . .	4. 2.1933
France . . . . .	7. 6.1951
Federal Republic of Germany . . . . .	20. 3.1957
Hungary . . . . .	2. 2.1927
Ireland . . . . .	26. 5.1925
Israel . . . . .	23.12.1953
Italy . . . . .	8. 9.1924
Japan . . . . .	19.12.1923
Luxembourg . . . . .	16. 4.1928
Netherlands . . . . .	28.11.1956
New Zealand . . . . .	8. 7.1947
Nicaragua . . . . .	12. 4.1934
Norway . . . . .	28. 1.1957
Poland . . . . .	21. 6.1924
Rumania . . . . .	10.11.1930
Spain . . . . .	29. 8.1932
Sweden . . . . .	27.11.1923
Ukraine . . . . .	14. 9.1956
U.S.S.R. . . . .	10. 8.1956
Uruguay . . . . .	6. 6.1933

#### *Argentina.*

During the period under review 31 infringements of the law were reported.

#### *Cuba.*

The number of children under 14 years of age working in technical schools was 315 in 1955-56, as compared with 250 during the previous period.

#### *Ireland.*

During the period under review proceedings were instituted against the parents of children found to be employed in agriculture during school hours; convictions were obtained in 226 cases—approximately 0.05 per cent. of all the children to whom the School Attendance Act, 1926, applies—as compared with 340 cases (0.08 per cent.) in 1954-55, 374 cases (0.09 per cent.) in 1953-54, and 506 cases (0.13 per cent.) in 1952-53.

#### *Italy.*

The labour inspectors have noted many cases of children working in agriculture during the

summer holidays and outside school hours. In general the provisions of the Convention are complied with. In the provinces of Naples, Potenza, Salerno and Taranto, however, cases of children doing agricultural work, to the detriment of their education, have been discovered.

#### *Spain.*

Decree of 25 September 1934 respecting the employment of children in agricultural undertakings (L.S. 1934—Sp. 1).

Act of 15 December 1939 respecting the organisation of the National Labour Inspectorate (L.S. 1939—Sp. 4).

Decree of 13 July 1940 to approve regulations for labour inspection.

Decree of 31 March 1944 to approve the consolidated texts of the Acts respecting seamen's articles of agreement, apprenticeship, employment of women and children, and home work (L.S. 1944—Sp. 1 B).

Act of 17 July 1945 respecting primary education.

*Article 1 of the Convention.* Section 1 of the Decree of 25 September 1934 prohibits work in agricultural and related undertakings by children under 14 years of age during school hours.

*Article 2.* Sections 2 and 3 of the decree give effect to the provisions of this Article.

*Article 3.* Section 4 of the decree gives effect to the provisions of this Article.

The supervision of the application of the above-mentioned provisions is entrusted to the National Labour Inspectorate, in conformity with the Act of 1939 and with the Decree of 1940.

The labour courts are competent to deal with any disputes respecting the minimum age of employment in agriculture.

As regards statistical information the Government appends the annual report of the Labour Inspectorate for 1954 and states that, though the cases reported by the Labour Inspectorate do not specifically indicate that they relate to the regulations governing the admission of children to employment, a certain number of them do deal with this question.

The following additional information supplied by the national trade union organisation was communicated by the Government:

*Article 1.* According to the Act of 1945 school attendance is compulsory for children between six and 12 years of age.

*Article 2.* In order to enter employment children must provide a certificate proving that they have completed their primary education; this document only permits the children to be employed on light work.



*Article 3.* The Act of 1945 establishes for children between 12 and 15 years of age a scheme of "pre-vocational training" as a preparation for the entrance to professional schools.

The supervision of the enforcement of the school attendance regulations is entrusted to the municipal and provincial education authorities. In accordance with the provisions respecting industrial safety and health, the Labour Inspectorate is responsible for the implemen-

tation of labour ordinances concerning the employment of young workers.

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

*Austria, Belgium, Bulgaria, Chile, Czechoslovakia, Dominican Republic, France, Israel, Japan, New Zealand, Nicaragua, 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
Byelorussia . . . . .	6. 11. 1956
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
Iceland . . . . .	21. 8. 1956
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
Ukraine . . . . .	14. 9. 1956
United Kingdom . . . . .	6. 8. 1923
U.S.S.R. . . . .	10. 8. 1956
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 states that the revision of the Labour Code is still being examined by the Institute of Political and Administrative Sciences of the University of Chile, before being submitted to the National Congress with the necessary amendments to bring the legislation into harmony with the provisions of the Convention. The Government has consulted the Institute in order that all the sectors concerned may be assured that the examination had been made with all necessary objectivity and that

the scientific point of view has been taken into account.

### China.

Agricultural Association Act, 1943, as amended in 1948 (I.L.O.: *Asian Labour Laws* (New Delhi, 1951)).

*Article 1 of the Convention.* The report states that the provisions of section 13 of the Agricultural Association Act are fully in accord with the principles of the Convention.

The Convention, which has been ratified in accordance with the procedure set forth in the Constitution of the Republic of China, has the force of national law. By the promulgation of the ratified Convention the provisions were made known to the parties concerned, as well as to all the people. Infringements of the provisions of the Convention are subject to penalties under the Criminal Code.

The method of enforcing the provisions of the Convention is laid down in Chapter VIII of the Agricultural Association Act.

### India.

The enforcement of the Indian Trade Unions Act, 1926, has been entrusted to the State Governments. For its administration they have either appointed registrars of trade unions or have nominated certain other officers as registrars.

Under section 11 (1) (b) of the Act, the parties aggrieved by any refusal of a registrar to register, withdraw or cancel a certificate of registration of a union may appeal to a district court or to the High Court.

The report contains detailed statistical data. At the end of the period under review the total number of agricultural unions for the country as a whole was 60. In the State of Travancore-Cochin the registration certificates of 24 of the 54 unions in existence on 1 March 1955 were cancelled for failure to submit in time the annual report prescribed under the Act.

### Nicaragua.

Trade Union Regulations (section 19).

Under the above-mentioned provision, when more than two workers who hold office on a trade union of an undertaking are dismissed without due cause, the General Labour Inspectorate may promulgate an order prohibiting the

undertaking from dismissing any of the other three workers who are members of the board without the authorisation of the Labour Inspector who supervises the undertaking, and who will not give such authorisation until it has been proved that the dismissal is justified.

### Spain.

Act of 6 December 1940 to lay down basic rules for trade union organisation (L.S. 1941—Sp. 5 B.)

Decree of 18 August 1947 to establish joint boards in undertakings (L.S. 1947—Sp. 3.)

Decree of 11 September 1953 respecting joint boards in undertakings.

*Article 1 of the Convention.* The report states that in Spain the regulations respecting the right of association and combination make no distinction between agricultural and industrial workers. The right of workers to establish trade unions is laid down in the above-mentioned Act of 6 December 1940.

The supervision of the compliance with the above legislation is in the hands of the National Labour Inspectorate, in conformity with the Act of 15 December 1939 respecting the organisation of the National Labour Inspectorate (section 2 (d)) and the Decree of 13 July 1940 by which the rules of labour inspection were approved (section 3, paragraph 1). The labour tribunals are competent to deal with disputes arising out of contraventions of the regulations concerning trade union organisations.

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

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

## 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
Hungary . . . . .	8. 6. 1956
Ireland . . . . .	17. 6. 1924
Italy . . . . .	1. 9. 1930
Luxembourg . . . . .	16. 4. 1928
Mexico . . . . .	1. 11. 1937
Morocco . . . . .	20. 9. 1956
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.

Decree No. 5005/56 of 19 March 1956 to partially repeal Legislative Decree No. 650 of 24 October 1955, which amended Act No. 9688.

Decree No. 5005/56 repeals Legislative Decree No. 650 except for that part amending the amount of compensation payable in respect of death or invalidity, which remains at 30,000 pesos and 800 pesos for funeral expenses. The

new legislation therefore makes no important change with respect to the application of the Convention.

During the period under review 707 infringements were reported.

### Austria.

Federal Act of 9 September 1955 respecting general social insurance (L.S. 1955—Aus. 3).

Ordinance of 11 February 1956 respecting the payment of lump sums instead of disablement pensions under the accident insurance scheme.

See under Convention No. 17 with regard to the relevant statutory provisions concerning the accident insurance scheme applicable to industrial as well as to agricultural workers, as amended by the General Social Insurance Act of 9 September 1955.

In 1955 the accident insurance scheme covered 1,600,000 workers in agriculture and forestry, including self-employed farmers, together with their spouses. The total cost of benefits in cash amounted to 71,020,000 schillings (44.40 schillings per insured person), and the total cost of benefits in kind to 23,710,000 schillings (14.80 schillings per insured person). The total cost (inclusive of administrative costs) was 103,240,000 schillings. The number of accidents reported in agriculture and forestry was 54,150, of which 402 were fatal. Accidents in respect of which compensation was awarded numbered 6,976.

### Chile.

According to the statistics supplied by the Government the number of workers protected by the relevant legislation was 438,971, including 22,741 salaried employees and 416,230 wage earners.

*Cuba.*

The report for the period under review includes information supplied by three insurance companies with respect to some 13,500 agricultural workers protected under accident insurance policies.

*Czechoslovakia.*

See under Convention No. 17.

*France.*

Order of 30 April 1956 respecting the revaluation of invalidity and old-age pensions under social insurance and the compensation due under the legislation with regard to employment accidents and occupational diseases.

Order of 18 May 1956 to determine the minimum annual earnings to be declared by farmers who choose to be covered, both on their own account and for the members of their families, by the employment accident legislation.

The annual minimum wage for the calculation of pensions and the annual basic wage for the calculation of increases were raised, except where the reduction of capacity is lower than 10 per cent., to 320,422 francs as from 1 March 1956.

The annual minimum earnings to be declared by farmers who choose to be covered, both on their own account and for the members of their family, by the legislation with regard to agricultural employment accidents, are 160,000 francs as from 1 March 1956.

*Federal Republic of Germany.*

Act of 23 December 1955 to supplement the Children's Allowances Act of 13 November 1954.

Act of 9 May 1956 respecting the establishment of the Federal Insurance Office, the supervision of social insurance institutions, and the administration of social insurance and industrial old-age assistance.

During the period under review 5,579,700 workers were covered by the agricultural employment injury insurance scheme. The number of accidents reported was 308,544 and that for which pensions were awarded was 43,141, of which 2,068 were fatal. On 31 December 1955 the total number of pensions in the said scheme was 233,204 (203,773 disablement pensions and 29,431 survivors' pensions).

*Haiti (First Report).*

Agricultural wage earners are covered by the same scheme as wage earners in industrial and commercial undertakings with regard to workmen's compensation (see under Convention No. 17).

*Ireland.*

In 1954, 2,326 accidents occurred and the total compensation paid amounted to £134,269; there were four cases of industrial diseases and the total compensation paid was £1,367. This information is based only on data furnished by insurance companies and a few individual employers who were not insured against liability under the Workmen's Compensation Acts.

*Italy.*

During the period under review 1,123,464 employment accidents (agriculture, 260,915) were reported, of which 3,991 (agriculture, 1,212) were fatal.

*Mexico.*

The number of victims of accidents in agriculture during the period 1950-53 was 112.

*Netherlands.*

Act of 7 July 1955 containing provisions respecting the cremation, embalming and autopsy of persons victims of accidents.

Royal Decree of 5 August 1955 to apply the Act of 1922 respecting accident insurance in agriculture and horticulture.

Royal Decree of 15 March 1956 to apply the Act of 7 July 1955.

The number of full-time employees covered by the agricultural scheme, computed on the basis of 300 working days, was 222,000, of whom 15,000 were insured with the State Insurance Bank and the remainder with the Occupational Insurance Fund.

*New Zealand.*

The total number of persons engaged in agricultural and pastoral occupations at 31 March 1956 was estimated to be 136,500.

*Poland.*

See under Convention No. 17.

*Spain.*

Act of 22 December 1955 to unify the system of workmen's compensation in agriculture and in industry.

Decree of 22 June 1956 to approve the consolidated text of the legislation respecting employment accidents and the regulations issued thereunder.

The protection in the event of an employment accident granted to workers in industry was extended to agricultural workers for the first time in 1931. However, until the Act of 22 December 1955 came into force, there were still some differences between the system covering industrial workers and that covering agricultural workers, in particular as regards the scope and the compensation payable in the event of permanent disability.

The Decree of 22 June 1956 ensures a level of protection for employment accidents, which is the same for all workers governed by the legislation, without regard to their occupation; this is in accordance with the spirit of the Convention.

The Labour Inspectorate (section 190 of the Decree) and the Technical Inspectorate of Social Welfare (section 191 of the Decree) are responsible for supervising the application of the laws and regulations with regard to workmen's compensation.

The labour courts are competent to settle disputes and appeals may be made against their decisions to the Supreme Court of Justice.

*Sweden.*

Act No. 75 of 23 March 1956 to amend Act No. 243 of 14 May 1954 respecting insurance against occupational injuries (L.S. 1954—Swe. 1).

The legislation respecting insurance against occupational injuries applies to agriculture as well as to industry. See under Convention No. 17.

*United Kingdom.*

See under Convention No. 17.

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

*Belgium, Bulgaria, Colombia, Denmark, Finland, Nicaragua, 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 . . . . .	8. 6.1956
Italy . . . . .	22.10.1952
Luxembourg . . . . .	16. 4.1928
Mexico . . . . .	7. 1.1938
Morocco . . . . .	13. 6.1956
Netherlands . . . . .	15.12.1939
Nicaragua . . . . .	12. 4.1934
Norway . . . . .	11. 6.1929
Poland . . . . .	21. 6.1924
Rumania . . . . .	4.12.1925
Spain . . . . .	20. 6.1924
Sweden . . . . .	27.11.1923
Tunisia . . . . .	12. 6.1956
Uruguay . . . . .	6. 6.1933
Venezuela . . . . .	28. 4.1933
Viet-Nam . . . . .	6. 6.1953
Yugoslavia . . . . .	30. 9.1929

*Afghanistan.*

The report states that the Convention is incorporated in the revised text of the Afghan Labour Code and that the necessary steps have been taken to enforce the provisions of the Convention, and in particular to prevent the importation and use of white lead, sulphate of lead, and all products containing these pigments.

The competent authority responsible for the application of the Convention is the Labour Department of the Ministry of Mines and Industry. The inspection service of the Labour Department has been instructed to see that the provisions of the Convention are fully applied.

*Austria.*

The report states that during the period under review 105 cases of lead poisoning were notified, seven of which concerned building painters; three of the cases were recognised.

*Belgium.*

During the period under review four cases of lead poisoning leading to temporary incapacity were noted in the house painting and industrial painting trades.

*Bulgaria.*

Ordinance No. 13600 of 29 September 1932, which gives effect to the Convention, remains in force.

*Chile.*

During the period under review the number of workers protected by the Convention was about 450.

*France.*

The Government's report reviews all the French legislation with regard to Convention No. 13, the application of which was promulgated by the Decree of 30 December 1948, issued under the Act of 10 July 1948 (section 80 of Book II of the Labour Code).

The report refers in particular to the Order of 24 June 1955 respecting special health measures applicable in establishments in which the staff is exposed to the risk of lead poisoning. This Order, the provisions of which came into force on 1 September 1955, recommends medical practitioners to debar from painting work workers suffering from certain complaints, and to show them how they can secure medical supervision. These new provisions do not affect the application of the Convention.

*Italy.*

To supplement the information given in its previous report and the explanations given to the Conference Committee in 1956, the Government states, in its report for the period under review, that regulations are at present being examined by a committee of experts in order that the national legislation may be brought into full agreement with the Convention.

The matter is at present being considered by the occupational organisations with a view to defining exactly the exceptions provided within the terms of the Convention and discovering which are the processes in which the employ-

ment of white lead and other lead pigments may be considered to be necessary. Once the result of these investigations is known, the committee of experts will be able to draft directives for the adoption of statutory provisions.

With regard to the prohibition of the employment of women and of young persons under 18 years of age in painting work, legislation will be enacted within the limits of the new standards for the protection of women and young workers.

#### *Mexico.*

The Government's report announces the "new industrial hygiene regulations" of 13 February 1946.

Only two undertakings in Mexico use white lead in the preparation of paints.

*Article 3 of the Convention.* The legislation provides that women and young persons under 16 years of age may not be employed on the processes shown in table A, annexed to the industrial hygiene regulations, which include the manufacture of white lead, nor may they enter the workplaces where work of this kind is being done. Nevertheless, women chemists or pharmacists are authorised to do this type of work.

*Article 5.* According to the report, the fact that the employment of white lead has been abandoned in favour of other pigments is tantamount to its *de facto* prohibition. In order to avoid the risks inherent in spraying with toxic substances, the regulations lay down that employers shall provide their workers with protective clothing such as masks, gloves, overalls, etc.

In every workplace there must be at least one tap with running water, soap and towels for every 30 workers.

Section 51 of the regulations contains provisions with regard to showers with hot and cold water.

Under sections 7 and 8 of the regulations, when the authorities consider that special clothing must be worn for dangerous or unhealthy work, such clothing must be provided free of charge, must be kept in good condition by the employer, and must be worn exclusively and constantly while such work is being done. Cloakrooms with individual cupboards, satisfactorily lighted and ventilated, must be provided when special clothing is to be worn (section 59).

When a worker is found to be suffering from an occupational disease the physician must notify it in writing to the employer, the worker and the trade union of which the worker is a member. The employer must also communicate the fact to the labour authorities concerned.

If the worker does not agree with the conclusions of the physician of the undertaking, he may appeal to another physician, and if the two disagree an expert is appointed either by mutual agreement or by the competent authority.

Workers must be medically examined when they are engaged and periodically thereafter and must reply frankly to the questions put by the physician.

In dangerous industries the frequency of the medical examinations is shown in a table annexed to the industrial hygiene regulations. In the case of white lead, examinations are held once a month.

In workplaces where work which is injurious to health is carried on (release of asphyxiating or poisonous gases) the workers must be informed by notices both of the dangers and of the appropriate protective measures.

Fines of from 1,000 to 2,000 pesos may be inflicted on employers who do not apply the hygiene regulations or the instructions of the authorities, and a fine of from 100 to 500 pesos may be inflicted on a physician who does not apply the prescribed measures.

Up to the present time no cases of lead poisoning among working painters have been notified.

The application of the industrial hygiene regulations is compulsory throughout the whole territory of the Republic and is within the competence of the authorities of the Ministry of Health and Assistance or the local authorities, as the case may be.

#### *Netherlands.*

During 1955 four alleged cases of lead poisoning were reported, two of which were in a white lead factory, one in a painting undertaking and the fourth in an establishment for spray painting.

#### *Spain.*

Royal Decree of 19 February 1926 to provide that the use of white lead, sulphate of lead and all products containing these pigments shall be prohibited in Spain in the interior painting of buildings as from 1 November 1928, subject to the exceptions laid down in this Decree (L.S. 1926—Sp. 3).

Decree of 28 May 1931 to prohibit the use of white lead and sulphate of lead and of all products containing these pigments in the internal painting of buildings (L.S. 1931—Sp. 4).

Act of 13 July 1936 respecting occupational diseases (L.S. 1936—Sp. 2).

Order of 31 January 1940 to approve the General Safety and Industrial Hygiene Regulations.

Order of 31 July 1944 respecting the compulsory notification of cases of occupational diseases to the Ministry of Labour.

Decree of 10 January 1947 to establish a system of insurance against occupational diseases (L.S. 1947—Sp. 1).

Order of the Minister of Labour of 19 July 1949 to approve the Occupational Disease Insurance Regulations (L.S. 1949—Sp. 3).

The Government states that the Decree of 28 May 1931 puts into effect all the provisions of the Convention.

*Article 1 of the Convention.* Under section 1 of the above-mentioned Decree the use of white lead and sulphate of lead and of all products containing these pigments in the internal painting of buildings is prohibited.

*Article 2.* The following work is exempted from the provisions of the preceding section: (1) work on movable objects at railway stations; (2) work performed in the open air; (3) work performed in industrial establishments in virtue of a permit issued by the Ministry; (4) work authorised by the Ministry in special circumstances for a specified period fixed in advance, each case being considered on its merits; (5) artistic painting; (6) fine lining.

Before granting the exemptions provided by (3) and (4) above, the Ministry consults the trade union organisation and the Technical Labour Council attached to the Ministry.

*Article 3.* Under section 5 of the Decree of 1931 the employment of young persons under the age of 18 years and women is prohibited in all painting work of an industrial character involving the use of the products mentioned in section 1 of the Decree; under section 4, the Ministry of Labour may, by way of exception, permit the employment of apprentices over 16 years of age in the work specified in section 2, to the extent necessary for their vocational training. The permit shall specify the maximum number of apprentices in proportion to the total number of employees.

*Articles 5 and 6.* All the safety and health precautions provided by the Convention for the class of workers to which its provisions apply are included in sections 6 to 12 of the Decree of 1931. Further, provisions of the same kind are to be found in the General Safety and Industrial Hygiene Regulations approved by the Order of 31 January 1940.

The Government also states, in its report for 1956, that when the employment of white lead, sulphate of lead or other products containing these pigments in the cases authorised by the legislation, and with all the statutory precautionary measures, gives rise to poisoning, an inquiry is made by the inspection service, either *ex officio* or at the request of the person concerned. Once the toxic nature of these products is proved, the workers concerned are given the indemnity provided for dangerous, unhealthy or unpleasant work. The inquiry is carried out by means of consultation with the trade unions, the Ministry of Labour and the Institute of Safety and Industrial Medicine and Hygiene. The standards governing the indemnity in question are established by various labour regulations. The scale of the indemnity is about 20 per cent. of the wages.

*Article 7.* The Order of 31 July 1944 provides for the drawing up of statistics; it also lays down that, when a worker is absent because he is suffering from lead poisoning, the employer must notify the competent provincial labour inspectorate within ten days, in the form prescribed by the Order. Every month the inspectorate transmits the information to the Accident Prevention and Industrial Hygiene Section of the Ministry of Labour with a view to prevention and the establishment of statistics. Further, section 56 of the Order of 1949 requires every undertaking to advise the National Accident Prevention Insurance Fund of cases of lead poisoning among its workers.

The National Labour Inspectorate is responsible for supervising the application of the legislation which implements the Convention,

under the provisions of the Act of 15 December 1939 respecting the organisation of the National Labour Inspectorate (section 2 (*d*)) and the Decree of 13 July 1940 to approve the regulations for labour inspection (section 3, paragraph 1).

All disputes within the labour field are submitted to the jurisdiction of labour courts set up by the Decree of 13 May 1938.

A report supplied by the national trade union organisation, which gives a detailed comparative analysis of the articles of the Convention and the legislative texts which implement them, is appended to the Government's report.

#### *Sweden.*

Three cases of lead poisoning were reported among painters during the period under review.

#### *Viet-Nam.*

The Government states in its report that the Ministerial Order provided for in section 231 of the Labour Code, relating to certain special occupations in which the employment of white lead may be authorised, has not yet been issued. Account will not fail to be taken in this Order of the provisions of Articles 2, 3, 5, 6 and 7 of the Convention.

#### *Yugoslavia.*

In reply to the observations made by the Committee of Experts regarding the application of Article 5, paragraphs I (*b*) and II of the Convention the report emphasises the following points:

Since the decision of 23 June 1955 explicitly prohibits the use of paint made from a lead powder, paragraph I (*b*) of Article 5 of the Convention is applied *ipso facto*.

As regards the application of paragraph II (*a*), (*b*) and (*c*) of Article 5 of the Convention, point IV of the decision of 23 June 1955 refers to the provisions of sections 90 to 97 of the general regulations concerning measures for the protection of the workers' health and safety, as supplemented by a number of decrees and government instructions. These regulations provide for specific protective measures for persons handling dangerous substances, and relate in particular to masks, respirators, protective clothing, changing rooms and washing facilities.

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

*Argentina, Colombia, Cuba, Czechoslovakia, Finland, Greece, Nicaragua, Norway, Poland, Tunisia, 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
Hungary . . . . .	8. 6.1956
India . . . . .	11. 5.1923
Ireland . . . . .	22. 7.1930
Israel . . . . .	26. 6.1951
Italy . . . . .	8. 9.1924
Luxembourg . . . . .	16. 4.1928
Mexico . . . . .	7. 1.1938
Morocco . . . . .	20. 9.1956
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 218 infringements of the weekly rest provisions were noted.

### Belgium.

During the period under review 18,006 establishments covered by the Convention were visited by the labour inspectors; the number of workers employed in these undertaking was 278,525.

During the same period 11 infringements of the law were reported.

### Bulgaria.

Ordinance of 3 May 1952 respecting overtime (L.S. 1952—Bul. 2 B).

The provisions of the Labour Code with regard to weekly rest apply to all workers without exception. The cases in which exceptions are permitted are enumerated in section 46 of the Labour Code, relating to overtime. These exceptions are allowed with the prior authorisation of the Labour Inspectorate. Under sec-

tion 6 of the Ordinance respecting overtime permission to do overtime is granted on an application, with the reasons justifying it, from the management of the undertaking, a decision, also with reasons, of the trade union committee for the undertaking, and the approval of the administration at a higher level.

The legislative provisions are in general adopted after consultation of the occupational organisations of workers and the administrative bodies concerned.

Under section 79 of the Labour Code overtime worked during the weekly rest day is paid at 50 per cent. higher than ordinary remuneration.

The days and hours of rest are fixed by the internal work rules of the undertaking, which also indicate any special schemes which may exist and the categories of workers subject to such schemes.

### Canada.

Orders made during 1956 under Minimum Wage Acts in British Columbia, in respect of workers in manufacturing employment, extended the weekly rest period requirement to 32 consecutive hours.

Surveys of conditions of work made by the Department of Labour in respect of branches of industry other than manufacturing (see last year's report) showed that, at April 1955, a five-day week applied also to about 80 per cent. of non-office employees in coal mining, 62 per cent. in local passenger transport and 81 per cent. in public utilities. In railways collective agreements provided a five-day week for 75 per cent. of the employees, and in the construction industry a two-day rest period was common in most parts of the country.

In a recent case before the Supreme Court of Canada, the principle was established that authority to make laws in respect of Sunday observance and weekly rest was within the exclusive jurisdiction of Parliament. Neither the federal nor provincial legislatures could allocate this jurisdiction to other governmental authorities such as municipalities, as in the case before the Supreme Court.

### Chile.

In 1955 labour inspectors made 3,776 visits and reported 26 infringements of the regulations, almost all of which occurred in small commercial establishments.

### China.

Factories Act of 1929, amended in 1932.  
Mines Act of 1936, amended in 1950.

*Article 1 of the Convention.* The industrial undertakings shown in this Article are covered by the provisions of section 1 of the Factories Act and section 1 of the Mines Act, except for transport workers who, although not covered by the legislation, nevertheless enjoy in practice

the same rights as other workers in industry, either by assimilation or owing to custom.

*Article 2.* The application of this Article is ensured by the provisions of section 15 of the Factories Act and section 2 of the Mines Act.

*Articles 3 and 4.* No use has been made of the exceptions provided by these Articles.

*Article 5.* In the event of non-observance of the weekly day of rest, double wages are paid in compensation.

*Article 7.* In undertakings, where the weekly rest day is given to the whole of the staff collectively it is usually given on Sunday and, since this has become the general custom, there is no necessity to bring it to the knowledge of the staff.

When the weekly rest is not given to the whole of the staff collectively a list is usually drawn up by the management showing the system adopted, but the list is not drawn up in a uniform manner for all undertakings.

#### *Cuba.*

With respect to the observations made by the Committee of Experts in 1956 the report states that all employed persons, without exception, are entitled to a day of rest each week. This right is laid down by article 66 of the Constitution, which deals with the maximum daily and weekly hours of work, and supersedes any provisions to the contrary contained in Decree No. 2513 of 1933 and in collective agreements.

#### *Czechoslovakia.*

In reply to the observations made by the Committee of Experts in 1956 it should be noted that Czechoslovakia has made no use of the exception provided by Article 3 of the Convention. With regard to Article 4, partial exceptions are authorised for certain classes of workers the greater part of whose work consists of being in attendance, such as caretakers, door-keepers and chauffeurs; this authorisation is only given if regular relief cannot be assured. In such cases the minimum rest period is 18 hours.

#### *Denmark.*

Regulation of 12 September 1955 to apply section 34, paragraph 2 (xiii) of Act No. 226 of 11 June 1954. Act No. 71 of 28 March 1956 to amend Act No. 226 of 11 June 1954 respecting workers' protection generally (L.S. 1954—Den. 1).

According to section 44 of Act No. 226 respecting workers' protection generally, as amended by Act No. 71 of 28 March 1956, the exceptions allowed from the prohibition of work on Sundays and public holidays, in respect of messenger services and work in bakeries, now also cover persons under 18 years of age.

A Regulation was issued on 12 September 1955 to define the scope of the exceptions allowed from the prohibition of work on Sundays and public holidays, so far as the production, etc., of newspapers is concerned.

During the period under review exceptions from the Sunday rest provisions of the legisla-

tion were granted to ten establishments including the food products, rubber, porcelain, metal and chemical industries.

#### *Finland.*

In reply to the observation made by the Committee of Experts in 1956 the Government stated, in a letter sent to the I.L.O.—a copy of which is appended to the annual report—that in 1955 there were about 4,000 workers employed in the transport of passengers and goods by inland waterways. Out of this number, 3,406 were employed on board vessels belonging to employers who were members of the Federation of Employers of Coastal Navigation and Navigation by Inland Waterways, 312 were employed on board vessels under the authority of the Central Shipping Council (vessels belonging to the State) and the rest were on board vessels belonging to employers who were not members of the above-mentioned employers' federation.

#### *France.*

In reply to the observations of the Committee of Experts in 1956 the Government states that the special provisions for workers employed in railways referred to in the Act of 1906 respecting the weekly rest are contained in regulations governing railway workers. In the French National Railways (S.N.C.F.), the travelling staff are entitled to a weekly rest of 38 hours every seven calendar days on an average. The rest period may not commence later than 8 p.m. and may not finish before 6 a.m.; the maximum period permissible between two weekly rests is nine days; and the minimum number of days of rest is four a month and 52 a year. For the non-travelling staff the average weekly rest period is 24 hours plus the preceding daily rest, and the period between two rests must not be more than eight days. In local railway undertakings the average weekly rest for the travelling staff is 35 hours every seven calendar days. The commencing and finishing time limits for weekly rest are 10 p.m. and 5 a.m. respectively; there may not be more than ten days between two rest periods; and the minimum number of rest days is four a month and 52 a year. For the non-travelling staff in local railways the weekly rest provisions are similar to those applying to the staff of the S.N.C.F.

Provisions relating to the weekly rest for workers on inland waterways are contained in an annex (19 November 1936) to the collective agreement for inland navigation. The agreement lays down that these workers are entitled to 24 days (a year) of compensatory rest as provided for in a decree of 28 November 1919. In principle, these 24 days may be taken as two days a month or six a quarter, the days being chosen by the undertaking during the times that the boats are docked. In practice, most undertakings in the principal region permit their workers on request to accumulate nine of the 24 compensatory rest days to be added to the 15 days of paid annual holidays. The manner in which this accumulated leave may be taken is subject to agreement with the undertaking.



*Greece.*

Permanent way staff of the railways still do not benefit entirely by the protection established by the Convention.

The courts have given various decisions with regard to the application of the weekly rest.

*Haiti.*

During the period under review the General Labour Inspectorate recorded 31 infringements in Port-au-Prince.

*India.*

Mines Rules, 1955 (issued under section 58 of the Mines Act, 1952).  
Act No. 59 of 1956 to amend the Indian Railways Act, 1890.

In reply to the observations made in 1956 by the Committee of Experts with regard to the list of exceptions to the weekly rest which must be communicated to the I.L.O. under Article 6 of the Convention, the Government gives the following information :

*Factories Act.* In 1948 draft Model Rules were framed by the Central Government and circulated to state governments for adoption. Rules have been framed by the state governments on the lines of these Model Rules. A copy of the Rules in force in Bombay is appended to the report. The Rules framed by the other state governments are on the same lines.

*Mines Act.* The Ministry of Labour Notification of 24 August 1954 provides a list of undertakings exempted from the provisions of the Mines Act and a list of certain categories of employees who are exempted from the provisions of section 28 of the Mines Act.

*Indian Railways Act.* According to section 71 D (3), the Central Government may specify the railway servants or class of railway servants to whom periods of rest may be granted on a scale less than the normal scale, and may prescribe the period of rest to be granted to such railway servants. Rule No. 7 of the Railway Servants (Hours of Employment) Rules, 1951, lays down that locomotive and traffic-running staff may be granted periods of rest on a scale different from the normal. They must be given four periods of rest of not less than 30 consecutive hours or five periods of not less than 22 consecutive hours in a month. Mates, keymen and gangmen, whether employed on lines under construction or for the maintenance of permanent way, and artisans and unskilled workers employed for temporary purposes, must be granted in each week beginning on Sunday a calendar day's rest, or, at the discretion of the railway administration, an equivalent number of consecutive days up to a limit of three.

Temporary exceptions may also be granted in the following cases or circumstances :  
(a) when such temporary exceptions are necessary to avoid serious interference with the ordinary working of the railway in cases of accident, actual or threatened, or when urgent work must be done to the railway or to the

rolling stock, or in any emergency which could not have been foreseen or prevented ; (b) in other cases of exceptional pressure of work.

With regard to the compensatory holidays laid down in Article 5 of the Convention, the Government states that, under section 53 of the Factories Act and the Rules framed under it, the employers are required to send to inspectors the particulars of compensatory holidays granted to the workers who have worked on weekly holidays. A special register is prescribed for the purpose. Under section 29 of the Mines Act employees who are otherwise generally governed by the Act but are exempted from section 28 are eligible for compensatory holidays unless they are employed in a supervisory, managerial or confidential capacity. Section 71 D (4) of the Indian Railways Act provides for the grant of compensatory periods of rest for a period of rest forgone by a railway servant.

*Ireland.*

Conditions of Employment (Electricity Undertakings) (Period of Rest) Regulations, 1954 (Statutory Instrument No. 108 of 1954).

The above text provides for the granting of compensatory rest for work performed on Sunday, and was made in conformity with Articles 4 and 5 of the Convention.

In reply to the observations made by the Committee of Experts last year the Government states that workers engaged in the transport of persons and goods are granted a day of weekly rest by collective agreement or contracts of service, and that for miners the granting of this rest is a long-standing custom.

*Israel.*

During the period 1954-55, 111 special authorisations were granted for work on the weekly rest day ; during the period 1955-56, 137 similar authorisations were given, compensatory rest being provided in every case.

*Italy.*

During the period 1954-55, 37,000 inspection visits were made, 1,500 penalties were imposed and 500 warnings were issued.

During the period 1955-56 permits for exceptions (Articles 4 and 5 of the Convention) were issued in the sugar, building, hydro-electric and dairy products industries. Approximately 4,000 inspection visits were made, 2,300 penalties imposed and 800 warnings issued.

*New Zealand.*

Section 18 of the Police Offences Act, 1927, which relates to Sunday trading, has been amended by section 4 of the Shops and Offices Act, 1955.

*Norway.*

In 1955 two mining establishments and two other concerns were authorised to grant a weekly rest of an " average consecutive period " of 24 hours.

*Pakistan.*

During the year 1954 the weekly rest was granted on Sunday in 44 seasonal factories, while in 350 other undertakings of this type weekly rest was given either on a week-day or on a Sunday. In the case of the 3,160 perennial factories the corresponding figures were respectively 1,541 and 1,511.

Exceptions to the provisions of the Act respecting weekly rest in factories were authorised for the majority of workers in 114 seasonal factories and 400 perennial factories.

*Poland.*

Act of 20 March 1950 to amend the Act of 18 December 1919 respecting hours of work in industry and commerce.

In reply to the observations made by the Committee of Experts in 1956, the Government states that some exceptions to the prohibition of Sunday work are provided in the Act of 18 December 1919 respecting hours of work in industry and commerce, as amended by the Act of 20 March 1950. This latter Act, as a result of the repeal of the Decree of 27 October 1933 respecting the work of dockers in the harbour of Gdynia, widens the scope of the provisions relating to dock workers. The exceptions in question concern work for the protection of a cargo in danger of being damaged, and the work of loading and unloading in sea ports.

Up to the present time no steps have been taken to implement the Decree of 29 March 1951, which provides that the Council of Ministers may increase weekly hours of work in cases of economic necessity.

Other exceptions have been authorised since 1951 in certain cases in coal mines allowing hours of work to be prolonged beyond eight hours a day and allowing Sunday work; the prolongations allowed are, however, only temporary. The Bill for the Five-Year Plan, 1956-60, which is at present being examined by the Diet, provides for the suppression of overtime and Sunday work in coal mines, and the Ministry of the Coal Industry is also contemplating the possibility of reducing hours of work in coal mines.

*Portugal.*

During the period under review several collective labour agreements containing clauses relating to the provisions of the Convention have been approved. One legal decision was given and 1,975 infringements were reported.

*Spain.*

Act of 15 December 1939 respecting the organisation of the National Labour Inspectorate (L.S. 1939—Sp. 4).

Act of 13 July 1940 respecting Sunday rest (L.S. 1940—Sp. 7).

Regulations of 25 January 1941, as amended by the Decrees of 14 March 1943 and 7 July 1944, issued in application of the Act of 13 July 1940 respecting Sunday rest.

Act of 16 October 1942 respecting rules of employment.

Decree of 21 December 1943 to approve the regulations on employment offices.

*Article 1 of the Convention.* The industrial undertakings referred to in the Convention are included in the scope of the provisions respecting weekly rest; thus section 1 of the Act of 13 July 1940 states that the Act applies to all work entailing human activity by the exercise of the physical faculties, as well as intellectual work, on account of another, subject only to the exceptions specified in the Act. Nevertheless the exceptions provided for under Chapter II of the Regulations of 25 January 1941 refer specifically to rural and agricultural work, while Chapter III lays down the special standards applicable to certain industries including, *inter alia*, the transport, loading and unloading of goods.

*Article 2.* This Article is fully applied in virtue of sections 1 and 6 of the Act of 13 July 1940.

*Article 3.* No exceptions are authorised in the case of members of the family of the head of the undertaking.

*Article 4.* Sections 4 and 5 of the Act of 1940 authorise exceptions in conformity with this Article of the Convention. The authorisations required if use is to be made of these exceptions must be obtained from the provincial agencies of the Ministry of Labour, in conformity with the Decree of 21 December 1943.

*Article 5.* Section 6 of the Act of 13 July 1940 provides for compensatory periods of rest, as indicated in this Article of the Convention.

*Article 6.* Sections 4 and 5 of the Act of 13 July 1940, together with sections 7 and 17 of the Regulations issued in application of the Act, contain the total and partial exceptions authorised. These legislative provisions, the text of which is appended to the Government's report, authorise exceptions particularly in the following cases: (1) work which cannot be interrupted; (2) any necessary repairing and cleaning work; (3) any urgent work necessary on account of impending disaster, etc. (section 5 of the Act of 13 July 1940); and (4) certain temporary exceptions which may be authorised by the Ministry of Labour or the provincial labour inspection service (section 17 of the Regulations of 25 January 1941).

*Article 7.* Section 8 of the Act of 13 July 1940 fixes the duties of the undertaking with a view to making known to the staff the days and hours of rest. No models of these notices are available since they are established by the undertakings and approved if they contain all the required provisions set out in this Article.

The National Labour Inspectorate is responsible for ensuring the application of the provisions respecting weekly rest, in conformity with the Act of 15 December 1939.

The labour courts deal with any individual complaints which may arise if the wages for the weekly or Sunday rest have not been paid.

Global figures relating to the inspection service, the visits carried out and penalties imposed are given in the report of the Labour Inspectorate for 1954, a copy of which is appended to the Government's report.

The information supplied by the Government is confirmed in a report from the national

trade union organisation, forwarded by the Government. This report also dates, with regard to Article 4 of the Convention, that the trade union organisations were consulted with regard to the exemptions and exceptions laid down in the legislation in force and that they may promote the granting of further exceptions.

#### *Sweden.*

During the period under review 254 exceptions were granted under the legislation in force. These exceptions were subject to the same conditions as in previous years.

#### *Switzerland.*

During the period under review the number of factories increased from 11,682 to 11,849 and, during the year ending mid-September 1955, the number of factory workers increased from 564,311 to 587,998.

The report states that a general census of undertakings was begun on 25 August 1955 but its results have not yet been published.

#### *Turkey.*

Decree No. 4/6762 of 20 February 1956.  
Act No. 6710 of 2 April 1956 to amend sections 3 and 4 of the Act of 2 January 1925 respecting weekly rest (L.S. 1925—Tur. 1).

In accordance with the new provisions of Act No. 6710 of 2 April 1956 persons employed in outdoor work, or for only part of the year, or at a particular season, are covered by the Act respecting weekly rest.

In addition, Decree No. 4/6762 of 20 February 1956 provides that industrial establishments which are open throughout the week are exempt from observing the weekly rest fixed by law providing that a rest period of 24 hours is given in rotation on another day of the week.

#### *Uruguay.*

The report gives statistics of the number of contraventions noted in connection with several relevant Acts, together with the amount of the fines imposed.

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

Labour Code of 8 July 1952.  
Order No. 43 XL/ND of 1 July 1953 respecting the granting of the weekly rest in rotation (Official Gazette, 18 July 1953).  
Order No. 45 XL/ND of 7 July 1953 respecting the granting of the weekly rest in continuous undertakings (Official Gazette, 25 July 1953).  
Order No. 58 LD/ND of 10 August 1953 respecting the exceptions to the weekly rest in certain classes of undertakings and industries (Official Gazette, 22 August 1953).

*Article 1 of the Convention.* The provisions of the Labour Code with regard to the weekly rest are applicable to the industrial undertakings covered by the Convention, except for inland navigation, railways and tramways.

With regard to workers in inland navigation, a system of rest by rotation is in force under an Order of 22 March 1937. With regard to railways

and tramways, regulations to determine hours of work and rest for the staff are at present being examined.

*Article 2.* Under sections 175 and 176 of the Code, the duration of the weekly rest must be at least 24 consecutive hours and be given in principle on Sunday.

*Article 3.* The Labour Code (section 173) does not provide for exceptions for industrial undertakings in which only the members of one single family are employed. However, the provisions of the Code (section 5) do not apply, in handicraft undertakings, to relatives in the artisan's direct line.

*Article 4.* The Labour Code provides for the exceptions admitted by the Convention in the following cases : urgent work, life-saving measures, repairs of accidents occurring to material, installations and buildings in the undertaking; maintenance work; caretakers and janitors of industrial undertakings.

*Article 5.* The law provides for compensatory rest when there has been a suspension or diminution of the weekly rest period.

*Article 6.* The following exceptions are allowed by the legislation : in handicraft undertakings, those with regard to relatives in the artisan's direct line, and those contained in sections 187 to 191 of the Labour Code and in the implementing Orders of 7 July and 10 August 1953.

*Article 7.* The Order of 1 July 1953 lays down that a special register must be kept showing the particular system for weekly rest to which the workers are subject. As regards the weekly rest granted to the whole of the staff collectively, special regulations provide that the day fixed shall be made known by means of notices posted up.

The Department of Labour is responsible for the supervision of the application of the labour legislation respecting weekly rest.

#### *Yugoslavia.*

Decree of 1950 respecting the distribution of the gross earnings of economic organisations.

This decree defines the method for remunerating work performed on Sunday.

In reply to the observations made by the Committee of Experts in 1956 the Government states that the national legislation makes no provision for the exceptions authorised under Articles 3 and 4 of the Convention. Furthermore, no list of exceptions, such as that referred to in Article 6 of the Convention, exists in Yugoslavia. Work on the weekly rest day is only authorised in exceptional cases when the needs of the undertaking make it imperative that overtime be worked; this authorisation is granted (a) in case of *force majeure*; or (b) in the case of processes which, owing to their nature, must be carried on continuously; or (c) to meet the special needs of the undertaking.

Moreover, the fact that the remuneration payable for work done on the day of weekly rest must, under the existing provisions, be deducted from the gross earnings of undertakings, thereby reducing the staff's share in

the profits, constitutes an additional safeguard against possible abuses.

The new Industrial Relations Act will lay down more specific rules regarding Sunday work. The Bill, which is soon to be submitted to the Federal National Assembly, provides that work on the day of rest is assimilated to overtime, may be ordered only in the cases where

overtime is authorised, and must be remunerated at twice the normal rate.

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

*Afghanistan, Burma, Colombia, Mexico, Nicaragua.*

### 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
Byelorussia . . . . .	6. 11. 1956
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
Iceland . . . . .	21. 8. 1956
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
Ukraine . . . . .	14. 9. 1956
United Kingdom . . . . .	8. 3. 1926
U.S.S.R. . . . .	10. 8. 1956
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.

#### *Bulgaria.*

The Convention is applied by the general provisions (published in *Isvestia* No. 65 of 5 August 1952 and No. 12 of 10 February 1953) concerning the employment on work of a strenuous or unhealthy nature of young persons aged from 14 to 16 and 16 to 18 years, respectively.

#### *China.*

In reply to last year's observations by the Committee of Experts the Government's report states that no sea-going vessels are excluded from the scope of legislation and that no young persons are engaged as apprentices on board ship at present. It is proposed to incorporate

the requirements of the Convention into a new Seamen's Act which is in course of preparation.

#### *Cuba.*

Resolution No. 52 to amend Decree No. 883 of 1953.

The resolution lays down that a list of all persons under the age of 18 years (and not 16 years, as erroneously stated in Decree No. 883) shall be kept by the master of every vessel.

#### *Japan.*

During the period under review the number of offices where maritime labour inspectors are stationed rose from 74 to 86; the total number of inspections made was 16,035, covering 85.7 per cent. of the vessels to which the Mariners' Law applies. The number of young seafarers employed on board vessels of all categories was 4,430, and 26 infringements of the legislation concerning certification of contracts of engagement were reported, involving a total of 34 persons.

#### *Spain.*

Act of 15 December 1939 respecting the organisation of the National Labour Inspectorate (L.S. 1939—Sp. 4).

Decree of 13 July 1940 to approve regulations for labour inspection.

Act of 17 October 1940 respecting labour courts (L.S. 1940—Sp. 6).

Basic Law of 19 December 1951 respecting conditions of employment in the Mercantile Marine.

Order of the Ministry of Labour of 23 December 1952 to approve the consolidated text of the law on conditions of employment in the Mercantile Marine (L.S. 1952—Sp. 2).

National Labour Regulations for the Mercantile Marine, approved by Order of the Ministry of Labour of 23 December 1952.

*Article 2 of the Convention.* Section 7 of the Order of 23 December 1952 and section 74 of the relevant Regulations provide that persons under 18 years of age may not be employed as firemen, stokers or trimmers on board ship.

*Article 3.* The exceptions provided for in this Article are set forth in the above sections and are as follows : (a) in training ships where the employment is approved or supervised by the maritime authority; (b) in ships using liquid fuels as their means of propulsion.

*Article 4.* Section 74, paragraph (B), clause (c), of the Regulations states that when it is impossible in the port at which the vessel

is lying to find persons over 18 years of age, as an exceptional measure two young persons under that age may be employed in the place of each fireman, stoker or trimmer. There is, however, nothing in Spanish law to restrict this measure to persons over the age of 16, the minimum age of 14 years laid down generally for work at sea under section 73 of the Regulations being applicable.

*Article 5.* Section 74, paragraph (C), of the Regulations prescribes that whenever a seaman under 18 years of age is signed on his date of birth is to be recorded in the crew list.

Enforcement of these provisions is entrusted to the National Labour Inspectorate in accord-

ance with section 2 (d) of the Order of 15 December 1939 and section 3, paragraph 1, of the relevant Regulations of 15 July 1940.

The labour courts are competent to try any claim alleging non-observance of the law and regulations on the subject.

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

*Argentina, Australia, Belgium, Burma, Canada, Ceylon, Chile, Denmark, Finland, France, Federal Republic of Germany, Greece, India, Ireland, Italy, Netherlands, Nicaragua, Norway, Pakistan, Poland, Sweden, United Kingdom, Uruguay, 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
Byelorussia . . . . .	6.11.1956
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
Ukraine . . . . .	14. 9.1956
United Kingdom . . . . .	8. 3.1926
U.S.S.R. . . . .	10. 8.1956
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 468 young persons underwent medical examination. Of this number 456 were passed as fit, 1 was deferred and 11 rejected.

### *Brazil.*

In reply to the observation made by the Committee of Experts in 1956, the report states

that amendment of section 418 of the Consolidation of Labour Laws has not yet been possible but that a comprehensive revision of this legislation is being undertaken with a view to preparing a Labour Code. Contrary to information previously supplied, section 112 of the Harbour Authorities Regulations does not refer to the medical examination of seafarers; this provision, however, is contained in section 112 of the Rules of the Seafarers' Retirement and Pensions Institute (Decree No. 22872 of 29 June 1933) which makes it obligatory for pre-entry medical examination to be carried out at the expense of the Institute. Nevertheless, by virtue of the fact that the Convention has been incorporated into the national legislation, its provisions have the force of law and complete the consolidated laws.

### *Bulgaria.*

All young persons (including seamen) under 18 years of age are required to undergo a medical examination before being admitted to employment, as well as a periodical examination, which is repeated at intervals of 12 months.

### *China.*

In reply to the observations made in 1956 by the Committee of Experts the Government emphasises that no young persons are at present employed on board vessels covered by the Convention but that it contemplates issuing new legislation in which the principles of the Convention will be taken into account.

### *Cuba.*

During the period under review 58 young persons under the age of 18 were certified as medically fit. One young person was given an annual medical examination.

### *France.*

The number of young persons under 18 years of age employed on board ship was 2,419 on 1 January 1956.

*Japan.*

Twenty-nine infringements of the legislation concerning the health certificates of young seafarers under 18 years of age were reported; 22 of the persons concerned lacked the prescribed certificate and appropriate warnings were issued by the competent authorities.

See also under Convention No. 15 for the number of inspections carried out during the period under review.

*Netherlands.*

During the year 1955, 2,863 seamen underwent medical examination.

*Spain.*

Act of 15 December 1939 respecting the organisation of the National Labour Inspectorate (L.S. 1939—Sp. 4).

Decree of 13 July 1940 to approve regulations for labour inspection.

Act of 17 October 1940 respecting labour courts (L.S. 1940—Sp. 6).

Basic Law of 19 December 1951 respecting conditions of employment in the Mercantile Marine.

Order of the Ministry of Labour of 23 December 1952 to approve the consolidated text of the law on conditions of employment in the Mercantile Marine (L.S. 1952—Sp. 2).

National Labour Regulations for the Mercantile Marine, approved by Order of the Ministry of Labour of 23 December 1952.

Section 86 of the Seamen's Articles of Agreement Act, which has been repealed by the new legislation, applied the provisions of the Convention in full.

*Article 2 of the Convention.* Section 7 of the Order of 23 December 1952 and section 71 of the relevant Regulations require every person under 18 years of age to present on enrolment and every year thereafter a medical certificate issued by the competent health authorities that

he is fit for the work on which he is to be employed.

*Article 3.* Section 71 of the Regulations provides that the medical certificate shall be valid for a period of not more than one year and that if this period expires during the course of a voyage the certificate shall continue to be valid until the end of the voyage.

Enforcement of these provisions is entrusted to the National Labour Inspectorate, in accordance with section 2 (*d*) of the Order of 15 December 1939 and section 3, paragraph 1, of the relevant regulations of 13 July 1940.

The labour courts are competent to try claims of any description on the grounds of non-observance of the law and regulations on this subject.

The following additional information has been supplied by the national trade union organisation and forwarded by the Government:

*Article 4.* Section 72 of the Regulations provides that in emergencies the maritime authorities or the competent consul may authorise the employment of a seaman not in possession of a medical certificate, on condition that he is examined at the vessel's first port of call. If the result of such examination is unfavourable, the shipowner will be under the obligation to pay the travel and subsistence expenses of the person concerned, together with his wages for the period during which he was employed.

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

*Argentina, Belgium, Burma, Canada, Ceylon, Chile, Colombia, Denmark, Finland, Federal Republic of Germany, Greece, India, Ireland, Italy, Mexico, Nicaragua, Pakistan, Poland, Sweden, United Kingdom, Uruguay, Yugoslavia.*

## 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
Morocco . . . . .	20. 9.1956
Netherlands . . . . .	13. 9.1927
New Zealand . . . . .	29. 3.1938
Nicaragua . . . . .	12. 4.1934
Poland . . . . .	3.11.1937
Portugal . . . . .	27. 3.1929
Spain . . . . .	22. 2.1929
Sweden . . . . .	8. 9.1926
United Kingdom . . . . .	28. 6.1949
Uruguay . . . . .	6. 6.1933
Yugoslavia . . . . .	1. 4.1927

#### Argentina

Decree No. 5005/56 of 19 March 1956 to partially repeal Legislative Decree No. 650 of 24 October 1955, which amended Act No. 9688.

Decree No. 5005/56 changes the maximum amount of compensation payable in case of death or disability and provides that the Ministry of Labour and Social Welfare shall make proposals aimed at an over-all reform of the present employment injury insurance scheme.

The report reproduces the text of an official decision in relation with the Convention.

The statistics supplied indicate that the total amount of cash benefits paid was 14,416,049 pesos in the federal capital and 36,273,783 pesos in the provinces. The number of accidents registered was 87,700 in the capital and 142,197 in the provinces.

#### Austria.

Federal Act of 9 September 1955 respecting general social insurance (L.S. 1955—Aus. 3).

Ordinance of 11 February 1956 respecting the payment of lump sums instead of disablement pensions under the accident insurance scheme.

*Articles 1 to 3 of the Convention.* The following are subject to compulsory accident

insurance : workers in the service of one or more employer, apprentices, and homeworkers and persons treated as such in respect of labour law, by virtue of existing legislation respecting home work.

Certain classes of public servants are excluded from accident insurance in so far as they are entitled to equivalent accident compensation under special provisions and, in the event of sickness, are entitled to their salary for at least six weeks or are covered by special rules. Wage earners who are not Austrian nationals employed by employers who enjoy extraterritorial rights are also excluded.

*Articles 5 to 7 and 9 to 11.* The injured person is entitled to an accident pension when his earning capacity suffers a decrease during the three months after the occurrence of the accident of not less than 20 per cent. as a result of the accident. The injured person's pension is awarded either as a provisional or as a permanent pension.

The pension is calculated according to the degree of reduction of earning capacity caused by the industrial accident. The total annual pension amounts to two-thirds of the basis of calculation ; the partial pension amounts to the fraction of the whole pension corresponding to the degree of reduction of earning capacity. So long as the injured person is involuntarily unemployed as a result of the industrial accident, the partial pension may be increased up to the amount of the whole pension. The accident pensions which do not exceed 25 per cent. of the whole pension may, with the consent of the injured person, be replaced by the grant of a lump sum corresponding to the value of the pension. At the request of the pensioner the accident insurance institution may also replace the whole or part of a pension of more than 25 per cent. of the whole pension by a lump sum corresponding to the value of the pension or of the fraction of the pension concerned, if a judicious use of the capital is assured. If there is reason to think that only a provisional pension should be granted, the accident insurance institution may replace the pension by a lump-sum compensation equal to the probable amount of the pension payments.

Entitlement to the accident pension is only acquired if a reduction in earning capacity is established at the end of a period of three months following the occurrence of the accident. Before that date and from the fourth day of incapacity the injured person is entitled to sick benefit paid by the sick fund. If the injured person is not insured for sickness the allowance is paid by the accident insurance institution.

If a right to sick benefit under sickness insurance exists owing to incapacity following an industrial accident, the accident pension may be demanded as from the day following the date when the payment of sick benefit ceased and, at latest, from the 27th week following the occurrence of the accident.

The accident insurance institution may grant a special allowance to the injured person or to the persons for whom he is responsible for the duration of medical attendance or medical treatment, taking into account the gravity of the results of the injury and the long duration of the treatment.

Any injured person who, as a result of an industrial accident, is handicapped to such an extent as to require the permanent assistance and care of some other person, shall be entitled, in addition to the full pension, to a bonus equal to one-half thereof.

Medical attendance in respect of accidents should be provided for such time as an improvement in the injuries resulting from the industrial accident or an increase in earning capacity may be hoped for, or curative treatment is necessary to prevent aggravation, and also as frequently as may be required for the above reasons. The medical attendance in respect of accidents is provided in the first place by the sick funds; however, the accident insurance institution may provide it at any time. Medical attendance includes, *inter alia*, medical care, therapeutic and auxiliary therapeutic requisites, and treatment in a hospital or similar establishment. In addition, the injured person may be granted the supply, repair or replacement of prosthetic and orthopaedic appliances and other auxiliary therapeutic requisites.

The scheme is financed by contributions on a scale fixed by the Act. Its financial stability is supervised by the Federal Ministry for Social Administration; in the event of a deficit that Ministry is required to take the necessary measures.

*Article 8.* If the circumstances that existed at the time when a pension was fixed have changed materially, the accident insurance institution shall reassess the pension whether requested to do so or not. Where two years have elapsed since the event giving rise to benefit occurred or a permanent pension has been fixed within that period, the pension may not be reassessed earlier than one year after the last date on which it was fixed. This rule shall not apply if in the meantime new treatment has been decided on or a temporary aggravation of the consequences of the industrial accident has been overcome.

Accident insurance is managed by the General Accident Insurance Institution, the Social Insurance Institution for Agriculture and Forestry, and the Austrian Railways Insurance Institution. The three institutions have their headquarters in Vienna. They are self-governing and are made up of several bodies, the powers and composition of which are prescribed by the Act. They are supervised by the Federal Ministry for Social Administration.

The Act contains detailed provisions with regard to the settlement of disputes and establishes special courts for settling such disputes.

For the year 1955 the report states that an average number of 1,696,700 workers were subject to accident insurance. The total cost of cash benefits was 211,650,000 schillings (124.70 schillings per insured person). The total cost of benefits in kind was 83,250,000 schillings (49.10 schillings per insured person). The total expenses of the scheme, including administrative costs, amounted to 336,640,000 schillings. The number of accidents which occurred during the period was 162,300, of which 600 were fatal; 7,850 accidents were compensated for the first time.

#### *Bulgaria.*

With regard to the information requested by the Committee of Experts with reference to Article 10 of the Convention, the Government states that, in accordance with a special instruction of the Central Council of Occupational Unions and the Ministry of Public Health and Social Assistance, orthopaedic, prosthetic and other appliances are supplied free of charge. Orthopaedic appliances may also be repaired free of charge. New appliances may be granted free of charge at the end of a specified period or even before the expiry of such period by a decision of the Medical Committee of Labour Experts.

#### *Chile.*

In reply to the observation made in 1956 by the Committee of Experts the Government states that the draft amendments to the Labour Code have been communicated for study and advice to the Institute of Political and Administrative Sciences of the University of Chile, prior to their submission to the National Congress.

The number of wage earners and salaried employees covered by the legislation in 1954 was 1,123,626, of whom 1,089,892 were covered by the general accident compensation scheme and 33,734 by a special scheme.

The number of accidents was 113,706. Detailed statistics and the texts of several court decisions are appended to the report.

#### *Cuba.*

The report is accompanied by statistics supplied by four insurance companies relating to compensation for occupational accidents paid by the companies in question.

#### *Czechoslovakia.*

Ordinance of 3 September 1954 of the Central Council of Trade Unions and the National Pensions Office.

The above-mentioned Ordinance extended workmen's compensation to new categories of persons (certain students, members of the Mountain Service, etc.).

The number of persons covered on 30 June 1955 was 4,508,976. For the period 1 July 1955 to 30 June 1956 the total expenditure on workmen's compensation was 239,233,000 crowns, a figure which includes the cost of compensation for industrial diseases.



For the period 1 January to 31 December 1955 the number of employment accidents and occupational diseases which gave rise to compensation was 14,733.

Statistics for the period 1 July 1954 to 30 June 1955 were given as a supplement to the preceding report.

#### *Finland.*

During the period under review 121,693 accidents were reported. The total cost of cash benefits was 1,607 million marks and transfers to the Pension Fund amounted to approximately 736 million marks. The total cost of benefits in kind was 324 million marks. The expenses involved in the application of the legislation relating to accident insurance amounted to 587 million marks.

#### *France.*

Decree No. 55-1124 of 13 August 1955 to amend sections 3, 27, 45, 46 and 77 of Act No. 46-2426 of 30 October 1946, as amended, respecting the prevention of, and compensation for, industrial accidents and occupational diseases.

Decree No. 55-1212 of 13 September 1955 to amend Decree No. 46-2959 of 31 December 1946, as amended, to issue public administrative regulations under Act No. 46-2426 of 30 October 1946 (L.S. 1955—Fr. 5).

Decree No. 55-1388 of 18 October 1955 to supplement and amend sections 83 and 87 of Act No. 46-2426 of 30 October 1946.

Act No. 55-1536 of 28 November 1955 to amend some of the provisions relating to occupational diseases in Act No. 46-2426 of 30 October 1946.

Decree No. 55-1614 of 7 December 1955 to determine the conditions for payment and the amount of the last grant for rehabilitation and the loan on trust which may be authorised for victims of industrial accidents at the end of their period of vocational rehabilitation with a view to facilitating their occupational reclassification.

Decree No. 56-92 of 21 January 1956 to amend and supplement Decree No. 45-0179 of 29 December 1945, as amended, to issue public administrative regulations to implement Ordinance No. 45-2454 of 19 October 1945, as amended, to determine the social insurance scheme applicable to insured persons in non-agricultural occupations, and Decree No. 46-2959 of 31 December 1946, as amended, to issue public administrative regulations under Act No. 46-2426 of 30 October 1946.

Decree No. 56-162 of 28 January 1956 respecting the bringing of the seamen's insurance scheme into agreement with the general labour and social insurance legislation.

Order of 30 April 1956 respecting the revaluation of invalidity and old-age pensions under social insurance and of the compensation due under the legislation respecting industrial accidents and occupational diseases.

Decree No. 56-511 of 24 May 1956 to determine the special methods for payment of compensation for industrial accidents by départements, communes and their public establishments which are not of an industrial or commercial character in so far as concerns their officials who benefit by Act No. 46-2426 of 30 October 1946, as amended.

*Article 5 of the Convention.* The Order of 30 April 1956 fixes the revaluation co-efficient for pensions paid in respect of employment accidents which occurred or occupational diseases which were reported before 1 September 1955, with effect from 1 March 1956, and sets at 320,422 francs the annual wage to be used as a basis for calculating compensation in

respect of employment accidents which occurred and occupational diseases which were reported after 31 August 1955.

The Government states that the provisions with regard to the optional conversion of pensions provided by the Act of 30 October 1946 continued to be in force during the period under review. It appears that little use was made of this option for conversion by the holders of pensions. The report contains details on this point. The system for annual payment of small pensions was put into force during the period under review.

*Article 6.* The Superior Court of Appeal gave a ruling on the respective obligations of employers and social insurance institutions in cases where the cessation of work resulting from an employment accident did not take place on the day of the accident. The Court considered (a) that by paying the full wage due for the day during which the accident occurred (a day's work which had been carried out without interruption by the victim of the accident) the employer fulfilled completely his obligations under section 45 of the Act of 30 October 1946; (b) that the insurance fund was responsible for compensating the loss of wages suffered by the victim of the accident as a result of the interruption of work during the day following the accident for the purpose of consulting a physician.

In practice, some employers continue to pay the full wage for the day on which work is interrupted whether this interruption occurs immediately or several days after the accident.

*Article 7.* The Order of 30 April 1956, mentioned above, increased to 232,200 francs the minimum amount of the additional allowance granted to victims of employment accidents who require the assistance of a third person.

*Article 10.* With regard to hearing aids, the technical progress made and the necessity of guaranteeing an accurate apparatus for the persons concerned enabled the standards which these apparatuses must reach to be defined and completed.

Apart from the supervision and control currently exercised over social security institutions, inquiries of a general character have been carried out. The plans for supervision were drawn up and put in hand by the general supervisory service of social security with a view to evolving either a synthesis of the activities of the social security institutions within a specified and still new field and to extract therefrom factors for fresh progress, or a fundamental understanding of the way in which some provision of the law is enforced by the funds as a whole, thus enabling the reasons for certain reported anomalies to be discovered and remedies for them to be applied. It is with this in view that a supervision at present being carried out bears on the question of urgent treatment at the workplace for victims of employment accidents. Again, a plan of supervision was drawn up to serve as a basis for a simultaneous inquiry among all the funds with regard to the way in which the various administrative and medical duties for which they are responsible in dealing with

employment accidents which involve permanent incapacity or death are carried out, and the time spent on such duties.

The following statistics are given for the year 1955: the number of wage earners covered by the Act of 30 October 1946 was estimated at 9,484,000 out of a total of 10,760,000 wage earners covered by the Convention. Persons covered by a special scheme, in accordance with paragraph 2 of Article 3 of the Convention, numbered 1,380,000; these include civil servants and workers employed by the State, officials employed by local communities, and regular soldiers. The report gives detailed statistics for the period under review with regard to benefits, the number and nature of the accidents which occurred for the years 1954-55, and the receipts and expenditure of the insurance institutions. The total amount spent in cash benefits (general scheme without special organisation) was 41,948 million francs and for benefits in kind 11,638 million francs. The total number of accidents reported, including those occurring on the way to and from work, was 2,102,762.

#### *Federal Republic of Germany (First Report).*

Federal Insurance Code of 19 July 1911 (Second Notification of 9 January 1926—L.S. 1926—Ger.1), as subsequently amended and supplemented.

Social Insurance (Adaptation) Act of 17 June 1949. Act of 10 August 1949 respecting improvements to the statutory accident insurance scheme.

Ordinance of 12 May 1950 to extend the social insurance legislation of the Joint Economic Administration to certain regions of the Federal Republic.

Autonomous Administration Act of 22 February 1951 respecting social insurance institutions.

Act of 29 April 1952 respecting supplementary allowances and minimum benefits under the statutory accident insurance scheme and extending accident insurance legislations to West Berlin.

Act of 13 August 1952 to increase the income limits in social insurance.

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

Social Courts Act of 3 September 1953.

Children's Allowances (Adaptation) Act of 7 January 1955.

Children's Allowances (Supplement) Act of 23 December 1955.

Federal Insurance Office Act of 9 May 1956.

The report states that the national legislation is in full conformity with the Convention and that no amendments were consequently necessary. The Convention was ratified in the form of a federal Act, which became part of the national legislation.

*Articles 2 and 3 of the Convention.* All persons employed under a contract of employment, service or apprenticeship are compulsorily covered under the industrial accident insurance scheme. No exceptions are provided for the persons mentioned in Article 2, paragraph 2, of the Convention, except for those cited under subparagraph (c), so far as the spouse of the employer is concerned. The rules of the institutions administering the scheme may permit the extension of the scope of the scheme to the employer's spouse who works exclusively on

his behalf and who lives in his house, or may provide that the spouse is authorised to affiliate voluntarily.

*Article 5.* Compensation is paid in the form of a pension. Subject to certain conditions, however, a pension may be commuted for a lump sum. Such sums may be paid in the following cases:

- (a) if two years have elapsed since the accident occurred and the victim's pension does not exceed one-tenth of the full amount; in such a case, the value of the lump sum is three times that of the annual pension. Even if such a sum has been paid, a claim for a pension may be submitted if, and as long as, the consequences of the accident subsequently lead to an appreciable increase in incapacity; the pension is then reduced by the amount taken as a basis for the calculation of the lump sum;
- (b) if, in the light of general experience and the particular circumstances of the individual case, there is reason to expect that only a temporary pension will be payable; the victim is then paid a lump sum in compensation equal to the amount of the probable cost of the pension; after the period taken as a basis for this compensation has elapsed, application may be made, subject to certain conditions, for a further pension;
- (c) if a beneficiary gives up his normal residence within the country or is normally resident abroad; the victim is then paid a lump sum equal to the value of the benefits to which he is entitled;
- (d) to acquire property or to give a sounder economic basis to property that has already been acquired; safeguards are provided to ensure that the money is used in the prescribed manner; these are secured through the form of payment, and usually through measures to prevent the immediate transfer of the property or of the right attaching to it.

*Article 6.* Sickness benefit is paid from the fourth day of disability by the sickness fund or, if the disabled person is not compulsorily insured against sickness, by the accident insurance institution.

*Article 7.* So long as the disabled person is unable to dispense without the help and care of another person, he is entitled to the necessary help and care by nurses or in any other appropriate manner, or to the payment of a special allowance varying from 50 to 150 marks a month.

*Article 8.* A new assessment of the compensation may be made if there is an essential change in the circumstances which had determined the amount of the preceding assessment. During the first two years after the accident a new assessment may be undertaken or demanded at any time on account of a change in the condition of the insured person. However, if a permanent pension has been granted during this period by an enforceable decision, or if

this period has expired, a new assessment may not be undertaken or requested at intervals of less than a year.

*Article 9.* The nature and duration of medical, surgical and pharmaceutical aid are not restricted. Such aid is discontinued only when, in the light of the consequences of the accident, it is no longer required. It is granted by the accident insurance institutions.

*Article 10.* The necessary supply and renewal of artificial limbs and appliances are granted according to the rules laid down in an Ordinance of 14 November 1928. No provision is made for the award of additional compensation in cash in substitution for the supply and renewal of artificial limbs and appliances. Such renewal is medically supervised.

*Article 11.* If an insurance institution is unable to fulfil its legal obligations, it may be wound up and, in such case, its rights and duties are transferred to the Federal Republic or to one of the states constituting the Federal Republic, as the case may be.

The administration of the statutory accident insurance scheme for the persons covered by the convention is entrusted to the employer's liability insurance associations, the executive authorities of the Federal Republic and the Länder, the accident insurance associations of the communes, the firemen's accident insurance funds, and the towns with more than 500,000 inhabitants who are their own insurers. All these bodies are supervised by federal or state authorities.

Social courts within the jurisdiction of the states or the Federal Republic and set up by the districts or towns are responsible for settling disputes arising out of the application of the scheme.

Statistics for the year 1955 show that 16,937,151 manual workers, salaried employees and apprentices—but not including seamen, fishermen and agricultural workers—were in employment at the end of the year. The total expenditure for benefits in cash was 624,723,525 marks (36.88 marks per full-time worker covered) and that for benefits in kind amounted to 171,989,569 marks (10.15 marks per full-time worker covered). The total expenditure inclusive of administration and the cost of accident prevention was equal to 111,398,397 marks. The number of industrial accidents reported amounted to 1,864,563 and that of accidents which occurred on the way to and from the place of employment to 242,042.

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

#### Greece.

The report cites two decisions by the Supreme Court of Appeal on questions within the province of the Convention.

The number of insured persons who are members of the Social Insurance Institute (I.K.A.) is about 550,000, and 90 per cent. of the total number of workers are covered by employment accident insurance (with the exception of farmers and workers on the land).

During the period under review the number of accidents amounted to 31,770, seven of which were fatal, and a total amount of 16,492,000 drachmas was paid in compensation.

#### Haiti (First Report).

Act of 19 September 1951 respecting social insurance (L.S. 1951—Hai. 2), as amended by the Act of 14 July 1955 to establish the Social Insurance Institution of Haiti.

Decree of 4 August 1952 to determine the general regulations of the Social Insurance Institution, as amended by Decree of 14 June 1956.

*Article 2 of the Convention.* The insurance applies to all wage earners in agricultural, commercial and industrial undertakings, whatever may be the nature of the undertaking and of the work done. The only persons exempted from compulsory insurance are some of the members of an employer's family who are not paid wages in cash fixed in advance, i.e. his wife, and his children under 18 years of age. The following are also exempted: soldiers on active service, ministers of the Church, foreigners working in the embassies, legations or consulates of their respective countries, and foreign technicians who do not remain in Haiti for longer than 12 months.

*Article 3.* There is a special scheme for soldiers.

*Article 5.* Compensation due for accidents resulting in death or permanent partial or total incapacity is paid in the form of a pension. If the disability is permanent, the pension may be capitalised if the degree of disability is higher than 35 per cent. It rests with the governing body to decide, on the proposal of the management, whether the pension shall be paid as a lump sum. The report states that "guarantees of judicious use of the capital are usually required before the decision is taken".

*Article 6.* Compensation for temporary total incapacity is payable from the fourth day following the accident and is paid for the whole period of incapacity for work from the funds collected for this purpose by the Institution.

*Article 7.* No provision is made for additional compensation for victims of an accident which results in incapacity necessitating the constant help of another person.

*Article 8.* The Institution may revise the amount of the benefits if the details serving as a basis for their calculation are not correct, but a reduction of benefit has no retroactive effect with regard to the benefits already paid except in the case of illegal demand or false declaration.

*Article 9.* The insured person is entitled to the medical aid supplied by the Institution until he is completely cured or his incapacity becomes stabilised. This aid includes all the treatment deemed necessary, which should be provided, in so far as possible and according to the case in question, by physicians, dentists and nurses, and by surgical action, hospitalisation in extreme cases or at the express request of the medical practitioner, together with medicals, prosthetic and orthopaedic apparatus, and all other accessories such as spectacles, etc.

*Article 10.* The report states that "no special condition is provided for renewal or replacement of prosthetic apparatus", and that "the management takes decisions on the recommendation of the medical service. The victim of the accident may in every case, if he is not satisfied, appeal to the governing body or even to the civil court."

*Article 11.* According to section 33 of the Social Insurance Act, "The finances of the Institution, including its liabilities for benefits, the administrative expenses, the reserves, investments and loans, shall be guaranteed by the State".

The enforcement of the laws and regulations with regard to social insurance is entrusted to the management of the Social Insurance Institution of Haiti, which is under the supervision of a governing body and of the Secretary of State for Labour.

The total number of wage earners covered by workmen's compensation is 37,000, of whom 34,000 come under the general legislation and 3,000 under the special scheme (soldiers). From 1 March 1953 to 30 September 1955 the total cost of benefits in cash was 631,862 gourdes, or U.S. \$126,372, and the cost of benefits in kind was 720,442 gourdes, or U.S. \$144,088. The number of accidents reported during the period was 6,143.

The cost of workmen's compensation for the period from March 1953 to September 1955 was 647,219 gourdes, or U.S. \$129,458. This amount was covered in part from funds of the former Social Insurance Fund (337,531 gourdes), from employers' contributions (2,489,058 gourdes) and from government subsidies (698,865 gourdes).

#### *Netherlands.*

Act of 7 July 1955 containing provisions respecting the cremation, embalming and autopsy of persons victims of accidents.

Royal Decrees of 5 August and 2 September 1955 and of 17 March 1956, in application of the Act of 1921 respecting accident insurance.

The number of full-time employees covered by the scheme, computed on the basis of 300 working days, was 2,250,148 in 1954; 291,405 accidents were reported, 516 of which were fatal. Expenditure on cash benefits amounted to 59,520,000 florins; the cost of medical benefits was 9,122,620 florins.

With regard to the observations of the Committee of Experts concerning Article 7 of the Convention, the Government stated, in a letter, that the provisional report of the Second Chamber respecting the Bill designed to bring section 17 of the Act of 1921 into full conformity with Article 7 of the Convention was published on 2 May 1956. Copies of this text have been transmitted to the Office.

#### *New Zealand.*

The Department of Labour, at the request of the Workers' Compensation Board, conducted 11 prosecutions of employers for failure to insure under the Workers' Compensation Amendment Act, 1954. Convictions were ob-

tained in all cases and fines were imposed in all but one instance.

As at 15 October 1955, 519,255 employees in surveyed industries, together with seamen and agricultural workers, were covered by the New Zealand workers' compensation legislation. The "Report on the Insurance Statistics of New Zealand for the Year 1954", issued in 1956, shows that in 1954 the premium income in connection with employers' liability insurance was £2,594,371 and the claims paid £1,861,589, being 71.75 per cent. of the total. The total number of industrial accidents was 40,581.

#### *Poland.*

In reply to the request made by the Committee of Experts in 1956, the report states that the Decree of 25 June 1954 abandoned the former principle of workmen's compensation according to a theoretical assessment in terms of the percentage of the degree of incapacity. The right to a pension will depend in the future on whether the industrial accident or occupational disease has caused an injury or weakening of the physical system involving total or partial incapacity, either definitive or for a long period. In the latter case the period must exceed the one for which compensation has been paid in accordance with the provisions of sickness insurance for cases of temporary incapacity.

Working incapacity, even if definitive, which is caused by an accident or occupational disease does not in itself constitute a sufficient reason for grant of a pension; for a pension it is necessary that the injuries or physical disorders of the injured person involve his classification at least in the third group defined by the Decree of 25 June 1954.

The statistics which are contained in the report indicate that the number of insured persons on 30 June 1955 was 6,834,019 (not including railway servants, who numbered on an average 240,000). At the same date 76,600 persons were in receipt of industrial accident pensions for permanent incapacity, and 26,895 widows and 18,215 orphans were also receiving pensions.

The total revenue for all branches of insurance for the year 1955 was 13,556,399,300 zlotys, and expenditure amounted to 10,337,003,700 zlotys. The cost of medical treatment for both accidents and occupational diseases amounted to 5,248,006,903 zlotys.

#### *Portugal.*

Fifteen legal decisions were given on questions of principle relating to the application of the Convention.

Fourteen infringements were reported by the labour inspection services.

#### *Spain.*

Decree of 22 June 1956 to approve the consolidated text of the legislation respecting employment accidents and the regulations issued thereunder.

The system of protection against employment accidents applies to all persons who work outside their homes, for another person, without

any limit as regards wages. The following are, however, excepted: public servants (who receive benefits in the event of disability under the terms of their contract), members of the employer's family, and domestic workers.

The cost of the insurance is met entirely by the employers.

Workers are entitled to the following benefits:

- (a) Medical and pharmaceutical benefits, hospitalisation, etc., for an unlimited period; the cost of this is met by the insurer, but in certain cases the employers may obtain an authorisation from the Ministry of Labour to assume the risk directly.
- (b) The supply and renewal of prosthetic appliances.
- (c) In the event of temporary disability, a daily benefit equal to 75 per cent. of wages.
- (d) In the event of permanent disability, a life annuity the amount of which is in proportion to the wages and the degree of invalidity. The "seriously disabled", i.e. persons whose state necessitates the constant assistance of another person, are entitled to additional compensation equal to half the amount of the pension which is being paid to them. The pension may be replaced by a lump sum if the insured person proves that he will use it judiciously. The pensions are revised during the first five years.
- (e) In the event of death, pensions are paid to the widow and orphans or, in the absence of these persons, to the relations over 60 years of age with small resources. The survivors are also entitled to a funeral allowance equal to two months' wages of the deceased person.

For the purpose of payment of benefit the period of temporary disability is deemed to have elapsed after 18 months and beyond that period the case is treated as one of permanent disability.

Pensions are paid to the insured persons by the National Employment Accident Insurance Fund, and the employers or their insurers pay into the Fund the corresponding constituent capital at the time when the pension begins to be paid.

The application of the legislation is supervised by the Labour Inspectorate and the Technical Inspectorate of Social Welfare.

In the event of disputes the insured persons may establish their rights before the labour courts or may appeal to the Supreme Court of Justice.

In 1954, 4,700,068 workers in non-agricultural occupations were subject to the employment accident scheme, out of a total of 5,352,908 such workers.

The report also includes statistics of the sums spent on insurance benefits by the insuring bodies during the period 1954-55. The sums in question were 610,179,175 pesetas for benefits in cash and 151,501,092 pesetas for benefits in kind. The figures of accidents which occurred during the period covered (457,127), classified according to their severity, are also given.

The report of the national trade union organisation, which is appended to the Government's report, reproduces in more detail the information supplied in the latter report. It adds in particular that every employer is required to insure his workers against the risk of employment accident with one of the following bodies: the National Employment Accident Insurance Fund, the employers' mutual insurance bodies, or the private companies authorised for the purpose. Finally, with regard to Article 11 of the Convention the organisation states that every worker is insured automatically, even if the employer has not subscribed to the corresponding insurance scheme, and that the guarantee fund administered by the National Fund or by the reinsurance service guarantees the payment of compensation to victims of accidents in cases where the employer or the insurer is insolvent.

#### *Sweden.*

Act No. 469 of 17 June 1955 concerning adjustment of certain compensation under Act No. 235 of 17 June 1916 respecting insurance against occupational accidents, etc. (came into force 1 January 1956).

Royal Ordinance No. 470 of 17 June 1955 respecting adjustment of certain compensations paid out of public funds for occupational accidents, etc. (came into force 1 January 1956).

Royal Notification No. 18 of 3 February 1956 respecting additions to the list of institutions for vocational training, etc., which is annexed to Notification No. 715 of 3 December 1954 concerning the application of the Act respecting insurance against occupational injuries to certain pupils, etc.

Act No. 75 of 23 March 1956 to amend Act No. 243 of 14 May 1954 respecting insurance against occupational injuries.

*Article 2, paragraph 2 (c), of the Convention.* A person who is married to the employer is exempted from insurance under the Act. Further, employed persons who are directly related by blood in the ascending or descending line or by marriage to the employer or his spouse and who permanently reside in his household are exempted from insurance provided they do not receive sickness benefits under the Act respecting public sickness insurance, that is to say, if they are below the age of 16 or their annual earnings are less than 1,200 crowns.

Paragraph 2 (a), (b) and (d). The Act does not provide for these exceptions.

*Article 3.* According to section 5 of the Act, the Crown may exempt from insurance employed persons in government and local government service, who in virtue of that employment are guaranteed such compensation in the event of occupational injury as is deemed to be equivalent to the insurance benefits.

Royal Notification No. 716 of 3 December 1954 concerning the exemption of certain employees in the service of the State from the Act respecting insurance against occupational injuries provides for exemptions from insurance of persons employed by the armed forces and who are covered by the regulations governing compensation in case of injury sustained during military service. The Government states that the benefits provided under the latter regulations are largely equivalent to those granted under the insurance scheme.

*Article 5.* The benefits in case of permanent incapacity or death are payable in the form

of periodical pensions. When there are sufficient reasons for it the periodical payment may be converted to a lump sum. Application for conversion into a lump sum is to be filed with the Royal Insurance Council, which also controls that the amounts paid out are properly utilised.

*Article 7.* Supplementary benefits are payable in case the injured person needs the help of another person. The amount of such benefit is assessed according to need, subject to a maximum of five crowns a day if the injured person is in receipt of a daily sickness benefit and 1,800 crowns annually if he is in receipt of a pension.

*Article 8.* According to section 35 of the Act the insurance institution is entitled to re-examine a decision relating to compensation if there are substantial changes in the circumstances which were decisive when the decision was made. Compensation for preceding periods cannot be reduced but may on the other hand be increased, not, however, for a longer period than the two years preceding the re-examination.

Revision of compensation may be made at any time but pensions are as a rule granted for a certain period, after which revision may be made. There is no time limit after which the benefits are no longer subject to revision.

*Article 9.* In connection with the observation made in 1956 by the Committee of Experts, the report states that, in case of occupational injury, compensation is paid during the co-ordination period by the public sickness insurance scheme and according to the same provisions as those for sickness, but after the co-ordination period compensation is paid by the occupational injury insurance scheme according to the provisions governing that scheme. As a result of this, medical care, including hospitalisation, is granted during the co-ordination period at a rate of 75 per cent. of the expenditure. Pharmaceutical products are granted free of charge or at reduced prices under a special pharmaceutical benefit scheme set up by Royal Ordinance No. 419 of 4 June 1954. Certain benefits which are not normally benefits under the public sickness insurance scheme, such as dental care, prosthetic appliances, glass eyes, etc., are granted in full by the occupational injury insurance scheme during the co-ordination period.

After the expiry of the co-ordination period full compensation is paid by the occupational injury insurance scheme for medical, dental and hospital care, as well as pharmaceutical products, at no cost to the injured person and with no limit of time as long as such care may be considered necessary. The occupational injury insurance scheme thus compensates the cost sharing provided for in the pharmaceutical benefit scheme referred to above.

The Government adds in its report that it would appear from the foregoing that a workman who suffers personal injury due to an industrial accident does not as a rule, during the co-ordination period, receive full compensation for medical and pharmaceutical expenses, and thus there may be a certain deviation from the provisions of Article 9 of the Convention. The Government points out, however, that sickness benefits in case of incapacity to work are pay-

able from the fourth day after the occurrence of the accident and at rates which—from an international point of view—may be considered relatively high for the different classes of earnings. It may consequently be said that from an economic point of view this deviation is compensated.

*Article 10.* In exceptional cases the granting of appliances or their renewal may be replaced by a periodical payment or a lump sum when special circumstances justify it. The Royal Insurance Council has ruled that such special circumstances exist when such an arrangement is desirable from an administrative point of view, when it concerns relatively unimportant appliances, or when owing to a lack of caution on the part of the injured person there is a risk of too many renewals becoming necessary.

*Article 11.* According to section 1 of the Act, compulsory insurance under the Act shall only be carried out by the State Insurance Office or by the mutual insurance companies created for this purpose and which are based on unlimited personal liability of the members.

An employer who partly or wholly carries his own risk for the payment of the benefits under the Act is generally required by the State Insurance Office to give guarantees on the one hand for at least the amount of contributions on an annual basis which he would have been required to pay if he had been insured, and, on the other hand, at the end of each year to give guarantees for the capital value of all pensions in current payment.

The application of the Act is entrusted to the State Insurance Office and the mutual insurance companies. An employer who has not taken out insurance with a company is automatically insured with the State Insurance Office.

Appeals against decisions made by an insurance institution may be lodged with the Royal Insurance Council, which is a special tribunal formed for this purpose and on which employers and workers are represented. The Council is also entrusted with the supervision of the application of the insurance scheme and is authorised to inquire into a case without an appeal being made. Decisions by the Council are made free of charge and cannot be appealed against.

From the statistical data appended to the report it appears that the number of reports on industrial accidents and occupational diseases registered with the State Insurance Office was 14,156, and 12,410 registered with the mutual insurance companies (the reports include a few cases relating to voluntary insurance).

It should be noted that, as a result of the co-ordination of the occupational injury insurance scheme with the public sickness insurance scheme, the above figures relate mainly to cases lasting beyond the co-ordination period of 90 days. The State Insurance Office received 121,545 notifications of cases of industrial accidents and occupational diseases not registered with any of the insurance institutions. This figure does not include cases which only require medical care benefits. The total number of cases registered or notified is thus 148,111.

See also under Convention No. 102.

*United Kingdom.**Great Britain.*

Various Regulations and an Order, issued in 1955, relating to death benefits and supplementary scheme for colliery workers.

*Northern Ireland.*

Regulations issued in 1955 relating to death benefits.

Death benefits are now payable to all persons absent from the country irrespective of their country of residence. Provisions of the supplementary scheme for colliery workers concerning rates of supplementary injury benefit, disablement pension, widow's pension, and supplementary disablement gratuity have been amended. The report summarises existing provisions of the National Health Service and notes various charges now being made thereunder for prescriptions, spectacles, dental treatment, dental appliances and certain surgical appliances.

In the United Kingdom about 21,473,000 persons were contributing to industrial injuries insurance schemes at 30 June 1956. Annual expenditure for benefits totalled approximately £33 million at 30 June 1956 in Great Britain and £520,000 in Northern Ireland at 31 March. The cost of administering the scheme was estimated at £4,400,000 in Great Britain for the year ended 30 June 1956 and at £89,000 in Northern Ireland for the year ended 31 March. A breakdown is furnished of the number and nature of accidents reported, analysed by cause of incapacity, sex and average duration.

*Uruguay.*

Act No. 12290 of 12 June 1956 to amend Acts Nos. 10004 and 11610 of 1941 and 1950 respectively, and to lay down maximum wages for the purposes of workmen's compensation.

Act No. 12290 of 12 June 1956 increases the amount of compensation currently payable in respect of industrial injuries and lays down new maximum wages for the purpose of calculating compensation and pensions.

During the period under review compensation for temporary incapacity amounting to 4,304,609 pesos and compensation for permanent incapacity amounting to 4,946,536 pesos were paid. The number of accidents notified was 46,725 and the number of workers insured 236,683. Thirty-nine infringements were reported and fines totalling 1,650 pesos were imposed.

*Yugoslavia.*

The number of persons insured (wage earners, salaried employees and apprentices), other than persons employed in agriculture, was 2,332,153 in July 1955 and 2,450,246 in June 1956.

The report states that under the Wage Earners and Salaried Employees Social Insurance Act (1950) and the Wage Earners and Salaried Employees Sickness Insurance Act (1954), every employee is covered by social insurance and sickness insurance and is entitled to compensation in case of incapacity for work due to an employment accident.

The amount paid in respect of invalidity pensions and benefits was 979,911 dinars in July 1955 and 1,157,270 dinars in June 1956.

The average amount of accident compensation paid in cash per insured person was 387 dinars in July 1955 and 435 dinars in June 1956.

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

*Belgium, Colombia, Mexico, Nicaragua.*

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

*This Convention came into force on 1 April 1927*

Countries	Date of registration of ratification
Argentina . . . . .	24. 9.1956
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
Morocco . . . . .	20. 9.1956
Netherlands <sup>4</sup> . . . . .	1.11.1928

Countries	Date of registration of ratification
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.

*Belgium.*

See under Convention No. 42.



*Bulgaria.*

See under Convention No. 42.

*Burma.*

The report states that, in order to help all the Commissioners of Workmen's Compensation in the district to decide all claims for compensation as expeditiously as possible, it has been proposed to appoint all labour officers stationed in the districts to be additional Commissioners of Workmen's Compensation. The Ministry of Labour is now actively studying this proposal for the Government.

*Chile.*

During the year 1954, 536 cases of occupational diseases were notified.

*Colombia.*

In reply to the observations of the Committee of Experts with regard to the occupations, industries and processes which may give rise to anthrax infection, the report states that workers employed in the occupations mentioned in section 201 (1) of the Labour Code, i.e. veterinarians, slaughtermen, butchers, shepherds and tanners, are precisely the workers who deal with the loading, unloading or transport of animal carcasses.

*Czechoslovakia.*

See under Convention No. 42.

*Denmark.*

During the period under review 157 cases of occupational diseases were notified, and involved a total expenditure of 528,774 kroner, to which must be added the sum of 476,213 kroner paid out in compensation to 193 cases of occupational diseases previously notified.

*France.*

See under Convention No. 42.

*Federal Republic of Germany.*

During the year under review 49,005 cases of occupational diseases were notified. During 1955 the benefits granted cost 192,300,000 marks.

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

*India.*

The report states that the employees' insurance scheme was extended to certain additional cities and areas during the period under review, and that further extension of the scheme is under consideration. A report relating to the working of the Workmen's Compensation Act during 1954 was published in the June 1956 issue of the *Indian Labour Gazette*.

*Iraq.*

See under Convention No. 42.

*Italy.*

See under Convention No. 42.

*Japan.*

See under Convention No. 42.

*Nicaragua.*

In reply to the general observation made by the Committee of Experts in 1956, the report states that compensation for occupational diseases is the same for agricultural workers as for workers in industry or any other category of workers.

*Norway.*

See under Convention No. 42.

*Poland.*

See under Convention No. 42.

*Portugal.*

The report mentions five decisions by courts of law concerning, *inter alia*, the right to compensation and the calculation of the rates of compensation in several cases of silicosis.

*Spain.*

Act of 4 July 1932 to replace section 168 of the Labour Code by certain provisions respecting compensation for industrial accidents (L.S. 1932—Sp. 4).  
Decree of 8 October 1932 to issue the consolidated text of the legislation respecting industrial accidents (L.S. 1932—Sp. 6).  
Decree of 31 January 1933 to approve the regulations issued under the Act of 8 October 1932 respecting industrial accidents.  
Act of 13 July 1936 respecting occupational diseases (L.S. 1936—Sp. 2).  
Decree of 13 October 1938 to amend the regulations of 31 January 1933.  
Decree of 10 January 1947 to establish a system of insurance against occupational diseases (L.S. 1947—Sp. 1).  
Order of the Minister of Labour of 19 July 1949 to approve the Occupational Disease Insurance Regulations (L.S. 1949—Sp. 3).  
Decree of 6 October 1951 to establish compulsory insurance against the occupational disease called "miners' nystagmus".

The Government states that the Decree of 10 January 1947 and the Order of 19 July 1949 give effect to the provisions of the Convention. The Order of 19 July 1949 and the Decree of 6 October 1951 extend these provisions to silicosis and miners' nystagmus, respectively.

*Article 1 of the Convention.* In cases of occupational disease compensation is paid in the form of a pension proportional to wages, which varies according to the degree of disability, without allowing for the system of capitalisation of the pension. The National Industrial Accident Insurance Fund is responsible for this compensation and undertakes the organisation



and management of the special scheme for occupational diseases. The degrees of incapacity are subject to revision at least every five years, and the National Insurance Fund, the sick person or the undertaking in which he is employed may, in case of dispute, call on the General Directorate of Welfare and subsequently may establish their rights before the labour courts or may appeal to the Supreme Court.

The pensions are paid by the National Industrial Accident Insurance Fund, which depends on the National Welfare Institute attached to the Ministry of Labour. The financial system governing this insurance divides the pensions between all the industries which are compulsorily subject to this form of insurance, the quotas of the different industries being calculated in proportion to the wages paid by them. Since all the legislation with regard to employment accidents is considered by an explicit legal provision to be applicable to insurance against occupational disease, all recognised supplementary compensation for pensioners under accident insurance is extended to occupational disease.

*Article 2.* The report states that the list of processes and industries shown in a table of occupational diseases in the appendix to the Decree of 10 January 1947, even though more comprehensive than the list contained in the Convention, is not limited in character, and that the competent courts may take into consideration an occupational disease, proof of which is established, even if it was contracted in an undertaking or during work not included in the list.

The Labour Inspectorate and the Technical Inspectorate of Social Welfare are together responsible for enforcing the legislation on occupational diseases, while the National Industrial Accident Insurance Fund is responsible for the organisation and management of the insurance and the medical supervision of the insured persons; this it carries out by means of a system of special dispensaries. On the other hand, all questions with regard to health and actual prevention in the workplaces are outside the competence of the managing bodies of occupational disease insurance, and are governed by the common law on the question.

Individual disputes are within the competence of the labour courts with right of appeal, if necessary, to the Supreme Court of Justice. The Government's report states that there is no record up to now of a decision of these courts implicating the application of the Convention, owing to the fact that the legal provisions applicable to employment accidents have always been widely extended by the courts to cover compensation for occupational diseases.

Finally, the report supplies statistics up to 31 December 1954. In the coal industry there were 791 undertakings employing 72,040 workers; in gold mines a single national undertaking with 111 workers; in lead mines 181 undertakings with a total of 12,740 workers. The number of persons in receipt of pensions for occupational diseases at 31 December 1944

was 11,709, and the total amount of the pensions paid was 70,052,855 pesetas, i.e. an average amount of 5,982 pesetas for each pensioner.

These figures do not include workers suffering from occupational diseases who for administrative reasons are not covered by the general industrial accident scheme and are taken over by the social insurance funds proper. For 1954 the costs relating to this class of workers were 109,356 pesetas concerning 128 workers in gold mines, 1,159,520 pesetas concerning 925 workers in lead mines, 3,609,997 pesetas concerning 1,441 workers in coal mines, and 77,426 pesetas concerning 58 workers in the ceramics industry.

Further, the number of workers examined in 1954 by the insurance institutes was 80,674, and 679 pensions were paid out of a total of 5,188 demands.

A report supplied by the national trade union organisation and transmitted by the Government states that compensation for occupational diseases is in no case less than compensation for employment accidents, since in cases where a complaint is not included in the legislation for occupational disease insurance the general legislation with regard to employment accidents is applied.

The Decree of 10 January 1947 lays down in general the same criteria for incidence of occupational disease as for employment accidents, since it states that the Act of 8 October 1932 and the Regulations of 31 January 1933 (new supplementary provisions) relating to employment accidents shall apply both to compensation for injury caused by occupational disease and to any claims which may be made.

The report of the national trade union organisation also gives details with regard to the classification of cases of silicosis.

#### *Switzerland.*

Order of 6 April 1956 respecting occupational diseases.

Under the terms of the above Order, which contains the list of substances capable of inducing occupational diseases, certain complaints or classes of complaint induced by physical agencies or of an infectious or parasitic nature are considered, under certain conditions, to be occupational diseases.

During the period under review 29 cases of lead poisoning (one fatal) and seven cases of mercury poisoning (one fatal) were reported; the compensation paid amounted to 134,429 francs.

#### *Yugoslavia.*

In reply to the request for information made last year by the Committee of Experts the Government states that Ordinance No. 98/46 concerning occupational diseases that are regarded as occupational accidents is still in force.

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

*Austria, Ceylon, Cuba, Finland, 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
Dominican Republic . . . . .	5.12.1956
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
Morocco . . . . .	13. 6.1956
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
Tunisia . . . . .	12. 6.1956
Union of South Africa . . . . .	30. 3.1926
United Kingdom . . . . .	6.10.1926
Uruguay . . . . .	6. 6.1933
Venezuela . . . . .	20.11.1944
Yugoslavia . . . . .	1. 4.1927

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

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

<sup>3</sup> Remains bound by this Convention which was formerly ratified by the Netherlands. The date given is that on which the ratification by the Netherlands was registered.

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

### Argentina.

The number of accidents involving foreign workers reported during the period 1955-56 was 4,741.

### Austria.

Federal Act of 9 September 1955 respecting general social insurance (L.S. 1955—Aus. 3).

*Articles 1 and 2 of the Convention.* As regards the relevant statutory provisions concerning the accident insurance scheme, as amended by the General Social Insurance Act of 9 September 1955, see under Convention No. 17.

In addition the report states that, under section 89 of the Act, the right to benefit is suspended for so long as the beneficiary is

resident abroad, unless the foreign residence does not exceed two months in one calendar year. However, residence in another country is not considered foreign residence as regards periods when the beneficiary is held to be employed on Austrian territory within the meaning of the Act. The right to benefit under accident insurance is not suspended on the death of a refugee (within the meaning of the convention respecting the legal status of refugees) as a result of an industrial accident or occupational disease, even where his next of kin claiming through him are resident abroad. The suspension does not take effect in the case of residence abroad, where an international convention or order makes provision to the contrary, on a basis of reciprocity, or where the insurance carrier authorises an Austrian national to reside abroad. The report states that no such convention or ordinance came into force during the period under review and that, since 1945, Austria has concluded no special agreements, as mentioned in Article 1, paragraph 2, and Article 2 of the Convention, with other countries which have ratified the Convention.

### Belgium.

One legal decision was given involving a question of principle relating to the application of the Convention.

### Chile.

The Government refers to the statistics supplied in its reports on Conventions Nos. 12, 17 and 18. The number of accidents involving foreign workers registered in 1954 was 374.

### China.

Ordinance of 13 April 1950 relating to social insurance in the province of Taiwan.

*Article 1 of the Convention.* The Ordinance contains no provision excluding foreign workers. The national regulations relating to social insurance, which are now being drafted, will include a clause stating that the regulations shall apply to foreign workers employed on the national territory.

*Article 2.* No special agreement has been signed providing for the application in the province of Taiwan of the legislation of another member State.

*Article 4.* The Ordinance of 13 April 1950 has not been amended.

The Provincial Department of Social Affairs is responsible for the application of the social insurance scheme in Taiwan. The Ministry of the Interior is entrusted with the supervision of this application.

*France.*

Order of 18 May 1956 to fix the minimum annual income that may be declared by farmers who, on their own behalf and on that of their families, join the scheme set up under workmen's compensation legislation.

For other legislation see under Convention No. 17.

Until the reform of the sickness insurance scheme, the provisions concerning the procedure for obtaining an expert medical opinion (Article 4 of the Convention) were the same for the occupational accident, sickness insurance and long-term sickness schemes. Decree No. 55-1124 of 13 August 1955 reproduces from the Act of 30 October 1946 the principles governing the procedure for obtaining an expert medical opinion, and Decree No. 56-92 of 21 January 1956 lays down certain rules of procedure.

Decree No. 56-92 of 21 January 1956 modified and specified the conditions under which insured persons and persons injured in occupational accidents may challenge, before technical disputes boards, the decisions of the regional social security funds relating to the claimant's state of invalidity and the extent of permanent incapacity resulting from occupational accidents.

New provisions have been introduced to apply (a) to disputes relating to decisions of a regional social security fund regarding the extent of permanent incapacity for work; and (b) to disputes relating to decisions by a regional social security fund concerning the rate of general incapacity for work still applicable in respect of the surviving spouse of the victim of an accident.

Decree No. 55-1614 of 7 December 1955 brought into force the provisions of the legislation on industrial accidents and occupational diseases that provide for the grant to persons injured in industrial accidents, or who have contracted occupational diseases, of an end-of-retraining bonus and in some cases a loan on trust at the end of the vocational retraining period to facilitate their rehabilitation. The decree lays down conditions for the grant of the end-of-retraining bonus and the loan on trust, and specifies the amounts.

Those concerned have the usual possibilities of appeal to the general appeal boards of the social security system in the event of the rejection by a fund of their claims in connection with an end-of-retraining bonus or a loan on trust.

Decree No. 56-511 of 24 May 1956 provides that as a rule the staff of local bodies must join the general social security scheme for the purpose of payment of all the benefits and grants payable under the Act of 30 October 1946, if they are eligible for benefit under that Act; but départements, districts with more than 50,000 inhabitants and public hospitals with more than 2,000 beds, if not already covered by the general social security system for industrial accidents, may on request be authorised by ministerial order to continue to provide workmen's compensation themselves directly as regards those of their staff who are eligible for benefit under the Act of 30 October 1946.

The Committee of Experts on the Application of Conventions and Recommendations has

asked France to state whether the nationals of any member State that has ratified Convention No. 19 receive the treatment to be granted to French nationals under article 23 of the Franco-Belgian Convention of 17 January 1948, article 20 of the Convention signed between France and the Federal Republic of Germany on 10 July 1950 and article 21 of the Franco-Danish Convention of 30 June 1951. In reply the French Government refers to the note submitted by the French delegation on 6 June 1956.

This note states that Convention No. 19 cannot apply in France to legislation providing for higher scales of payment owing to the assistance features of that legislation, in view of which it is regarded as legislation intended to provide assistance for the disabled in times when the cost of living is rising, and not as compensation legislation. The position of aliens who are injured in occupational accidents in respect of which compensation is payable under the Act of 9 April 1898 is governed by section 5 of the Act of 3 April 1942, to the effect that pension increases shall be granted only to nationals of countries that have concluded with France reciprocity conventions expressly providing for such increases, and shall be paid only when such persons leave France to return to their own countries. In the new legislation introduced by the Act of 30 October 1946, on the other hand, the increase is regarded as forming part of the pension and may in no case be separated, so that pension increases are granted irrespective of residence to nationals of foreign countries that have signed Convention No. 19 if such persons are injured in accidents that occur subsequent to 1 January 1947 and in respect of which compensation is payable under the Act. The principles set out above are to be applied in the implementation of article 23 of the Franco-Belgian Convention of 17 January 1948, article 20 of the Convention of 10 July 1950 between France and the Federal Republic of Germany, and article 21 of the Franco-Danish Convention of 30 June 1951.

Statistics of the number of foreign workers who entered between 1 July 1955 and 30 April 1956 are as follows: Germans, 417; Italians, 17,515; other nationalities, 5,246.

*Federal Republic of Germany.*

Act of 23 December 1955 to complete the Act of 13 November 1954 respecting children's allowances.  
Act of 9 May 1956 respecting the establishment of the Federal Insurance Office, the supervision of social insurance institutions and the administration of social insurance and old-age assistance.

The Act of 23 December 1955 extends the scope of the Act respecting children's allowances. The Federal Insurance Office established by the Act of 9 May 1956 supervises the social insurance institutions, the territorial competency of which extends to more than one of the states constituting the Federal Republic.

The report states that two conventions relating to social insurance, concluded between Austria and the Federal Republic of Germany, have been in force since 1 January 1953. The first was signed on 21 April 1951 together with a final protocol, and the second on 11 July 1953.

The convention on social insurance and final protocol between Italy and the Federal Republic of Germany, signed on 5 May 1953, entered into force on 1 April 1956; and that between Denmark and the Federal Republic of Germany, signed on 14 August 1953, became effective on 1 November 1954.

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

#### *Greece.*

The number of victims of employment accidents living abroad and receiving their pensions outside Greece was 67.

#### *Haiti (First Report).*

Act of 19 September 1951 respecting social insurance (L.S. 1951—Hai. 2), as amended by the Act of 14 July 1955 to establish the Social Insurance Institution of Haiti.

Decree of 4 August 1952 to determine the general regulations of the Social Insurance Institution, as amended by the Decree of 14 June 1956.

Under section 89 of the Act of 19 September 1951, "Benefit shall be suspended where the recipient goes abroad unless an agreement has been reached between him and IDASH [i.e. the Institution] as regards the duration of his absence.

"The members of an insured person's family shall not be entitled to cash benefit if they are not resident in Haiti."

The application of the Act is entrusted to the Social Insurance Institution of Haiti, the work of which is subject to supervision by a governing body including representatives of workers, employers and the Department of Labour. The governing body submits an annual report on the working of the Institution to the Secretariat of State for Labour.

#### *India.*

See under Convention No. 18.

#### *Indonesia.*

No bilateral social security agreements were concluded during the period 1955-56.

Although employers generally act in accordance with the Law, lack of knowledge of its provisions, especially in new undertakings, still causes some delay in the notification of accidents. Government undertakings which are not covered by any specific legislation with regard to accidents and which have given effect to the provisions of the Accident Law are as follows: the Railway Company, the Department of Forestry, the Department of Public Works and the Department of Mines. In the case of small-scale contractors, sometimes accidents are not reported, either to the undertaking concerned or to the labour inspector. The workers in this case are usually casual and their addresses are not known. Employers and subcontractors, however, are being urged to register daily the names and addresses of their casual workers.

The number of foreign workers who were victims of accidents in 1955 was 163, of whom 40 were Europeans and 123 Chinese.

Employers complain that they are individually liable to pay the full compensation. This complaint, the report states, will be met when insurance is declared compulsory in accordance with section 36, paragraph 1, of the Law.

#### *Iraq.*

About 3,085 foreign workers are employed by industrial undertakings having 100 or more employees, most of them coming from neighbouring Arab States.

#### *Ireland.*

Workmen's Compensation Act, 1934 (Industrial Disease) Order, 1956.

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

#### *Italy.*

As regards the bilateral agreements concluded with other Members of the International Labour Organisation, the Government draws attention to the agreements signed with France, Belgium, Great Britain, Switzerland and the Saar, and later with Austria, Luxembourg, the Netherlands and the Federal Republic of Germany. The Government is at present completing similar agreements with Sweden and Spain and is engaged in negotiations with Argentina, Australia, the United States, Denmark, Norway, Yugoslavia, Monaco and San Marino.

In reply to the observations made by the Committee of Experts in 1955 and 1956, the Government states that in its opinion the principle of equality of treatment provided by Convention No. 19 does not apply to the provisions of international agreements relating to situations and interests proper to the countries which prescribe those provisions.

#### *Norway.*

The report contains statistics by occupational groups and by nationality in respect of foreign workers with working permits in Norway. The number of such workers on 30 June 1956 was 15,309. During the period 1 July 1955 to 30 June 1956, 6,471 working permits were granted to foreign workers.

#### *Portugal.*

During the period under review 1,297 permanent and 2,467 temporary work permits were issued to foreign workers.

#### *Spain.*

Decree of 22 June 1956 to approve the consolidated text of the legislation respecting employment accidents and the regulations issued thereunder.

Under section 5 of the Decree and section 11 of the Regulations workers from Portugal, Brazil, Andorra, the Philippines and the Spanish-speaking countries of America are treated on the same footing as Spanish nationals. These provisions also ensure equality of treat-

ment to other foreign workers and their dependants who are residing on Spanish territory at the time of the accident, and to the dependants who are residing abroad at the time of the accident if their country gives reciprocal treatment to Spanish subjects, or if they are nationals of a country which has ratified Convention No. 19, or if special treaties so provide.

Section 11 of the Regulations adds that if the dependants who are residing on Spanish territory at the time of the accident transfer their residence to a foreign country, they will continue to benefit by the legislation so long as the legislation of their own country grants the benefits of the provisions in question, under the same conditions, to Spanish subjects and the country to which they have transferred their residence has ratified the international labour Convention concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents, or if special treaties so provide.

The application of the relevant legislation is secured by the Labour Inspectorate and by the Technical Inspectorate of Social Welfare.

During the years 1933 to 1954 inclusive, 51 foreign workers acquired the right to pensions paid by the National Employment Accident Insurance Fund.

The national trade union organisation also submitted a report, which was transmitted by the Government, pointing out the existence of bilateral treaties with regard to workmen's compensation signed with Argentina on 27 November 1919 and with Germany on 18 February 1943.

#### *Sweden.*

Royal Order No. 493 of 5 October 1956 respecting exemption of nationals of Morocco and Tunisia from certain provisions of Act No. 243 of 14 May 1954 on employment injury insurance.

During the period under review the following ratifications were registered: Tunisia, 12 June 1956; Morocco, 13 June 1956. By a letter of 16 October 1956 the Government informed the Office that by the above-mentioned Royal Order of 5 October 1956 equality of treatment as regards accident compensation has been granted to nationals of Morocco and Tunisia in accordance with the provisions of the Convention.

#### *Switzerland.*

Ordinance of 6 April 1956 respecting occupational diseases.

This Ordinance adds a number of occupational diseases not hitherto covered.

The number of fatal accidents registered between 1 July 1955 and 30 June 1956 was 415, of which 74, or 18 per cent., were suffered by foreigners (62 Italians, 6 Germans, 1 French, 1 Dutch, 1 national of Liechtenstein and 3 Austrians).

The text of the above-mentioned Ordinance and the annual report and accounts of the Swiss National Accident Insurance Fund for the year 1955 are appended to the report.

#### *Tunisia.*

Decree of the Bey of 15 March 1921 to apply to Tunisia the French Act of 9 April 1898 concerning liability in respect of accidents suffered by workers in the course of their employment.

Decree of the Bey of 31 January 1924 to apply to Tunisia the French Act of 15 December 1922 to include agricultural undertakings within the scope of employment accident legislation.

Decree of the Bey of 27 December 1927 to abolish the provisions concerning forfeiture of rights by Moroccan nationals who are victims of employment accidents in Tunisia.

Decree of the Bey of 25 March 1930 issued in pursuance of the promulgation decree of the President of the French Republic of 16 May 1928.

Decree of the Bey of 8 September 1949 to provide increased benefits and to establish bonuses and allowances for victims of employment accidents or their beneficiaries (section 10).

Decree of the Bey of 15 December 1955 to fix the rates of the various contributions payable by heads of undertakings in respect of employment accidents in 1956.

Order of 29 February 1956 to fix for the year 1955 minimum agricultural wages and bases for the calculation of pensions and other compensation due to victims of employment accidents.

Decree of the Bey of 5 April 1956 to amend the legislation respecting employment accidents (by increasing the time limit for submission of claims for compensation from one year to two years).

Order of 12 April 1956 to fix rates for medical expenses arising out of employment accidents.

Decree of the Bey of 7 June 1956 to extend for a further period of six months the validity of the Decree of 9 December 1954 respecting the application of social legislation to persons occupied on unemployment relief projects.

*Article 1 of the Convention.* No conditions as to residence are laid down in respect of Tunisian workers and their dependants. On the other hand, foreign nationals who are victims of employment accidents and cease to reside on the national territory are entitled only to a lump sum equal to three times the annual pension allotted to them. The same applies to the dependants of foreign workers who leave the territory and who are entitled to a lump sum which, however, may not exceed the current annual value of the pension calculated according to the rates fixed by law. The dependants of a foreign worker who is the victim of an accident are not entitled to compensation unless they were residing in Tunisia at the time of the accident.

An exception to these rules is laid down in respect of Moroccan subjects. Similar exceptions may be made on a reciprocal basis, by international treaty or Convention, for nationals of other countries. The Decree of the Bey of 8 September 1939 does not apply to foreign workers nor to their beneficiaries who do not reside or cease to reside in Tunisia.

*Article 2.* No special agreement has yet been concluded regarding accident compensation for foreign workers employed temporarily or intermittently in Tunisia.

*Article 3.* Accident compensation was introduced by the Decree of 15 March 1921 and has been in effect ever since.

The supervision of the scheme is carried out by the Ministry of Social Affairs, or the Ministry of Public Works, or the Ministry of the National Economy, whichever is charged with technical supervision over the undertaking concerned.

The report states that, in the compiling of statistics relating to manpower and occupational hazards, no discrimination is made on grounds of the nationality of the workers. Hence the Government is not in a position to state how many foreign and Tunisian workers respectively were victims of accidents.

Union of South Africa.

The total number of reported accidents to both Union nationals and non-Union Natives was 16,390.

United Kingdom.

Great Britain.

Regulations issued in 1955 relating to death benefits.

Northern Ireland.

Regulations issued in 1955 relating to death benefits.

Death benefits are now payable to all persons absent from the country, irrespective of their country of residence. The report states that the Government is still considering the observations made by the Committee of Experts in 1955 and 1956, in conjunction with the governments of the countries with which the United Kingdom has made bilateral reciprocal agreements. .

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

Bulgaria, Burma, Colombia, Cuba, Czechoslovakia, Denmark, Egypt, Finland, Japan, Mexico, Netherlands, Nicaragua, Pakistan, Poland, Uruguay, Yugoslavia.

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. 86 of 19 January 1956 respecting the issue of work books to bakery workers.

The text of the above-mentioned Decree, which replaces Decree No. 1000 of 21 November 1945 and the Decrees related to it, is appended to the Government's report. The new Decree regulates in detail the measures introduced to supervise the health of bakery workers by means of periodical medical examinations. The report states that this system of supervision has succeeded in large part in putting an end to breaches of the law respecting night work in bakeries. The number of such breaches reported in 1955 was 65.

Cuba.

With respect to the observations made by the Committee of Experts and the Conference Committee concerning the previous report, the Government states that the regulations issued by the Minister of Labour on 19 May 1955 continue to be applied, although they permit a practice that is contrary to the provisions of the Convention and the relevant national legis-

lation. The Ministry of Labour is seeking a solution to this problem in consultation with the Union of the Province of Havana and the Federation of Food Workers. The report adds that the parties concerned agree that the term "night" signifies a period of seven consecutive hours but they are not in agreement with the legislation fixing the beginning and end of that period.

Finland.

During 1955 the number of bakeries inspected was 1,254 employing 11,777 workers, of whom 8,407 were women. During the same year 1,398 inspections were made, 153 during the night. Thirty-two infringements of the Act respecting work in bakeries and of the instructions with regard to the application of the Act resulted in proceedings being taken.

Ireland.

Night Work (Bakeries) (Exceptional Work) Order No. 93 of 1955.

The above-mentioned Order, which supersedes the Night Work (Bakeries) (Exceptional Work) Order No. 7 of 1937, permits an additional process to be carried on at night in the County Borough or County of Dublin. This exception has been made in virtue of Article 3 (a) of the Convention. Only one bakery has availed itself of the permission granted by the 1955 Order—for approximately one night every two weeks.

During the period under review 1,647 inspections were carried out in 631 bakeries. Thirteen contraventions were detected and prosecutions brought in all cases.

Israel.

The report states that the question of changing the definition of "night" so that work shall begin at 5 a.m. instead of 6 a.m. is now

before the Labour Committee of Parliament. Infringements of the legislation brought before the courts numbered 217.

#### *Spain.*

Royal Decree of 3 April 1919 respecting night work in bakeries (L.S. 1919—Sp. 2) and Regulations thereunder of 10 June 1919.

Royal Order of 29 October 1924.

Act of 15 December 1939 respecting the organisation of the National Labour Inspectorate (L.S. 1939—Sp. 4).

Decree of 13 July 1940 to approve regulations for labour inspection.

Labour Regulations for the Baking Industry, approved by Order of 12 July 1946.

Order of 28 November 1947.

*Article 1, paragraph 1, of the Convention.* Section 1 of the Royal Decree of 3 April 1919 and the Regulations thereunder prohibit the making of bread, confectionery, cakes, pastries and the like during the night.

Paragraph 2. The exception provided for in this paragraph is dealt with in the Royal Order of 29 October 1924, where it is laid down that the Act does not apply to the baking of bread at home exclusively for the family's own consumption.

Paragraph 3. The manufacture of biscuits is also excluded from the above provisions, this trade being governed by labour regulations of its own, approved by Order of 28 November 1947. These regulations cover industries engaged in the manufacture of "biscuits, wafers and similar articles".

*Article 2.* As defined in Spanish legislation the term "night" means a period of six consecutive hours which must necessarily fall between the hours of 8 p.m. and 5 a.m. As a result, work may not be begun before 2 a.m.

It rests with the Labour Inspectorate, after consulting the trade union, to approve the working timetable, which must be the same for all bakeries in the same town and must be within the limits set forth above. The timetable, countersigned by the Inspectorate, must be posted in a prominent place on the premises.

Section 34 of the Labour Regulations for the Baking Industry provides that work may be started before 2 a.m. during a period of ten days a year at the most; this exception may be used on the occasion of public holidays and festivals, as specified by the labour authorities, but not on more than five consecutive days.

*Article 3.* Section 33 of the above-mentioned Regulations lays down that only the strictly necessary number of workers needed for the

execution of preparatory or complementary work, e.g. for the preparation of dough and the firing of ovens, may begin work at an earlier hour. Sections 36 and 38 correspond to clauses (b), (c) and (d) in this Article of the Convention.

*Article 4.* Section 3, paragraph 2, of the Decree and section 36 of the Regulations give effect to this Article, the conditions and formalities governing the employer's right to take advantage of the exceptions in case of accidents being set out in section 6 of the Regulations of 10 June 1919.

Enforcement of the legislation on this subject is entrusted to the National Labour Inspectorate, in accordance with the provisions of section 2 (d) of the Act of 15 December 1939 and section 3, paragraph 1, of the Decree of 13 July 1940 to approve regulations for labour inspection.

The labour courts have jurisdiction to deal with any disputes arising out of the non-observance of the law on night work in bakeries.

The Government has forwarded the following additional information provided by the national trade union organisation:

*Articles 3 and 4.* The procedure for consulting the trade union organisation is set forth in section 65 of the Regulations, which provides for the establishment of a Joint Committee of employers and workers appointed by the trade union which also includes representatives of the Provincial Office for Food Supplies. This committee reports to the labour office on questions relating to work in bakeries, and particularly hours of work at night.

#### *Sweden.*

During the period covered by the report four contraventions of the Act of 16 May 1930 respecting work in bakeries, giving rise to legal proceedings, were reported by the Labour Inspectorate.

#### *Uruguay.*

During the period under review 123 contraventions of Act No. 11146 were noted and fines totalling 18,140 pesos were imposed.

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

*Bulgaria, Colombia.*

## 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
Norway . . . . .	28. 1. 1957
Pakistan <sup>3</sup> . . . . .	14. 1. 1928
Sweden <sup>3</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 13,436 persons emigrated by sea to countries outside Europe. Of these 5,099 were Austrians, 5,337 persons of German ethnic origin, 2,852 non-German-speaking refugees, 127 Germans and 21 South Tyrolians.

#### *Belgium.*

Migratory movements through the port of Antwerp between 1 July 1955 and 30 June 1956 were as follows: direct departures, 1,344 persons, including 630 Belgians; indirect departures 2,629 persons, including 1,493 Belgians.

#### *Cuba.*

During the period under review 218 aliens, benefiting from exceptions to the provisions relating to the national character of manpower, were admitted to the country.

#### *Denmark (First Report).*

Emigration Act of 2 May 1934.

*Article 1 of the Convention.* The definition of "emigrant" in the above Act is as follows:

" 'Emigrant' means any Danish subject who leaves the nation with the object of settling down permanently and making a living in a foreign part of the world, or a member of his family who either accompanies him or subsequently leaves the realm with the object of joining him". Under some conditions this definition also applies to "any alien domiciled in Denmark".

The Act gives no definition of "emigrant vessel"; in section 5, in so far as direct transport is concerned, it requires information as to the "name, type, size, equipment and maximum number of passengers of the vessel or vessels to be used for the transport".

*Article 2.* Since no provision has been made for inspection on board emigrant vessels no problems have arisen in connection with paragraph 1 of this Article. No advantage has been taken of the possibility of placing an observer on board emigrant vessels.

*Article 3.* An official emigrant inspection system on board emigrant vessels does not exist and no agreements have been made with other governments respecting the appointment of official inspectors.

*Articles 4 to 7.* Since there is no official inspection system the Government has no observations to make in regard to these Articles.

The application of the legislation on emigration is entrusted to the Government Emigration Office controlled by the Ministry of Economy and Labour.

No decisions of courts of law or of other courts involving questions of principle relating to the application of the Convention have been given.

An English translation of the Emigration Act is appended to the report. No regulation has been issued relating to the inspection of the transport of emigrants by Danish or foreign vessels from Danish ports. The Government considers it unnecessary to introduce such inspections in view of the modest scale of emigration.

Since 1947, 20,688 persons domiciled in Denmark have, directly or indirectly, emigrated by sea. The vast majority of these emigrants are Danish nationals and the greater part of their transport has taken place by ships not flying the Danish flag.

As regards the application of the Convention in Greenland and the Faroe Islands, information will be forwarded to the I.L.O. as soon as it has been received from the competent authorities.



*Finland.*

During the year 1955, 1,755 Finnish nationals emigrated.

*India.*

The numbers of non-emigrant and emigrant unskilled workers who left India during the period 1 July to 31 December 1955 were 61,574 and 2,380; for the period 1 January to 31 May 1956 these numbers were respectively 40,351 and 2,261.

*Ireland.*

During the period 1 July 1955 to 30 June 1956, 5,426 persons emigrated by sea to countries outside Europe.

*Japan.*

The number of Japanese emigrants who travelled by Japanese ships during the period from 1 July 1955 to 30 June 1956 was 2,809

and the number of the Japanese emigrants who travelled by foreign ships was 1,496.

*Netherlands.*

A statistical table giving details as to the total number (28,909) of emigrants who left during the period in question is appended to the report.

*New Zealand.*

The report states that the number of permanent residents departing permanently from the country for the year ended 31 March 1956 was 9,436 (8,620 to British Commonwealth countries).

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

*Argentina, Australia, Bulgaria, Burma, Colombia, Czechoslovakia, Mexico, Nicaragua, Pakistan, Uruguay.*

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## NINTH SESSION (GENEVA, 1926)

### 22. Seamen's Articles of Agreement Convention, 1926

*This Convention came into force on 4 April 1928*

Countries	Date of registration of ratification
Argentina . . . . .	14. 3.1950
Australia . . . . .	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.

#### Australia.

During the period under review 10,053 individual seamen of all ranks and ratings were signed on in Australian ports ; 36,256 agreements were made during the same period.

#### Belgium.

During the period under review about 3,100 seafarers were covered by the provisions of the Convention. There were five disputes relating to wage payments; one of these cases was settled by conciliation, another by direct negotiation and three were referred to 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.

#### Bulgaria.

All provisions of the shipping articles which are contrary to legislative provisions are null and void (section 20 of the Labour Code).

Every seafarer receives a workbook which mentions his service on board ship. Detailed particulars of his employment are also entered in the workbook. When a seafarer signs off he receives his workbook, in which is entered the length of his service. Section 6 of the Order respecting workbooks specifies the entries to be made in the workbook. No information concerning the quality of the work performed nor the amount of wages may be written in the workbook.

At the beginning of his engagement every seafarer can examine the regulations concerning service on board ship. In accordance with section 10 of the Labour Code the seafarer must be instructed in the safety regulations.

Section 29 of the Labour Code lays down the conditions under which a seafarer may sign off, without being obliged to provide a substitute.

#### Chile.

During the period under review the number of persons covered by the legislation was 4,090, of whom 1,437 were officers and 2,653 seamen.

#### China.

In reply to last year's observation by the Committee of Experts the Government has supplied copies of the legislation in force, as well as the following particulars :

*Articles 3 and 6 of the Convention.* There are no collective agreements between ship-owners and seamen, but the standard form of articles of agreement (a copy of which is appended to the report) complies with the requirements of these Articles.

*Article 4.* Although no provisions relating to this Article exist in national legislation, the fact that all agreements are made under the supervision of the competent authority provides an adequate safeguard.

*Article 5.* A copy of the standard form of seamen's book is appended to the report.

*Article 8.* The conditions of employment are explained to the seamen by the administrative authorities when approving the agreement.

*Articles 9 and 10.* Relevant provisions are contained in the regulations respecting the control and working conditions of crews.

*Articles 10 to 13.* Appropriate provisions will be included when the legislation pertaining to seamen is next revised.

*Article 14.* The Act and Regulations contain provisions which are in conformity with this Article.

#### *Cuba.*

During the period under review the total number of seamen engaged was 949.

#### *Finland.*

Seamen's Act No. 341 of 30 June 1955.

During the period under review the number of inspections carried out in connection with the engagement and discharge of seamen was 19,532 and 20,163 respectively; one infringement of the regulations was noted.

In reply to the observation made by the Committee of Experts in 1956 the Government repeats the information already communicated to the Conference in 1956.

#### *France.*

Decree No. 54-1037 of 22 October 1954.

Decree No. 55-691 of 20 May 1955.

These two decrees introduce minor changes to the provisions of the Act of 13 December 1926 which constitutes the Maritime Labour Code: the first concerns conditions of work and paid holidays, while the second refers to the conditions of engagement of seafarers under the age of 25 years. Application of the Convention remains unaffected.

On 1 January 1956 the number of seafarers registered in the merchant navy was 62,477.

#### *Ireland.*

During the period under review 5,637 seamen were signed on.

#### *Italy.*

During the period under review approximately 55,000 seamen were signed on. Of these 34,000 took service on steam or motor vessels (passenger or cargo) and 21,000 on smaller vessels (fishing and sailing boats).

#### *Japan (First Report).*

Commercial Code (Law No. 48) of 1898.

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

Regulations for the enforcement of the Mariners' Law (Ministry of Transportation Ordinance No. 23 of 1 September 1947, as amended by Ministry of Transportation Ordinance No. 38 of 3 August 1955).

In order to ratify the Convention the Regulations for the enforcement of the Mariners' Law were slightly revised so as to conform with Articles 5 and 6 of the Convention.

The report indicates the articles of the Mariners' Law which correspond to the various Articles of the Convention.

*Article 1 of the Convention.* Articles 1 and 120 of the Law.

*Article 2.* Articles 1, 2 and 120 of the Law.

*Article 3.* Articles 31, 32, 33, 34, 36, 37 and 38 of the Law.

*Article 4.* Article 32 of the Constitution states that "no person shall be denied the right of access to the courts".

*Article 5.* Article 50 of the Law and article 39 and Form No. 16 (especially item 6) of the Regulations.

*Article 6.* Articles 32, 36, 37 and 42 of the Law, and Form No. 1 of the Regulations.

There are no provisions in the Law concerning agreements for a definite period or for a voyage, which may be settled by the parties concerned; on the other hand, article 42 of the Law refers to the 24 hours' notice required for terminating an agreement for an indefinite period.

With regard to paragraph 3, subparagraph (12), it is stated that ship number, port of registry, gross tonnage, navigation area or limitations on operations, use of the vessel, types and numbers of the main engines, normal horsepower of the main engines, name and address of the shipowner, name and address of the master, number of the mariners' pocket ledger and certificate or the qualifications of the mariner, are to be entered in the articles of agreement.

*Article 7.* Articles 18 and 36 of the Law.

*Article 8.* Article 113 of the Law.

*Article 9.* Articles 42 and 44 of the Law.

*Article 10.* There are no express provisions covering clauses (a) and (b) of this Article, which are taken for granted. Clauses (c) and (d) are covered by articles 39, 42 and 43 of the Law.

*Article 11.* Article 40 of the Law and article 713 of the Commercial Code.

*Article 12.* Article 41 of the Law.

*Article 13.* Article 41, paragraph 3, and article 54 of the Law.

*Article 14.* Articles 36, 37, 50 and 51 of the Law and Forms Nos. 1 and 16 of the Regulations.

The competent authority is the Minister of Transportation, and the Law and Regulations are administered through the Labour Standards Section of the Seamen's Bureau in the Ministry of Transportation, ten regional maritime bureaux, 54 branch offices and 103 local offices situated at 86 places in main ports throughout Japanese territory. There are 161 maritime labour inspectors who, during the period under review, carried out 16,035 inspections on board 85.7 per cent. of all the vessels to which the Mariners' Law applies, and discovered 1,036 infringements of the provisions of article 37 of the Law regarding certification of ships' articles of agreement. During 1955 approximately 620,000 engagement contracts were certified, involving about 256,000 seafarers.

#### *Mexico.*

*Article 9 of the Convention.* The report states that section 146 of the Labour Code is not contrary to Article 9 (1) of the Convention, as paragraph 3 of that Article permits national legislation to determine the exceptional circumstances in which notice, even when duly given, shall not terminate the agreement.

If the provisions of section 146 of the Labour Code had, in fact, been in conflict with one of the Articles of the Convention, such provisions would automatically have been superseded by the ratification of the Convention. But as the above-mentioned section is not considered to be contrary to the Convention it is still in force.

*Articles 13 and 14.* These Articles were incorporated into Mexican legislation through the ratification of the Convention. No other provision exists which is contrary to these Articles.

#### *Norway.*

In reply to the observation made by the Committee in 1956, the Government stated in its report that section 13 of the Seamen's Act, 1953, is based on similar provisions in the legislation previously in force, which had not given rise to any earlier observations by the I.L.O. or comments by the Norwegian ship-owners' or seafarers' organisations. The report explains that these provisions constitute a special protective measure for Norwegian seafarers who sign on at ports in the home country; in fact, it is stated that section 13, paragraph 1, of the Act, read in conjunction with section 15, refers to engagement for a definite period of 18 months, subject to earlier termination by mutual consent in cases where the vessel concerned returns to a home port for loading or unloading cargo. On the other hand, section 13, paragraph 2 of the Act expressly permits seafarers who are neither nationals of nor domiciled in Norway, as well as Norwegian seafarers signed on abroad, to claim their discharge in any port where the vessel loads, unloads or is laid up, irrespective of the port of engagement.

For other information, the report refers to particulars previously supplied.

#### *Spain.*

Act of 15 December 1939 respecting the organisation of the National Labour Inspectorate (L.S. 1939—Sp. 4).

Decree of 13 July 1940 to approve regulations for labour inspection.

Act of 17 October 1940 respecting labour courts (L.S. 1940—Sp. 6).

Basic Law of 19 December 1951 respecting conditions of employment in the Mercantile Marine.

Order of the Ministry of Labour of 23 December 1952 to approve the consolidated text of the law on conditions of employment in the Mercantile Marine, (L.S. 1952—Sp. 2).

National Labour Regulations for the Mercantile Marine, approved by Order of the Ministry of Labour of 23 December 1952.

Order of 23 July 1953 to amend various provisions of the Act of 23 December 1952.

*Article 3 of the Convention.* Articles of agreement are signed by the shipowner or his representative and by the seaman. The safeguards and formalities referred to in this Article are provided for in sections 62 and 63 of the national regulations.

*Articles 5 and 8.* Section 63 of the regulations provides that individual articles of agreement must set out the seaman's conditions of employment, with specific particulars of his rights and obligations. Section 7 of the regulations provides that in order that the crew may

be fully informed as to the nature and extent of their rights and obligations, a roster of duties and work on board ship shall be posted in an appropriate place in the ship for the information of the ship's company.

*Articles 6 and 9.* Articles of agreement may be concluded for a definite period, for a voyage or for an indefinite period. In the latter case they may be terminated provided that the period of notice laid down in the last paragraph of section 174 of the regulations is observed. Spanish statute law does not provide for the case referred to in the third paragraph of Article 9 of the Convention.

*Article 10.* Sections 171 and 180 of the regulations list the reasons which may result in the legal termination of the employer-employee relationship, dividing them into four groups: (a) by decision of the company; (b) at the will of the employee; (c) by agreement between both parties; and (d) by the very nature of the employer-employee relationship.

*Article 11.* The circumstances in which a seaman may be summarily discharged are set out in sections 416 and 417 of the regulations.

*Article 12.* A seaman may request his release, which is granted by the issue of the relevant permit or licence, in the cases provided for in sections 137 and 145 of the regulations, which are divided into four main headings: (a) on compassionate grounds; (b) for examinations; (c) for private affairs; and (d) for the discharge of civic duties.

*Article 14.* Section 60 of the regulations provides that the captain or master of a ship shall not sign on a seaman unless his record book contains an entry, signed by the captain or master and by the authorities of the port of disembarkation or the consul, showing that he has been discharged from his previous ship, which is equivalent to a certificate that he has served out his articles.

The enforcement of these provisions is entrusted to the National Labour Inspectorate, in accordance with section 2 (d), of the Act of 15 December 1939 and section 3, paragraph 1, of the relevant regulations of 13 July 1940.

The labour courts are competent to try any claims arising out of non-observance of the law on this subject.

The following additional information has been supplied by the national trade union organisation and forwarded by the Government:

*Article 1.* Under section 1 of the Act of 23 December 1952 and section 1 of the regulations of the same date, the above-mentioned standards apply to the enrolled personnel serving on board ships of the Mercantile Marine flying the Spanish flag, whatever the type of employment or functions carried out or mode of remuneration, whether the said ships are owned or chartered by shipping companies engaged in maritime commerce, or belong to private undertakings or concessionaries of a monopoly using the said ships (whether owned or hired by them) exclusively for the transport of their own goods or products.

The provisions also cover the personnel of ships which, though classified as merchant ships, are not being used for maritime commerce

proper but for special services, such as cable-laying and similar vessels, the personnel of services which the companies may have contracted with other undertakings to provide, or personnel such as radio operators, wireless telegraphists, cooks, barbers, etc., in relation to the duties performed on board merchant ships and who therefore appear on the crew-list of those ships, and the personnel of inspection services.

The provisions do not apply to boats and floating craft employed in harbour construction, seagoing personnel employed by the Harbour Works Board and Harbour Administrative Committees in Spain, lightermen, crews of fishing boats, workers in the sardine and dried cod industries and supplementary personnel, and harbour staff and workers employed on boats plying within harbours.

*Articles 3 to 5.* With the exception of the cases expressly laid down by the Ministry of Labour whereby the type of trade in which the ship is engaged renders such a safeguard unnecessary, individual articles of agreement must show the seaman's conditions of employment and give specific particulars of his rights and obligations. These documents must conform to the standards and models approved by

the General Labour Directorate for the various classes of seagoing trade on the recommendation of the trade union concerned. Individual articles of agreement are required in any event in ships calling at foreign ports.

The articles of agreement are to be prepared in triplicate and signed by the seaman and the shipowner or his representatives. They are not valid unless the three copies are attested with the signature and seal of the appropriate maritime authority or consulate; the officials of these services must examine them beforehand to satisfy themselves that they do not contain anything contrary to the provisions of the regulations. One copy must be placed in the archives of the authority making the attestation, another is given to the seaman and the third to the captain or master of the ship, who must sign it and file it according to the date on which it was attested.

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

*Argentina, Burma, Canada, Colombia, Federal Republic of Germany, India, Netherlands, New Zealand, Nicaragua, 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.*

The report reproduces the text of a judicial decision given by the Labour Tribunal of Buenos Aires in March 1955, allowing the claim of a Greek seafarer engaged on board a Greek vessel under an agreement signed at Buenos Aires, but who was subsequently landed at Calcutta for hospital treatment. The seaman claimed his wages for the period spent ashore following hospital treatment, as well as the expenses of repatriation to Buenos Aires, his port of engagement. The Government considers that this decision is in conformity with

the requirements of Article 3, paragraph 4, and Article 5, paragraph 1, of the Convention.

*Belgium.*

During the period under review 75 seafarers were repatriated; no disputes arose in this connection.

*Bulgaria.*

According to the regulations respecting relations between the members of crews of Bulgarian merchant vessels and the consuls of the People's Republic of Bulgaria, the expenses of repatriation may not be charged to the seaman in the event of injury, shipwreck or illness. Similar provisions exist for foreign seafarers who, in case of sickness, are repatriated in accordance with the articles of agreement, or, failing such provisions, according to circumstances and the wish of the seafarer concerned, either to the place where the agreement was signed, or to his own country, or to the People's Republic of Bulgaria. Repatriation expenses are borne by the shipping company.

*China.*

In its reply to last year's observation by the Committee of Experts, the Government states that section 65 of the China Merchant Shipping Act, 1929, entitles any crew member to be returned to his port of engagement if his agreement is terminated elsewhere for any cause whatever, and that such entitlement covers all

expenses incurred in this connection. The requirements of this section also apply to foreign seamen as well as Chinese seamen engaged on board foreign vessels, and relevant entries are to be included in their articles of agreement. 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) will be incorporated in the seamen's regulations under the Merchant Shipping Act when the next revision takes place.

#### *Ireland.*

Six seamen were repatriated during the period under review.

#### *Italy.*

During the period under review 2,234 seamen were repatriated at the expense of ship-owners or the public authorities.

#### *Mexico.*

The report states in reply to last year's observation by the Committee of Experts that, in accordance with section 138, paragraph 3, of the Labour Code, agreements for a definite or indefinite period shall specify the port to which the seafarer must be repatriated; in the absence of an entry to this effect, it will be assumed that the seafarer must be repatriated to the port of engagement. This also covers the repatriation of foreign seafarers.

#### *Spain.*

Act of 17 October 1940 respecting labour courts (L.S. 1940—Sp. 6).

Basic Law of 19 December 1951 respecting conditions of employment in the Mercantile Marine.

Order of the Ministry of Labour of 23 December 1952 to approve the consolidated text of the law on conditions of employment in the Mercantile Marine (L.S. 1952—Sp. 2).

National Labour Regulations for the Mercantile Marine, approved by Order of the Ministry of Labour of 23 December 1952.

Order of 23 July 1953 to amend various provisions of the Act of 23 December 1952.

Paragraph 13 of section 89 of the Act respecting seamen's articles of agreement, which has been repealed by the more recent legislation, stated that articles of agreement must contain

"conditions for the repatriation of the members of the crew in conformity with the international Conventions".

*Article 3 of the Convention.* Section 26 of the Act of 23 December 1952 and section 191 of the Regulations of the same date, which deal with the financial consequences of the termination of the legal relationship between employer and employee, make it compulsory for the ship-owner—irrespective of the reason for the termination of that relationship—to pay to the seafarer the cost of his repatriation and return to the port of embarkation, to the port designated in the agreement or to his place of residence.

Section 191 of the Regulations provides, in addition, that the above-mentioned costs, whether incurred at home or abroad, are to be paid in accordance with the rules laid down in sections 286 to 292 of the Regulations.

Responsibility for repatriation, which rests on the shipowner, applies both to Spanish citizens and aliens, whether they embark in Spain, in their own country or in some other country.

*Article 4.* The expenses of repatriation are borne by the shipowner at all times and not merely in the cases specified in this Article of the Convention.

*Article 5.* The expenses of repatriation include transportation charges and the cost of subsistence and accommodation, as laid down in sections 286 to 292 of the Regulations.

*Article 6.* The labour and consular authorities, in agreement with the maritime authorities where applicable, are responsible for supervising the repatriation of seamen. Section 287 of the Regulations provides that the shipowner or his representative will advance the approximate cost of travel and subsistence to the person concerned.

The labour courts have jurisdiction to try any claims arising out of the non-observance of the law on the subject.

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

*Colombia, Cuba, France, Federal Republic of Germany, 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 9 September 1955 respecting general social insurance (L.S. 1955—Aus. 3).

The General Social Insurance Act has completely changed the social insurance schemes in Austria. The Act, which came into force on 1 January 1956, replaces all the relevant legislation previously in force. The more important provisions of the Act, with regard to sickness insurance, are summarised in the Government's report as follows:

*Articles 1 and 2 of the Convention.* The following persons are compulsorily insured under the sickness insurance scheme: workers in the service of an employer or employers, apprentices, and homeworkers and persons treated as such (for labour law matters) by virtue of existing legislation respecting home work. Civil servants and pensioners of the public services are covered by a special sickness insurance scheme under the provisions of the Federal Act respecting sickness insurance of federal employees.

The following are excluded from compulsory sickness insurance: the employer's spouse, descendants and ascendants; wage earners and homeworkers who are engaged in occupations considered unimportant; certain categories of employees in the public services, in so far as they are entitled under special provisions to benefits similar to those granted under accident and pension insurance and, in the event of sickness, to their salary for not less than six months; and certain workers who are covered by special regulations. An occupation is con-

sidered unimportant if the employed person receives from an employer or employers 270 schillings or less per month. An occupation in which the employed person receives that amount or less merely because the number of hours worked is below the normal number on account of lack of work in the undertaking, and occupations covered by the regulations respecting resident caretakers, are not considered as unimportant. Wage earners who are not Austrian nationals and are employed by employers who enjoy extraterritorial rights are also excluded from compulsory sickness insurance.

*Article 3.* Persons who are compulsorily insured are entitled to pecuniary sick benefit, if they become incapacitated for work as a result of sickness, as from the fourth day of such incapacity. The period of entitlement is 26 weeks in respect of any one event giving rise to benefit, even if a fresh illness occurs during the period in addition to the illness that first caused the incapacity for work. The rules of the sick funds may provide for the maximum period of entitlement to pecuniary sick benefit to be increased to 52 weeks. The report states that nearly all the sick funds have fixed a maximum period of 52 weeks.

Sick benefit may not be withheld in the cases covered by paragraph 3 (a) of Article 3 of the Convention. As regards paragraph 3 (b), the Austrian Act provides that the right to pecuniary sick benefit is suspended for such time as the insured person is continuing to receive his remuneration by virtue of statute law or contract. The benefit is not suspended if the employer pays less than 50 per cent. of the full remuneration. The report emphasises that in most cases the legislation or contract obliges the employer to pay part of the remuneration in the event of illness; the total sum which the sick worker receives is therefore almost equal to the net wage which he was receiving before he fell ill. The Austrian Act provides that the right to sick benefit is suspended for such time as the insured person is hospitalised at the expense of a sick fund, or is placed at the expense of the fund in a rest or convalescent home or sanatorium, or is entitled to repayment of his hospital or similar expenses by a sick fund. Insured persons who are entitled to dependants' benefits receive a family allowance equal to one-half of the pecuniary sick benefit as long as they are given institutional treatment at the sick fund's expense and their pecuniary sick benefit is suspended on that account alone. By way of supplementary benefit under the rules, the family allowance may be increased in general up to two-thirds

of the pecuniary sick benefit or, in the case of insured persons with two or more dependants, by not more than 5 per cent. of the basis of assessment for the cash benefit in respect of each additional dependant. The total amount of the increased allowance may not exceed the pecuniary sick benefit otherwise payable. Provision may be made in the rules that insured persons who are not entitled to the family allowance because they are not recognised as being entitled to claim dependants' rights shall receive a daily allowance in lieu of the family allowances. The rate of the daily allowance is fixed by the rules; it may not exceed one-half of the family allowance.

Furthermore, the right to benefit is suspended for so long as the recipient is serving a term of imprisonment or has been placed in a federal approved school or reformatory institution. If an insured person whose right is suspended under the above provision has dependants resident in Austria, the prescribed benefits for dependants under sickness insurance shall be granted.

With regard to paragraph 3 (c) of Article 3 of the Convention, the Austrian Act provides that the right to pecuniary sick benefit is suspended for such time as the sick fund has not been informed of the incapacity for work. Nevertheless the right is not suspended if notification of incapacity is given before one week has elapsed. Further, the sick fund may make additional rules suspending the pecuniary sick benefit, wholly or partly for either an indefinite or a fixed period, if the insured person fails to attend for consultation, when requested to do so by the supervisory medical officer, without valid reasons, or refuses to be removed to hospital although he is in a state which necessitates hospitalisation, or repeatedly disobeys the regulations for patients or the orders of the doctor in attendance, on condition, in each of the above cases, that the insured person has first of all been informed in writing of the consequences of his conduct.

Insured persons who bring about the event insured against by premeditated self-injury or by committing a crime of which they are convicted by a court of law are not entitled to sick benefit. In such cases, the insured person's dependants, if they are in needy circumstances and resident on Austrian territory, and if their maintenance was assured for the greater part, failing other forms of assistance, by the insured person, are entitled to one-half of the sick benefit, unless it is proved that they connived at or participated in the premeditated act or crime. Further, the Austrian Act provides that the pecuniary sick benefit shall not be granted for the duration of incapacity for work due to sickness arising out of the insured person's participation in a brawl or which can be directly ascribed to drunkenness or the misuse of narcotics. In such cases, needy dependants of the insured person who are resident in Austria are entitled to one-half of the pecuniary sick benefit if the insured person was their principal support, failing other forms of assistance, and they themselves are not guilty of participating in the action entailing refusal of the benefit.

Finally, the right to benefit is suspended for so long as the recipient is resident abroad,

unless an international convention or ministerial order makes provision to the contrary, on a basis of reciprocity. If an insured person residing abroad has dependants resident in Austria, the prescribed benefits for dependants under sickness insurance are granted.

*Article 4.* The medical attendance to which the protected person is entitled comprises medical aid, therapeutic requisites and auxiliary therapeutic requisites. The medical attendance must be sufficient to meet the needs of the case without exceeding the limits of what is necessary. The aim of the treatment must be, in so far as is possible, to restore, strengthen or improve the patient's health or general condition, working capacity and/or ability to look after himself as regards the basic necessities of life. The medical benefits must be provided in the form of benefits in kind. As long as insurance continues, medical attendance shall be provided for the entire duration of the sickness, without limit of time. If the necessity for medical attendance for sickness which began while the patient was still insured continues after he is no longer insured, such attendance shall continue to be provided for a period not exceeding 26 weeks after the person has ceased to be insured or, if pecuniary sick benefit continues to be paid, until payment of the said benefit ceases.

The Act provides for payment of a tax of two schillings on each medical prescription, save in the case of compulsorily notifiable contagious or infectious diseases. This tax may be reduced or suppressed by the rules of the sick funds. Under a decision of the Association of Austrian Social Insurance Institutions, all the sick funds have reduced the tax in question to a uniform rate of one schilling. Glasses, orthopaedic arch supports, abdominal supports, etc., may be supplied in simple and appropriate form. Other appliances are supplied only if their cost does not exceed certain limits.

Medical attendance and, where appropriate, pecuniary sick benefit, may be replaced by treatment in the public wards of a public hospital if the nature of the sickness makes such treatment necessary, if there is a public hospital in the area of activity of the sick fund and the patient has not been placed in a private hospital with his consent; this measure may be taken only if it is impossible to provide the same treatment in the patient's home. An insured person is entitled, in respect of any one event giving rise to benefit, to treatment for not more than 26 weeks in a public hospital, even if in the course of that period a fresh sickness arises in addition to the one in respect of which the institutional treatment was granted. In the case of insured persons whose maximum period of entitlement to pecuniary sick benefit has been increased by virtue of the rules to 52 weeks, the maximum period of institutional treatment shall also be 52 weeks. In view of the fact that nearly all the sick funds have increased the maximum period of payment of pecuniary sick benefit to 52 weeks, the period of hospitalisation has also been increased to a maximum of 52 weeks. As regards the suspension of right to maintenance in a hospital, the rules with regard to the suppression of right to sick benefit are applicable.



*Article 5.* Dependants of the insured persons are entitled to sickness insurance benefits if their normal place of residence is on Austrian territory and if they are not insured against sickness under any enactment and no provision is made for their assistance by any sickness relief institution run by an employer or body incorporated under public law giving employment. "Dependant" means any of the following: a wife, or husband who is unable to support himself and is entitled to maintenance; legitimate children, illegitimate children subsequently recognised, adopted children; an insured woman's illegitimate children; an insured man's illegitimate children, if he is declared to be the father in legal proceedings to which he voluntarily consents or in any other manner prescribed by the law or laid down in the statutory rules of procedure; stepchildren and grandchildren, if the insured person is their sole means of support; foster-children, unless maintained by the insured person for reward. Children and grandchildren are considered dependants until they reach their eighteenth birthday. They are considered dependants after their eighteenth birthday but not after their twenty-fourth birthday if they are unable to support themselves because they are continuing their education or vocational training, or if they are suffering from physical or mental infirmity rendering them unable to support themselves. The rules of the sick funds may prescribe, in so far as the financial circumstances of the fund in question permit, that certain other of the insured person's relatives may be considered as dependants and that a woman who is not a relative of a male insured person may also be considered to be a dependant. Most of the sick funds have extended sickness insurance to cover the above-mentioned cases.

*Article 6.* Sickness insurance is administered by the local sick funds, the agricultural sick funds, the works sick funds, the Austrian Railways Insurance Institution and the Austrian Mining Insurance Institution. These institutions are self-governing; the competence of their governing bodies and the composition of the latter, on which both workers and employers must be represented, are laid down in the Act. They are supervised by the State authorities.

*Article 7.* Sickness insurance is financed in equal parts by contributions from employers and workers. Nevertheless, the insured person's contribution for all branches of social insurance, including unemployment insurance, may not exceed 20 per cent. of wages. The contributions are fixed as a uniform percentage of wages by the rules of the sick funds.

The Federation will grant the Austrian Mining Insurance Institution, for a transitional period from 1 January 1956 to 31 December 1960, a subsidy to cover any possible deficit. This subsidy may not exceed 0.5 per cent. of the general bases of contribution for the workers insured with the sickness insurance branch of the Institution.

*Article 9.* The Act includes detailed provisions with regard to the settlement of dis-

putes and has instituted special courts for the settlement of such disputes.

The report states that, for 1955 an average number of 1,609,000 wage earners, including 1,198,000 workers and 411,000 salaried employees were covered by sickness insurance. The total amount paid out in cash benefits was 578,300,000 schillings (237.30 schillings per insured person). Benefits in kind amounted to 1,365,100,000 schillings (557.90 schillings per insured person). The total financial resources amounted to 2,036,600,000 schillings, made up as follows: 834,900,000 schillings from employers' contributions, 889,100,000 schillings from insured persons' contributions and 312,600,000 schillings from public funds; the last amount includes 191,800,000 schillings paid by the pension insurance institutions for the sickness insurance of pensioners. The preceding figures relating to receipts and expenditure include the figures relating to persons insured both compulsorily and voluntarily, together with the figures relating to pensioners, unemployed, and war survivors, but not those relating to workers on the Austrian railways.

#### *Bulgaria.*

The Government supplies the following additional information with regard to section 154 of the Labour Code.

Under the section in question, any wage or salary earner who disregards the instructions of the medical practitioner who is attending him forfeits his right to cash compensation for the period during which he has not followed such instructions. If a worker or employee fails without good reason to attend for medical examination he forfeits his right to cash compensation from the date when he should have attended for the medical examination until the date when he does so attend.

When the illness of a worker or employee is due to his own action, i.e. in the event of disability or injury resulting from drunkenness or an action caused by drunkenness, he may be deprived of cash compensation for a period of up to five days or be paid only half of the prescribed compensation. The Government adds, however, that this provision has rarely been applied in practice.

With regard to Article 9 of the Convention (right of appeal granted to the insured person in case of dispute concerning his right to benefit), the report states that an appeal against refusal of compensation or the amount of the compensation may be submitted to a higher occupational body than the one which took the decision. The procedure of this appeal is governed by a special instruction with regard to the calculation, authorisation and payment of cash benefits and allowances. The instruction in question was published in *Izvestia* No. 69 of 10 August 1952.

The report states that the amount spent in cash benefits in 1954 for sickness, accident, quarantine, treatment for dependants, pregnancy and confinement was 168,254,453 levas.

In 1954 there were 207 persons on the inspection staff of the State social insurance scheme attached to the central or regional committees

of the occupational unions. In the same year there were 74,924 persons acting as social insurance delegates attached to the trade union groups and members of the State social insurance committees attached to the trade union committees in undertakings, establishments and organisations.

#### *Chile.*

In 1955 the number of insured persons was 1,200,000, including 432,200 agricultural workers. Since, moreover, the wives and the children under 15 years of age of the insured persons are also covered by the scheme, approximately 1,400,000 persons altogether were entitled to medical benefits. The report gives the total assets of the compulsory insurance scheme established under the Act of 28 July 1952.

#### *Czechoslovakia.*

Ordinance No. 65/1955 of the President of the Council to publish the measure from the Central Council of Trade Unions relating to changes in the organisation and application of sickness insurance of employed persons.

Order of the Central Council of Trade Unions No. 249/1955 relating to changes in the organisation and application of sickness insurance of employed persons.

For the period 1 July 1955 to 30 June 1956 the average number of persons registered as covered by sickness insurance was 4,425,558. Every wage earner is subject to this form of insurance. During the same period the sums paid in allowances amounted to 5,026,144 crowns, including a sum of 2,932,078 crowns paid as family allowances. The revolutionary trade union movement granted benefits in the form of periods of cure and rest in a sanatorium or, for children chosen for the purpose, in holiday camps. The rest of the allowances were paid by the State health administration. The average amount of total benefits per insured person was 1,090 crowns.

Statistics for the period 1 July 1954 to 30 June 1955 were communicated as a supplement to the preceding report.

#### *France.*

Decree No. 55-1272 of 29 September 1955 to raise the wage limit for the calculation of social security and family allowances contributions.

Decree No. 56-128 of 24 January 1956 to issue public administrative regulations to apply the Decree of 20 May 1955 to beneficiaries of the Act of 29 July 1950, as amended, to extend the benefits of social security to seriously disabled ex-servicemen and their widows, and to war widows and orphans.

Decree No. 56-143 of 24 January 1956 to amend Decree No. 45-0179 of 29 December 1945 to issue public administrative regulations under Ordinance No. 45-2454 of 19 October 1945 determining the social insurance scheme applicable to insured persons in non-agricultural occupations, and Decree No. 55-840 of 27 June 1955 to issue public administrative regulations under Decree No. 55-568 of 20 May 1955 to amend Ordinance No. 45-2454 of 19 October 1945 mentioned above.

Act No. 56-347 of 27 March 1956 respecting the rights of old-age pensioners to the benefits in kind granted under sickness insurance.

Decree No. 56-618 of 22 June 1956 to issue public administrative regulations in order to apply to students who are beneficiaries under Act No. 48-1473 of 23 September 1948, as amended, the provi-

sions of Decree No. 55-568 of 20 May 1955 to amend Ordinance No. 45-2454 of 19 October 1945 determining the social insurance scheme applicable to insured persons in non-agricultural occupations.

*Article 4 of the Convention.* The Act of 27 March 1956 brings the position of pensioners into agreement with that of active insured persons as regards the period of medical care. It provides that (a) old-age pensioners who are not engaged in any kind of wage-earning work are entitled, or may acquire the right, to benefits in kind granted under sickness insurance for an indefinite period of sickness; (b) if the pensioner dies, this benefit continues to be paid to the wife (or husband) if the latter fulfils the required conditions; and (c) the same rules are applicable to holders of an old-age pension which has been substituted for an invalidity pension.

The Decree of 24 January 1956 explicitly extends the conditions applicable under the Decree of 20 May 1955 (see the previous report) to beneficiaries of the Act of 29 July 1950, that is to say, war victims (seriously disabled persons, widows and orphans).

*Article 7.* The Decree of 29 September 1955 sets the maximum amount of wages to serve as a basis for the calculation of contributions at 528,000 francs as from 1 October 1955.

With regard to the equalisation at the national level of the costs of payment of sick benefit to certain classes of insured persons, the Decree of 24 January 1956 introduces an amendment to the Decree of 8 June 1946 in order to take into account the suppression of long-term sickness. The equalisation of the expenses of long-term sickness is no longer provided for in the payments from the special sections of the National Social Insurance Fund, managed by the National Social Security Fund and responsible for risks incurred by civil servants, students and beneficiaries of the Act of 29 July 1950.

A statistical statement on the working of sickness insurance is appended to the report: 8,500,000 wage earners and assimilated persons are insured under the general scheme for all risks; 1,440,000 under the general scheme for certain risks only (civil servants, employees of the Electricity and Gas Company of France, students, seriously disabled ex-servicemen, war widows and orphans, etc.); 2,620,000 under compulsory schemes independent of the general scheme (mineworkers, employees of the French National Railways and branch lines, men enrolled for naval conscription, agricultural workers and regular soldiers); in all 12,560,000 wage earners and assimilated persons covered by compulsory insurance. It is estimated that about 18 million persons are entitled to benefit under the social insurance scheme (general scheme) by virtue of the rights acquired by the 8,500,000 insured persons mentioned above. During the period under review the total amount spent on cash benefits was 58,167 million francs under the general scheme for non-agricultural occupations, i.e. an average amount of 6,843 francs per insured person. The total expenditure on benefits in kind under the same scheme was 233,614 million francs, i.e. an average amount of 23,502 francs per insured person.

Social insurance contributions received during the period covered by the report amounted to 476,480 million francs for the general scheme (full insurance), 23,613 million for officials and workers in the service of the State (partial insurance) and 9,213 million for the miscellaneous schemes (partial insurance), making a total of 509,306 million. Of this total sum workers' contributions may be estimated at 196,098 million and employers' contributions at 313,208 million. In addition, 78 million were received in respect of students. The scheme does not include contributions by the Government except, on the one hand, in respect of students (872 million paid out during the period in question and budget credits of 780 million for 1955 and 803 million for 1956), and, on the other hand, in respect of severely disabled ex-servicemen and war widows and orphans (1,811 million paid out during the period in question; cost to be covered by the State, 2,811 million).

#### *Federal Republic of Germany.*

Act of 17 August 1955 respecting amendments to the Federal Insurance Code and the Social Courts Act (Panel Doctors Act).

Act of 17 August 1955 respecting the associations of sickness insurance funds.

Act of 9 May 1956 respecting the establishment of the Federal Insurance Office, the supervision of social insurance institutions, and the administration of social insurance and industrial old-age assistance.

Statistical data for 1954 show that the total average number of employed wage earners, salaried employees and officials was 16,286,000 (including 952,000 persons employed in agriculture, stockbreeding, forestry and hunting, horticulture and fisheries). The total average number of compulsorily insured persons was 14,965,000 (including 1,041,000 unemployed); in addition 2,668,000 persons were voluntarily insured under the statutory sickness insurance scheme. The scheme also covered about 11,700,000 dependants of compulsorily insured persons and 1,700,000 dependants of voluntarily insured persons. Some 31 million 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 942 million marks (53.44 marks per year and per person insured) and that for benefits in kind was 2,121 million marks (120.29 marks per year and per person insured). The total receipts amounted to 3,460.5 million marks, distributed as follows: (a) compulsory insurance: employers' contributions: 1,561 million; workers' contributions: 1,430 million; (b) voluntarily insured persons' contributions: 413 million; (c) subsidies from public funds: 26.7 million.

#### *Haiti (First Report).*

Social Insurance Act of 19 September 1951 (L.S. 1951—Hai. 2), as amended by the Act of 14 July 1955 to establish the Social Insurance Institution of Haiti.

Decree of 4 August 1952 to determine the general regulations for the Social Insurance Institution of Haiti, as amended by Decree of 14 June 1956.

The report states that under section 4 of the Act of 19 September 1951, as amended by the Act of 14 July 1955, "The social insurance system established by this Act shall cover sickness, maternity and employment injury: Provided that the governing body may, with the agreement of the Office of the Secretary of State for Labour, introduce compulsory insurance by stages, having regard to (1) the possibility of registering the employers and the employees and their dependants covered by the insurance; (2) the possibility of levying contributions; (3) the possibility of effectively providing the services and benefits mentioned in this Act".

The report adds that up to the present time, owing to financial and administrative reasons, the Social Insurance Institution has not in fact applied sickness insurance.

The texts of the laws and regulations mentioned above are appended to the report.

#### *Peru.*

*Article 2 of the Convention.* Sickness insurance is not compulsory for domestic workers in the service of private persons. The National Social Insurance Fund has been examining since 1955 a plan for revising the law. An official was sent to the International Labour Office to prepare the necessary financial report. For the moment no conclusion has been reached as regards the application of compulsory insurance to domestic workers.

*Article 5.* Insured persons may extend their insurance to cover members of their families by means of an additional contribution. By these means the wife and the children under 14 years of age are entitled to medical attendance and pharmaceutical benefits, but not to hospitalisation. The provisions with regard to family insurance, however, have not yet come into force.

*Article 10.* The territorial extension of the application of sickness insurance is being achieved by stages. Thus, since 1951 the sickness insurance scheme has been extended to the mining district of Yauli. It is hoped to extend it to the district of Cerro de Pasco in 1956. The extension of the sickness insurance scheme is dependent on the fact that the fund supplies sickness and maternity benefits in its own institutions, which means that the necessary hospital establishments must be constructed before a zone can be incorporated in the insurance scheme.

The report states that during 1954 the average number of insured persons was 370,866. All insured persons are entitled to receive sickness, maternity, invalidity, old-age and survivors' insurance benefits. Sickness and maternity cash benefits for 1954 amounted to 31,435,389 sols (average amount per insured person, 84.76 sols). Benefits in kind amounted to 72,454,150 sols (average amount per insured person, 195.36 sols). The revenue from contributions by insured persons, employers and the public authorities amounted to 105,734,086 sols.

*Poland.*

The number of insured persons at 30 June 1955 was 6,834,019 (excluding railway employees, the number of whom averaged 240,000). In 1955 the number of cases of sickness compensated was 4,415,000 and the number of cases of maternity compensated was 321,100. The number of days for which sick benefit was paid was 59,607,162 and the number of days for which maternity benefit was paid was 25,685,187.

For the receipts and expenditure of all branches of insurance during the year 1955, see under Convention No. 17.

*Spain.*

Act of 14 December 1942 to establish compulsory sickness insurance (L.S. 1942—Sp. 4). Regulations of 11 November 1943, and supplementary provisions.

Sickness insurance in Spain covers all workers, salaried employees and apprentices in industrial, commercial and agricultural undertakings whose annual remuneration does not exceed a certain limit (30,000 pesetas in 1954). Above that limit the insurance is voluntary. Homeworkers and domestic workers are not yet subject to compulsory sickness insurance owing to certain practical and administrative difficulties, but the Act provides for their coverage. The following are also entitled to sickness insurance benefits: the dependants of the insured person, i.e. the wife, the children under 18 years of age (or of any age if they are disabled), parents and grandparents over 60 years of age dependent upon the insured person.

The compulsory sickness provisions do not apply to public servants nor to fishermen and seamen, since these categories are covered by special schemes. Similarly, special schemes have been established for the sickness insurance of seasonal agricultural workers employed for harvesting oranges, resin, etc.

Sickness insurance benefits are paid even to workers who, having passed the usual age for retirement, remain in employment. Persons who have retired, on the contrary, receive medical assistance from the workers' mutual insurance companies.

Cash benefits consist in a daily sick benefit payable to insured persons whose illness lasts for not less than seven days, as from the fifth day and for a period of 26 weeks in each calendar year, with the possibility of extension up to 39 weeks if the illness is serious. The amount of the pecuniary sick benefit is between 50 and 90 per cent. of wages, but it may be reduced if an insured person who has no dependants is hospitalised.

Full medical attendance and medicaments are supplied to insured persons for 26 weeks in each calendar year, with the possibility of extension to 39 weeks if the illness is serious and prolonged; these benefits are provided for the dependants for 13 weeks. The workers' mutual insurance companies frequently take over the responsibility of paying benefits to insured persons who have exhausted their rights to medical treatment under compulsory sickness insurance.

The sickness insurance scheme is administered by the National Welfare Institution, a self-governing body with legal status subsidised by the State. The Institution is responsible, under the general supervision of the Directorate-General of Welfare of the Ministry of Labour, for the management of social insurance, including sickness insurance. The National Welfare Institution may delegate the management of the sickness insurance scheme to institutions which are called "collaborative" such as the funds of the undertaking, occupational mutual insurance companies, etc. These collaborative institutions are established as such by the terms of a special agreement with the National Welfare Institution, which supervises their operation.

The insured persons are not only represented on the governing body of the Institution but they also elect, at the level of the undertaking, the sickness insurance body or institution to which they wish to be affiliated for five years, after which they can change their membership, also by election, if the operations of the institution in question are not satisfactory.

Supervision of the application of the laws and regulations in force is the responsibility of the Labour Inspectorate and the Technical Inspectorate of Social Welfare, which supervise the financial and accounting position of all the institutions which administer social insurance. There is also an Inspectorate of Health Services, attached to the Ministry of Labour, which supervises the administration of medical treatment and examines complaints submitted by insured persons. The latter may also appeal to the National Directorate of Sickness Insurance of the National Welfare Institution and, if the dispute concerns an economic question, the labour courts are called upon to give judgment.

The report contains statistics with regard to the existing system of medical services: the number of insured persons in 1954 was 3,665,516 with 9 million dependants; the cost of pharmaceutical products and other therapeutic requisites provided in 1954 was respectively 735,424,405 and 46,972,189 pesetas; the total amount of sick benefits paid out was 292,459,040 pesetas, and the amount paid in funeral benefits was 2,192,709 pesetas.

A report of the national trade union organisation is appended to the Government's report and repeats the information already supplied by the Government, adding that for the application of compulsory sickness insurance a special income limit (18,000 pesetas a year) is fixed for persons with a university degree holding positions in an undertaking which are suited to their qualifications. The report also states that journalists who hold an occupational certificate and have been recruited as such by an undertaking are excluded from this form of insurance.

*United Kingdom.**Great Britain.*

Various Regulations and an Order, issued in 1955 and 1956, relating to claims and questions, reciprocal agreement with New Zealand, dental services and travelling allowances under national health service, and medical and ophthalmic services in Scotland.

*Northern Ireland.*

Health Services (Administrative Amendments) Act (Northern Ireland), 1955.

Various Regulations and an Order, issued in 1955 and 1956, relating to claims and questions, reciprocal agreement with New Zealand, eye services, dental services and travelling expenses.

At 30 June 1955, 20,850,000 contributors in Great Britain and 534,000 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 £87 million during the year ended 31 March 1955.

*Uruguay.*

Under Act No. 12177 of 4 January 1955 to institute sickness assistance for workers and employees of the Uruguayan Public Transport Company, 240,737 pesos were paid out during 1955 to 633 sick persons, and 368,215 pesos during 1956 (up to 31 July) to 508 sick persons.

*Yugoslavia.*

The report contains statistics showing that wage earners covered by the sickness insurance scheme, not including wage earners in agricultural undertakings, numbered 2,332,153 in July 1955 and 2,450,246 at the end of June 1956.

The amount paid out in cash benefits was 504,336,000 dinars (201 per insured person) in the month of July 1955, and 625,618,000 dinars (235 per insured person) during the month of June 1956.

For the month of July 1955 benefits in kind amounted to 2,305,387,000 dinars (917 per insured person), and for the month of June 1956 they amounted to 3,096,925,000 dinars (1,164 per insured person).

The figures given for benefits include benefits paid to insured persons employed in agriculture.

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

*Colombia, Nicaragua.*

## 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.*

For legislation see under Convention No. 24.

As regards the relevant statutory provisions concerning the sickness insurance scheme applicable in the same manner to industrial and to agricultural workers, as amended by the General Social Insurance Act of 9 September 1955, see under Convention No. 24.

Special rules for casual workers in agriculture and forestry are contained in articles 461 to 468 of the 1955 Act. A casual worker in the sense of the said provisions means a person who is employed as a manual worker for remuneration in various jobs of short duration in the service of two or more employers, or of one employer, for at least ten working days in each calendar month. A job of short duration is one which does not last longer than two consecutive working days. A working day is

defined as any day of the year on which the casual worker is employed for at least four hours in the service of another. Every manual worker employed on jobs of short duration in agriculture and forestry has to report in person to the competent local agricultural sickness fund within three days of starting such a job. The fund has then to issue him with a certificate, on which each employer must enter the exact dates of his employment. Compulsorily insured casual workers in agriculture and forestry are entitled to the statutory minimum benefits provided for under the sickness insurance scheme subject to a qualifying period of six weeks completed within the 26 weeks immediately preceding the entitlement, and to supplementary benefits fixed under the rules of the fund subject to a qualifying period of 26 weeks completed within the 52 weeks immediately preceding the entitlement, or after a longer qualifying period to be fixed according to the rules of the fund, within these 52 weeks. In addition, cash sickness benefits are provided only if the casual worker has had at least 20 working days to his credit within the two months immediately preceding the beginning of the sickness rendering him incapable of work, or has been insured for at least 26 weeks out of the 52 weeks immediately before that date. The qualifying period is waived in cases of illness resulting from employment injury.

The report adds that special agricultural sickness funds, one in each of the federated states constituting the Republic of Austria, act as sickness insurance institutions for workers in agriculture and forestry.

Statistical data for 1955 show that the average number of persons employed in agriculture and forestry and covered by compulsory sick-

ness insurance was 192,600 (180,800 wage earners and 11,800 salaried employees). The total amount paid out in cash benefits was 46.5 million schillings (147.30 schillings per insured person) and in benefits in kind 119.3 million schillings (378.30 schillings per insured person). The total financial resources amounted to 181.2 million schillings, made up as follows : employers' contributions, 67.2 million ; insured persons' contributions, 84.1 million ; from public funds 29.9 million (including 22.8 million schillings paid by pension insurance institutions for the sickness insurance of pensioners). The data concerning expenditure and resources include those for compulsorily and voluntarily insured persons as well as those for pensioners and unemployed persons.

*Bulgaria.*

See under Convention No. 24.

*Chile.*

See under Convention No. 24.

*Czechoslovakia.*

See under Convention No. 24.

*Federal Republic of Germany.*

See under Convention No. 24.

*Haiti (First Report).*

See under Convention No. 24.

*Poland.*

See under Convention No. 24.

*Spain.*

For legislation see under Convention No. 24.

The Government refers to the report which it supplied for Convention No. 24, since the same legislation applies to sickness insurance for workers in agriculture, industry and commerce.

The report of the national trade union organisation, transmitted by the Government, states

that the scope of the insurance covers workers engaged in agricultural, forestry and stock-breeding activities who are included in the census of agricultural manpower or in the trade unions of independent workers. Apart from the exceptions provided by the law respecting sickness insurance, the following are excluded from the scope of the insurance : casual agricultural workers, farmers and independent workers not affiliated to the agricultural trade unions.

There is no difference between the scheme for payment of benefits in agriculture and that in force in industry, which was described under Convention No. 24 ; the administrative structure of the insurance is also similar. As in industry, the financing of the scheme is based on employers' and workers' contributions and a State contribution, but the scale of contributions and the method of collecting them are different.

The report of the trade unions states that nearly 800,000 agricultural workers are covered by sickness insurance. It is also estimated that there are 2,500,000 agricultural workers who are not covered by compulsory sickness insurance but are only protected by national or regional forms of assistance.

*United Kingdom.*

See under Convention No. 24.

*Uruguay.*

See under Convention No. 24.

*Yugoslavia.*

In the month of July 1955 there were 182,334 workers (wage earners, salaried employees and apprentices) employed in agriculture, and in the month of June 1956 there were 210,059. The report adds that the total number of agricultural workers insured is not given because all workers in employment are covered by the social insurance scheme.

See also under Convention No. 24.

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

*Colombia, Nicaragua.*

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
Dominican Republic . . . . .	5.12.1956
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.

Commonwealth.

Conciliation and Arbitration Act, 1956.

New South Wales.

Industrial Arbitration Act, amended November 1955.

Queensland.

Industrial Conciliation and Arbitration Acts, amended November 1955.

South Australia.

Industrial Code, amended November 1955.

An application in respect of the basic wage was made by the Amalgamated Engineering Union and other unions to the Commonwealth Court of Conciliation and Arbitration for alteration of the basic wage prescribed in the Metal Trades Award requesting, *inter alia* (1) an increase in the basic wage . . . to the amount it would have reached if the provisions for automatic quarterly adjustments which had been deleted in September 1953 from the award by the decision of the Court in the Basic Wage

Inquiry of 1952-53 had remained in the award ; (2) a further addition to the basic wage of £1 per week ; (3) the re-insertion of the provisions for automatic quarterly adjustment of the basic wage.

The Court recognised the application as one of great importance, observing at the commencement of its judgment that "although this application is for variation of the Metal Trades Award, the hearing has been, following past practice, regarded as a general application for variation of the basic wage in all Federal Awards". The Court rejected claims (1) and (3), and in respect of claim (2) granted an increase of 10 shillings per week as from June 1956. In its reasons for judgment it stated that it had taken into account the capacity of the economy to bear the increase awarded.

Systems of automatic quarterly adjustments in accordance with changes in the cost of living were re-established by legislation or continued under existing provisions in New South Wales Tasmania and Victoria. The competent authorities in South Australia, Queensland and Western Australia increased the amount of the basic wage on various occasions.

The Commonwealth Conciliation and Arbitration Act, 1956, has made considerable alterations in the law and practice relating to conciliation and arbitration in the Commonwealth sphere. The principal changes are as follows : whereas the system as framed in 1947 and subsequently amended involved a division of the conciliation and arbitration power of the Commonwealth between the Commonwealth Court of Conciliation and Arbitration and a group of Conciliation Commissioners, the amending legislation vests that power in a single body, the Commonwealth Conciliation and Arbitration Commission ; whereas the Conciliation and Arbitration Court had, or purported to exercise, judicial powers, including the power to enforce awards, those powers are to be exercised by a new and separate body: the Commonwealth Industrial Court ; there will be an entirely new class of conciliators appointed who will have powers of conciliation only, except that with the consent of the parties they may determine any part of a dispute upon which the parties cannot agree ; and finally provision has been made for a sharing of functions between the Conciliation and Arbitration Commission and the newly established Australian Stevedoring Industry Authority in relation to the settlement of industrial disputes and the regulation of industrial matters in the stevedoring industry. Emphasis has been placed on conciliation throughout the Act.



There is, as before, a system of references and appeals from single Commissioners to the Commonwealth Conciliation and Arbitration Commission.

A special Industrial Court is established to exercise judicial functions including the power of enforcement of Awards. It will comprise a Chief Judge and not more than two other Judges. To qualify for appointment a person must be a Judge of the Conciliation and Arbitration Court, or president or deputy president of the Commission, or a barrister or solicitor of not less than five years' standing. All the judicial powers formerly exercised by the Conciliation and Arbitration Court will be vested in this Court.

A survey made by the Commonwealth Bureau of Statistics in April 1954 showed that—not counting employees on rural holdings and in private households—88.6 per cent. of male and 92.1 per cent. of female employees came under the minimum wage fixing machinery.

### *Belgium.*

The official retail price index has been revised. The base date has been changed from 1936-38 to 1953, additional items have been included, and the weighting altered. The joint committees have been invited to review existing collective agreements to bring any indices embodied in them into line with the new index. In most cases the necessary modifications have already been made.

During the period under review new collective agreements were concluded for workers in the tailoring, men's and boys' clothing, underwear and workers' clothing trades. The collective agreement in tailoring has been made generally binding by Royal Decree. Copies of the agreements and the decree are appended to the report.

The report gives the number and results of prosecutions instituted by the inspection services for contraventions of minimum wage legislation.

With reference to the observation made by the Committee of Experts in 1955 regarding the high proportion of prosecutions whose outcome was shown in the annual reports as "unknown", the Government has transmitted a copy of a letter received by it from the liberal trade unions, suggesting that, as the legal departments of the trade unions are informed by the courts of the outcome of prosecutions concerning wages, the necessary statistics could be made available to the Ministry of Labour and Social Welfare. The Government observes, however, that the information in the possession of the unions (and which the Ministry also possesses) concerns cases before the Joint Conciliation Boards and Justices of the Peace, and are in reality civil disputes between employers and workers, while the particulars given in the annual reports relate to prosecutions conducted by the Public Prosecutor, details of which are not available to the trade unions.

### *Bulgaria.*

Labour Code of 1951 (L.S. 1951—Bul. 2). Regulations published in *Izvestia* No. 57 of 17 July 1953.

Labour is remunerated according to the quantity and quality of the work performed. The system and amount of remuneration for the various industries are fixed by the Council of Ministers. Rates are laid down for each category of worker, and they may not be paid other than in accordance with such rates. This system applies to all undertakings. Work norms are established, approved or modified in accordance with the Regulations of 1953. The draft norms are discussed at workers' meetings and are approved by the competent authorities after consultation of the trade unions concerned. At the same time technical and administrative measures are taken to ensure that work norms are fulfilled and even surpassed.

Average wages and salaries in 1955 were 3.8 per cent. higher than in 1954. Between 1952 and 1955 price reductions were made on five occasions.

In accordance with sections 3 and 5 of the Labour Code the trade unions participate in the fixing of wages. In case of underpayment a worker may resort to the labour inspectorate, the conciliation board or the courts (sections 67, 68, 110, 136 and 212 of the Labour Code).

### *Burma (First Report).*

Minimum Wages Act, 1949 (L.S. 1949—Bur. 1). Wages Councils and Commissions of Enquiry (Notices and Orders) Regulation, 1953.

Wages Council (Meeting and Procedure) Regulations, 1953.

Commissions of Enquiry (Meetings and Procedure) Regulations, 1953.

Minimum Wages Order for the Cigar and Cheroot Manufacturing Industry (Rangoon and Pegu Districts), which came into force on 1 January 1954.

The Minimum Wages Act, 1949, conforms to the Convention.

*Article 1 of the Convention.* A Minimum Wages Council was established in September 1953 to regulate minimum wages, leave and holidays for workers in the cigar and cheroot manufacturing industry in the Rangoon and Pegu districts. A Commission of Enquiry was appointed by the Government in 1954 to inquire into wages and conditions in the rice milling industry with a view to enabling the Government to decide whether a Minimum Wages Council for the industry should be set up. In June 1956 the Government considered proposals of the I.L.O. expert appointed under the Expanded Programme of Technical Assistance to extend the field of operation of the Minimum Wages Council for the cigar and cheroot manufacturing industry to the whole of Burma and to establish a Minimum Wages Council for the rice milling industry.

*Article 2.* The Ministry of Labour consults representatives of employers' organisations and trade unions before setting up a Minimum Wages Council. The Minimum Wages Act, 1949, requires the Government to publish a notice of intention to set up a Minimum Wages Council and to allow 30 days for making objections or suggesting modifications.

*Article 3.* The Minimum Wages Council for the cigar and cheroot manufacturing industry consists of three representatives each of employers and workers and three impartial persons, one



of whom acts as chairman. The Minimum Wages Act requires the representative members to be equal in number. The minimum rates of wages fixed in Minimum Wages Orders are binding on the employers and workers concerned and are not subject to abatement either by individual or collective agreement.

*Article 4.* The Directorate of Labour and the Inspectorate of Factories and General Labour Laws under the Ministry of Labour enforce the above-mentioned legislation. The posting-up of the relevant wage order at the establishments and inspection visits keep the workers informed of the minimum wage rates. The checking of wage records ensures that wages are paid in accordance with the Wages Order. If a worker is paid less than the fixed minimum rates, he or the inspector may take legal proceedings to recover the underpayments.

*Article 5.* As stated above, minimum wage fixing machinery has been applied to the cigar and cheroot manufacturing industry in the Rangoon and Pegu districts. The approximate number of workers covered is 5,000, of whom a high proportion (probably over 90 per cent.) are women and young girls. A copy of the Order is appended to the report.

#### Canada.

The Saskatchewan Minimum Wage Act was amended to give the Minimum Wage Board additional power with respect to the length of working time without a meal period intervening, and to the provision by the employer of a written statement to his workers showing earnings and deductions made. Six new Orders were issued in British Columbia, covering the sheet-metal trades; metal mining; manufacturing; pipe-line construction; bicycle riders and foot messengers on delivery; and persons employed in two or more occupations by the same employer. Nine Minimum Wage Orders were renewed in Quebec and a new Order in Saskatchewan clarified the coverage of the Minimum Wage Act.

Approximately 80,000 inspections were reported by various provinces; wage adjustments for workers amounting to around \$135,000 were effected under Minimum Wage Orders; and employers were prosecuted in 36 cases.

In Prince Edward Island, following legislation in 1955, the first Minister of Labour has been appointed, and a committee has been set up to study minimum wage legislation.

#### Chile.

Act No. 12006 (Official Gazette of 23 January 1956).

Section 5 of Act No. 12006 lays down a minimum wage of 50 pesos per hour for all manual workers aged 18 years or over in industry, commerce and state services. The minimum wage includes all forms of remuneration, including allowances in kind, but not family allowances, profit-sharing rights under section 405 of the Labour Code, or social security benefits.

Minimum wages have been fixed by joint boards of employers and wage earners under section 44 of the Labour Code for hotel workers

in Coquimbo (Ovalle), for building workers in Santiago (San Antonio) and Ancud, and for tailoring workers in Punta Arenas. Particulars of minimum rates fixed are set out in the report.

Salaried employees in private employment, who number about 190,000 are covered by Act No. 7295, which provides for the fixing of a minimum living wage. A table setting out the minimum living wages for 1955 and 1956 fixed by the various provincial committees under this Act is appended to the report.

Particulars of labour disputes during 1955 are appended to the report: 1,310 disputes were settled during the year, and wage rates fixed as a result benefited a total of 140,696 workers, involving an estimated increase in wage and salary payments of over 5,000 million pesos. Also appended to the report is a copy of a judgment in which it was held, *inter alia*, that the worker concerned was entitled to wages in accordance with the rates fixed by a collective agreement, although his employer was not a member of the organisation which had concluded the agreement, since the parties had not concluded a written agreement as required by the Labour Code and the other terms of the collective agreement had in fact been observed.

#### China.

Minimum Wage Law, 1936 (L.S. 1936—Chin. 3).

Owing to the national crisis and emergency there have been difficulties in many cases in enforcing the Minimum Wage Law promulgated in 1936. However, many regulations and ordinances have been issued in the past decade in order to meet the changing situation and to apply the Convention, if not in full, at least in accordance with its cardinal principles. The Ministry of the Interior is planning to draft regulations for fixing a basic wage, in which both the national situation and the principles of the Convention will be taken into account.

#### Colombia.

Decree No. 1156 of 26 April 1955 to establish joint boards of employers and workers to fix minimum wages (L.S. 1955—Col. 1).

Decree No. 2118 of 31 August 1956 to set up standing committees to review minimum wages.

Decree No. 2214 of 7 September 1956 fixing the minimum wages in all departments.

Copies of the above-mentioned decrees are appended to the report.

#### Cuba.

The Government has forwarded the text of 13 Orders, issued between 1 July 1955 and 30 June 1956, to fix minimum wages for guards and night watchmen in soap and perfumery works; for leaf tobacco sorters and packers in the Remedios district; for workers engaged in stripping and picking tobacco for export or shipment; in the machine production of tobacco twists throughout the country; for workers in the cigar-banding and wrapping sector in tobacco factories in Havana Province; for professional typists; for workers in granite slab factories throughout the country; for radio and

television operators throughout the country; for workers in printing warehouses and printing shops, bookshops, stationery shops and office supplies for the graphic arts; for manual and clerical workers in metal can and crown capsule factories throughout the country; for workers in vermicelli and noodle factories throughout the country; and for assistant hospital laboratory technicians throughout the country.

The number of workers covered by these Orders is approximately 46,500.

During the period covered by the report 206 inspections were carried out by the labour authorities, and proceedings were initiated in 60 cases for contraventions of the existing minimum wage legislation.

#### *Czechoslovakia.*

The report states that during the period under review hourly wage rates and piece rates were increased in the graphic arts industry, the building and construction materials industry, and the glass industry. The report gives the new wage rates. The hourly rates represent only the basic wage, to which must be added the production bonuses and other allowances; these raise the total amount of the hourly wage considerably above the basic rate.

#### *Ecuador (First Report).*

Labour Code of 5 August 1938 (L.S. 1938—Ec. 1).  
Constitution of 31 December 1946.

*Article 1 of the Convention.* Section 57 of the Labour Code provides for the establishment of minimum wage boards in the chief towns of the provinces and in cantons and places where the Ministry of Social Welfare and Labour considers it necessary, for the purpose of fixing minimum salaries and wages for the areas in question. Section 60 of the Code provides that, where a decision of a board is not unanimous, the dissenting members may appeal to the Directorate-General of Labour for a final decision.

*Article 2.* The method of fixing minimum wages laid down in the Labour Code applies to all industries covered by the Convention. Section 57 of the Code provides that minimum wage boards shall consist of a representative of the Directorate-General of Labour, a medical practitioner appointed by the Insurance Fund for Private Employees and Workers and a representative of the municipality concerned, and in addition one representative each of employers and workers, appointed in accordance with the regulations. Where it appears necessary to establish or revise a minimum wage, the organisations of employers and workers in the administrative district concerned (the canton) are invited to nominate their respective representatives. Section 61 of the Labour Code provides that, if for any reason a board fails to carry out its functions, the minimum salaries and wages shall be fixed by the Ministry of Social Welfare and Labour.

*Article 3.* The present form of wage fixing machinery has existed since 1938. As already indicated, representatives of workers and employers are appointed members of minimum

wage boards, on an equal footing. By virtue of article 185(b), of the Constitution and sections 4 and 44 of the Labour Code, minimum wages fixed by the boards or the Ministry may not be subject to abatement by collective or individual agreement, and the competent authority has no power to grant exceptions.

*Article 4.* Minimum wages fixed by the boards or by executive decree are published in the official gazette so as to bring them to the knowledge of the public and of the authorities responsible for their enforcement. Workers paid less than the minimum wage may recover the amounts underpaid by legal process or through the Labour Inspectorate. Claims must be made within a year.

Title VI of the Labour Code contains provisions relating to the organisation, functions, and powers of the services responsible for enforcing the provisions of the Code.

The provisions of the Convention are applied to contracts of employment in all industries, agriculture, commerce and all other activities. In certain cases there has been direct negotiation between employers and workers, and the wages fixed by these agreements have subsequently been approved officially by the promulgation of decrees.

#### *France.*

Decree No. 56-265 of 17 March 1956 to reduce zonal wage differences in agriculture.

Decree No. 56-266 of 17 March 1956 to reduce differences in the inter-occupational guaranteed minimum wage for the various wage zones.

Circular TR 2 of 26 March 1956 respecting the application of Decree No. 56-266.

Decree No. 56-266 has further reduced the zonal wage differences. As a result the minimum hourly wage is 126 francs in the first zone of the Paris region and 115.90 francs in the lowest wage zone. The minimum rates now in force are set out in Circular TR 2.

In a judgment of 30 November 1955, a court at Bourg-en-Bresse held that the inter-occupational guaranteed minimum wage was payable to persons employed under a contract of apprenticeship, even where the contract met the requirements laid down in the Labour Code, if, in fact, the so-called apprentices were not being given systematic and effective training.

#### *Federal Republic of Germany.*

During the period under review the Act of 1951 respecting the establishment of home work committees led to a series of implementing measures to set up (a) new home work committees with jurisdiction over the whole territory of the Federal Republic, including West Berlin, to regulate home work wages for the manufacture of articles of haberdashery and trimmings, cravats and netting of all kinds; (b) home work committees to regulate the wages of persons assisting homeworkers in the underclothing industry; (c) home work committees for the manufacture and packing of rubber articles, to regulate minimum rates for the above-mentioned workers in some of the provinces of the Federal Republic.

In many industries the home work committees have fixed the minimum rates of pay. The report indicates the hourly rates fixed and the approximate number of workers to whom these rates apply, and emphasises that, in nearly all branches of home work, special allowances are added to the minimum wages. These allowances normally amount to 10 per cent. of the wage. The wages fixed for homeworkers employed in the clothing industry are equal to the wages of ordinary workers in the industry.

The proportion of women homeworkers to the total number of workers of this class is extremely large, amounting to 86 per cent. of the total number of workers registered.

#### *Ireland.*

Copies of Employment Regulation Orders made during the period under review are appended to the report. They establish minimum rates for workers in the following trades and occupations: aerated waters; boot and shoe repairing; brush and broom; button-making; creameries; general waste materials reclamation; handkerchief and household piece goods; law clerks; messengers; packing; paper box production; shirtmaking; sugar confectionery and food preserving; tailoring; tobacco; women's clothing and millinery.

The approximate number of workers covered by these orders made during the period is 39,850.

During the period under review 3,992 inspections were carried out, covering 6,336 male and 13,775 female workers; £2,967 6s. 6d. in arrears of wages was collected.

#### *Italy.*

The Government submits a table showing minimum gross rates of pay, as provided in collective agreements, for industry and commerce, classified for the former by branches of industry, provinces and degree of skill. For commerce separate rates apply to men and women. The census of November 1951 showed that approximately 4 million industrial workers and 1½ million commercial workers were covered by collective agreements.

#### *Mexico.*

The Government has supplied statistics, based on a census of 1951, of workers entitled to wages at or above the fixed minimum rates, classified by industry. The total number of such workers is 1,059,767. An official booklet setting out the minimum wage rates approved for 1956 and 1957 is appended to the report.

#### *New Zealand.*

Shops and Offices Act, 1955, which consolidates the Shops and Offices Act, 1921-22, and its amendments.

The new Act omits the minimum wage requirements in the 1921-22 Act. Junior workers are, however, subject to the minimum wage provisions of the relevant Awards of the Arbitration Courts.

As at 31 March 1956 the following workers were covered by minimum wage legislation: in factories: 198,024; in offices: 42,700; in shops: 76,000.

Wages recovered by inspectors of the Department of Labour during the year ending 31 March 1956 amounted to £614.

#### *Nicaragua.*

The report states that the minimum wage legislation has been applied in Nicaragua during the period under review.

It adds that in places where no minimum wage has been fixed the minimum wage is deemed to be the usual wage decreased by one-fourth, as provided in the last paragraph of section 79 of the Labour Code.

#### *Norway.*

The report states that during 1955 the Convention covered 336 employers and 2,966 employees, of whom 2,315 were employed in their homes and 651 in workshops.

Both the number of employers and the number of homeworkers covered by the Convention have decreased, particularly in rural districts. This decrease is attributed to the increase of serial production in factories.

#### *Spain.*

Labour Charter, approved by Decree of 9 March 1938 (L.S. 1938—Sp. 1).

Decree of 13 May 1938.

Act of 15 December 1939 respecting the organisation of the National Labour Inspectorate (L.S. 1939—Sp. 4).

Decree of 13 July 1940 to approve regulations for labour inspection.

Act of 17 October 1940 respecting labour courts (L.S. 1940—Sp. 6).

Act of 16 October 1942 to lay down rules governing the drawing up of employment regulations (L.S. 1942—Sp. 2) and minimum wage regulations made thereunder.

Regulations of 21 December 1943.

Decree of 26 January 1944 to approve the consolidated text of the First Book of the Act respecting contracts of employment (L.S. 1944—Sp. 1 A).

Section 1 of the Act of 16 October 1942 defines the regulation of employment as the systematic regulation of minimum conditions to which collective labour relations between employers and employees must conform. Sections 11 and 16 state that the regulations shall include, *inter alia*, classification of jobs and personnel and the rates of remuneration according to particular trades or occupations. Labour regulations have been made under this Act for each branch of industry or commerce laying down minimum wages to be paid to employees specified therein. The Government therefore considers that the Act and the regulations issued under it give full effect to Article 1 of the Convention.

Section 9 of the Act provides that when a regulation of national character is being drafted, the Ministry of Labour shall request the national trade union organisation to appoint a number of assessors who are experts in the branch of industry to which the regulations are to apply; these assessors shall include representatives of all elements of the various occupational groups

constituting the trade union concerned. The Ministry of Finance shall also be consulted when the increases in wages and other remuneration could appreciably affect the cost of living, and advice may be sought of any persons or organisations considered to be qualified in the matter. Minimum wage rates cannot be abated either by individual or collective agreements, and no general or particular authorisation permitting abatement under Article 3, paragraph 2 (3), of the Convention is at present in force. Copies of the various labour regulations establishing minimum wage rates and prescribing other important rules relating to minimum wages are appended to the report. These regulations have been modified by various ministerial Orders to take account of the increase in the cost of living.

Employers and workers may easily acquaint themselves with the minimum wage rates in force by reference to the relevant regulation. A worker paid less than the legal minimum rate can recover the difference due to him by application to the Labour Inspectorate and legal process in the labour courts. The functions of the National Labour Inspectorate in this regard are defined in the Act of 15 December 1939 (section 2(d)) and the Decree of 13 July 1940 (section 3 (1)). The annual report of the National Labour Inspectorate for 1954 is appended to the Government's report; it contains statistics of infringements of regulations dealt with by the Inspectorate, the majority of which, although not classified, relate to minimum wages.

The following additional information was supplied by the national trade union organisation and communicated by the Government:

The Labour Charter of 1938 provides in Chapter III, paragraph 4, that the State shall establish the bases for the regulation of labour to which the relations between employers and workers shall be subject, and that the fundamental elements of these relations shall be the performance of work and its remuneration and the mutual duties of loyalty, assistance and protection on the part of employers, and fidelity and obedience on the part of employees. Under section 118 of the Act respecting contracts of employment minimum wage rates for homeworkers are established, which are the same for men and women, and are equal to the remuneration of a worker of average capacity in the same category and performing similar work. Sections 6, 7 and 9 of the Act of 16 October 1942 give to employers' and workers' organisations the right to initiate proposals for minimum wages or the alteration of existing minimum rates, and to participate in all cases in the wage-fixing procedure. This procedure applies to all classes of employment, including home work. Decrees of 16 January 1928, 31 March 1944 and 23 October 1953 respecting wage policy make it possible for collective agreements of general scope, if approved by the department for the branch of economic activity, to increase minimum wage rates.

In accordance with the Regulations of 13 July 1940 and 21 December 1943 the enforcement of minimum wage provisions is entrusted to the Labour Inspectorate. Workers can

recover in the labour courts underpayments of minimum wages for the preceding three years, in accordance with section 83 of the Act respecting contracts of employment, the Decree of 13 May 1938 and the Act of 17 October 1940.

#### *Switzerland.*

Minimum Wage Orders were issued for the following trades during 1955-56: manufacture of baskets and cane furniture; men's clothing; underwear and ready-made clothing; and the cardboard industry.

Two Orders were renewed for the manufacture of paper products and for hand knitting.

The results of the general census mentioned in previous reports are not yet available.

#### *Union of South Africa.*

There was a decrease in the number of inspections made during the period under review compared with the corresponding period covered by the previous report. An amended list of wage determinations in operation during the period under review is appended to the report.

#### *United Kingdom.*

The Acts and Regulations described in previous reports remain in operation.

During the year the Minister of Labour and National Service made an Order abolishing the Central Co-ordinating Committee for the Retail Trades and Hairdressing Wage Councils as from 1 July 1956. After consultation with the Councils affected, it was decided that no purpose would be served by its continuance.

Following a recommendation of the Commission of Inquiry, the establishment of which was mentioned in last year's report, the Minister issued on 8 June 1956 a Notice of Intention to set up a Wages Council for the Rubber Proofed Garment Making Industry, allowing a period of 40 days during which objections could be made.

On 12 June 1956 the Minister published a Notice of Intention to abolish the Chain Wages Council (Great Britain). Employers and workers are now well organised and wages are effectively regulated by voluntary agreements.

The Catering Wages Commission, to which reference was made in the 19th and subsequent reports, had not submitted to the Minister its annual report before the end of the period under review.

Copies of 72 Orders for Great Britain and of 36 Orders for Northern Ireland which came into force during the period are appended to the report.

The report contains a classified list of 517,736 establishments in Great Britain and 12,111 establishments in Northern Ireland affected by the minimum wage fixing machinery. Details are given regarding the minimum remuneration effective on 30 June 1956 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 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 141. In Northern Ireland the certification of learners remains on the same basis as in previous years and, during the period under review, 4,397 certificates were issued. The total number of apprentices registered during the year by wages councils which had provided special minimum rates for this class of worker was 4,583 in Great Britain and 172 in Northern Ireland. The number of permits of exemption (including renewals) issued during the year to disabled or infirm workers by wages boards and councils was 487 in Great Britain and seven in Northern Ireland. The total number of workers holding such permits of exemption at 30 June 1956 was 2,382 in Great Britain and nine in Northern Ireland.

During the year 34,353 inspections were made under the Wages Councils Acts of 1945-48; the wages of 197,501 workers were examined; legal proceedings (three criminal and six civil) were taken in nine cases; and £98,436 10s. 0d. was collected in arrears of wages. Under the Catering Wages Act of 1943, 12,388 inspections were made; the wages of 68,196 workers were examined; one criminal prosecution was undertaken and £43,596 was collected in arrears of wages. Under the Wages Councils Act

(Northern Ireland) of 1945, 643 inspections were made; the wages of 21,638 workers were examined; no legal proceedings were taken and the amount collected in arrears of wages was £1,193. During the period under review four decisions were given in courts of summary jurisdiction regarding statutory minimum remuneration. The employers concerned were fined a total of £83 and costs and were ordered to pay arrears of remuneration totalling £23 6s. 11d. Action was also taken in civil courts on behalf of workers in six cases, one of which was dismissed, and orders for the payment of arrears of remuneration due totalling £224 1s. 7d. were secured.

#### *Uruguay.*

The total number of workers covered by the minimum wage legislation is 734,000, made up as follows: industry and building: 205,000; commerce: 120,000; offices and various services: 75,000; transport: 10,000; agriculture: 324,000.

For information regarding contraventions see report on Convention No. 95.

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

*Argentina, Netherlands.*

## 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
Morocco . . . . .	20. 9.1956
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.

#### China.

The report states that the relevant regulations, as amended in 1936, have not since been revised.

#### Cuba (First Report).

Ordinance No. 214 of 1 October 1956.

The report states that the above-mentioned Ordinance follows the general lines of the Convention, although it does not authorise the marking of approximate weights on packages referred to in paragraph 2 of Article 1. The

report also states that when a package bears no indication of its weight the competent authorities forbid shipment and transportation of the object in question.

The customs superintendents, the harbour-masters and the Ministry of Labour are responsible for the enforcement of the Ordinance.

#### Federal Republic of Germany.

Following the observations made by the Committee of Experts in 1956, the re-examination of the exception contained in section 2 of the Act of 28 June 1933 respecting the marking of weight on heavy packages transported by vessel has proved that an exception was only necessary for unwrapped goods transported in bulk, which clearly do not fall within the scope of the Convention. The respective legal provisions would be amended accordingly.

#### Greece.

In order to give effect to an observation made by the General Confederation of Labour relating to the omission of the indication of the weight on packages transported within the country, the Ministry of Finance (Customs Division) will draft a circular giving new instructions, with a view to a strict enforcement of the Convention. The Government states that it was not necessary to supplement the provisions in force in this question since they do not make any distinction between packages according to their destination.

#### India.

The report states that the proposed amendments to the Marking of Heavy Packages Act, 1951, and the Rules made thereunder, have not yet been adopted.

Some consignments from foreign countries, consisting of heavy packages, were landed at the port of Calcutta without the weight having been stencilled on them. The Port Authority has brought these irregularities to the notice of the steamer agents concerned.

#### Japan.

The report refers to the statement made in 1956 to the Conference Committee with regard to the definition of the word "employer", to the effect that under section 10 of the Labour Standards Law the employer is defined as "the owner or manager of the enterprise or any other

person who acts on behalf of the owner of the enterprise in matters concerning the works of the enterprise". The Government adds that, as regards section 123 of the Ordinance on Labour Safety and Sanitation, there exists no doubt, in the application of the law, that the person responsible for the marking of the weight is the owner of the enterprise consigning the cargo.

#### *Netherlands.*

The number of packages examined rose from 2,826 in 1954 to 6,381 during 1955; 443 of these packages originated in countries which have ratified the Convention and 5,938 in countries which have not ratified it. The weight was not marked on 1,542 packages, six of which came from ratifying countries.

There has been a considerable improvement in the marking of packages as a result of inspection activities during recent years, particularly as regards the transport of sheet metal originating in Germany or the United States.

#### *Nicaragua.*

The report states that the labour authorities make it their business to see that the loading and unloading of heavy packages transported by vessels is carried out in accordance with the provisions of section 182 of the Labour Code, which prohibits workers from carrying loads weighing more than 125 pounds in all; loads consisting of articles for import and export may be of a weight not exceeding 152½ pounds.

Enforcement of the law is the responsibility of the local labour inspectors appointed for this purpose.

#### *Spain.*

Decree of 8 May 1933 respecting the marking of the weight on heavy packages transported by vessels (L.S. 1933—Sp. 1).

Act of 15 December 1939 respecting the organisation of the National Labour Inspectorate (L.S. 1939—Sp. 4).

Order of the Ministry of Labour of 23 December 1952 to approve the consolidated text of the law on conditions of employment in the Mercantile Marine (L.S. 1952—Sp. 2).

The report reproduces the text of the various sections of the Decree of 1933 which implement the provisions of the Convention. In particular, it states that, so far as concerns the exceptional cases where the indication of the approximate weight is allowed (Article 1, paragraph 2, of the Convention), the Decree provides in section 3 that "in cases where large stones are being loaded on ships or vessels at places where suitable appliances are not available, the consignor shall be authorised to mark the approximate weight".

The National Labour Inspectorate is responsible for supervising the application of the

provisions which give effect to the Convention, under the Act of 15 December 1939 respecting the organisation of the National Labour Inspectorate and section 29 of the Order of the Ministry of Labour of 23 December 1952 mentioned above. The latter provision states that the National Labour Inspectorate shall be responsible for ensuring observance of the regulations respecting employment on board ships of the Mercantile Marine.

Disputes which arise in the field covered by the Convention are dealt with by the labour courts set up by the Decree of 13 May 1938.

#### *Sweden.*

The labour inspector of the Malmö district reports that since the war the marking of weight on heavy packages from Germany has been defective (unreadable or worn off) or lacking entirely. On 30 May 1956 a package of sheet metal with no weight marked upon it was unloaded in the port of Malmö; it weighed nine metric tons.

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

Labour Code of 8 July 1952 (Part V, section 232).  
Implementing Decree No. 32-XL/ND of the Ministry of Labour of 26 May 1954.

*Article 1, paragraph 1, of the Convention.* Section 232, paragraph 1, of the Labour Code provides that any package or object of 1,000 kilograms or more gross weight, consigned for transport by sea or inland waterway, shall have its weight plainly and durably marked upon it on the outside.

Paragraph 2. In accordance with the second paragraph of section 232, in exceptional cases where it is difficult to determine the exact weight, the weight marked may be a maximum weight determined in relation to the volume and nature of the package.

Paragraph 3. The report states that the obligation for seeing that the legislative provisions on the question are observed rests upon the officials of the Department of Labour and on the customs officials for imported goods.

Paragraph 4. Paragraphs 1 and 3 of section 232 prescribe that the consignor is responsible for marking the weight of the package; paragraph 3 also provides that, in the absence of the consignor, this duty devolves upon the agent who is responsible for the despatch of the package.

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

*Argentina, Australia, Austria, Belgium, Bulgaria, Burma, Canada, Chile, Czechoslovakia, Finland, France, Indonesia, Ireland, Italy, Mexico, Norway, Pakistan, Poland, Portugal, Switzerland, Uruguay, Yugoslavia.*

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.*

See under Convention No. 27.

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

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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 . . . . .	2. 1.1932
Belgium . . . . .	20. 1.1944
Bulgaria . . . . .	22. 9.1932
Burma . . . . .	4. 3.1955
Byelorussia. . . . .	21. 8.1956
Ceylon . . . . .	5. 4.1950
Chile . . . . .	31. 5.1933
Cuba . . . . .	20. 7.1953
Denmark . . . . .	11. 2.1932
Dominican Republic. . . . .	5.12.1956
Ecuador . . . . .	6. 7.1954
Egypt . . . . .	29.11.1955
Finland . . . . .	13. 1.1936
France . . . . .	24. 6.1937
Federal Republic of Germany . . . . .	13. 6.1956
Greece . . . . .	13. 6.1952
Honduras. . . . .	21. 2.1957
Hungary . . . . .	8. 6.1956
India . . . . .	30.11.1954
Indonesia <sup>1</sup> . . . . .	31. 3.1933
Ireland . . . . .	2. 3.1931
Israel . . . . .	7. 6.1955
Italy . . . . .	18. 6.1934
Japan . . . . .	21.11.1932
Liberia. . . . .	1. 5.1931
Mexico . . . . .	12. 5.1934
Netherlands . . . . .	31. 3.1933
New Zealand . . . . .	29. 3.1938
Nicaragua . . . . .	12. 4.1934
Norway . . . . .	1. 7.1932
Portugal . . . . .	26. 6.1956
Spain . . . . .	29. 8.1932
Sweden . . . . .	22.12.1931
Switzerland. . . . .	23. 5.1940
Ukraine . . . . .	10. 8.1956
U.S.S.R. . . . .	23. 6.1956
United Kingdom . . . . .	3. 6.1931
Venezuela . . . . .	20.11.1944
Viet-Nam . . . . .	6. 6.1953
Yugoslavia . . . . .	4. 3.1933

<sup>1</sup> See footnote 3 to Convention No. 19.

**Bulgaria.**

The Government states that in the People's Republic of Bulgaria labour is free, and that under article 14 of the Constitution it is recognised as a fundamental social and economic factor, to which the State devotes the fullest attention. Work carried out by persons as a consequence of a conviction in a court of law is under the supervision and control of the public authorities. The said persons are not hired to or placed at the disposal of private individuals, companies or associations.

The illegal exaction of forced or compulsory labour would be punishable under the general provisions of the Penal Law, and in particular section 159, which provides for a sentence of imprisonment for not more than three years

to be imposed on any person who by the use of violence, threats or unlawful authority compels another to perform or fail to perform or to suffer an act against his own volition.

**Cuba.**

Decree No. 798 of 1938.  
Social Defence Code.  
Constitution of 5 July 1940 (L.S. 1940—Cuba 1 A).

Under Decree No. 798 of 1938 individual contracts made without prior notice and without any kind of sanction may be repealed.

In reply to the observations of the Committee of Experts made during the 39th Session of the Conference, it may be stated that section 88 of the Social Defence Code applies only in the case of sentences pronounced by the ordinary courts.

In cases where a person intends to exact labour section 267 (A) of the Code may be applied. With regard to the freedom to work, articles 28 and 40 of the Constitution may also be cited, in so far as they cover individual rights.

**Ecuador (First Report).**

Labour Code of 5 August 1938 (L.S. 1938—Ec. 1).  
Political Constitution of 31 December 1946.  
Penal Code.

The approval of the Convention by the National Congress and its ratification by the Executive gives it force of law in Ecuador under the provisions of article 53, paragraph 15, and article 71 of the Political Constitution. A Convention, when approved, is published in the Official Journal, which reproduces the instruments promulgated by the Government. In this way the provisions of the Convention are brought to the knowledge of the population and their implementation may be exacted.

*Article 1 of the Convention.* Article 187 of the Political Constitution of the Republic determines the general individual guarantees which are recognised for all inhabitants of Ecuador. In paragraph 10 of that article it is stipulated: "No one may be compelled to give free or remunerated services which are not imposed by law, save in cases of extreme urgency or of necessity of immediate assistance. Apart from such cases, no one shall be compelled to work without a contract and the corresponding remuneration." The same paragraph lays down that the State guarantees freedom of work.

*Article 2.* Freedom of the individual and respect for human personality are the principles which inspire the constitutional and legal rights recognised throughout Ecuador.

Article 170 of the Constitution states: "Work shall be compulsory for all members of the Ecuadorian community, subject to considerations of age, sex, health, etc., and allowing freedom of choice". Article 161 of the Constitution states: "No contract shall be valid which places one person at the disposal of another, in an absolute and indefinite manner; nor may the law prescribe conditions to the detriment of human dignity". In agreement with these provisions of the basic law, section 3 of the Labour Code states: "The worker is free to devote his labour to such lawful employment as he may choose and he cannot be compelled to provide his services without his consent except in cases specified by law. All work shall be remunerated."

The exceptions provided in paragraph 2 of Article 2 of the Convention are effectively applied in the life and the institutions of the country. But it may be stated that, owing to the freedom, democracy and legal system which Ecuador has enjoyed for many years no form of forced or compulsory labour exists of a kind liable to injure human dignity or susceptible of constituting an abuse on the part of the political or economic authorities with regard to the citizens.

Compulsory military service, work which forms part of the normal civic obligations of the citizens, work in prison, work exacted in cases of *force majeure* and minor village services are carried out in Ecuador within the limits prescribed by the Convention, and these different forms of work are so rare and so well-known that public opinion regards them without prejudice. However, these forms of work may never be exacted for the profit of private individuals, companies or corporations.

There is no form of forced or compulsory labour in the country imposed as a tax. For all these reasons it may be stated that the forced or compulsory labour with which the Articles of the Convention deal has been completely abolished in Ecuador.

*Article 25.* Book II, Title II, Chapter VIII, of the Penal Code (which deals with attacks on freedom of work, freedom of association and freedom of petition), contains the following provision (section 185): "The political, civil, ecclesiastical or military authorities who exact services which are not imposed by law or oblige persons to work without prior notice shall be punished by imprisonment of from one to six months".

The ordinary courts have not given any decisions on questions of principle relating to the application of the Convention.

The Convention is applied, like all the national laws, under the supervision of the administrative and legal authorities, chiefly through the Labour Inspectorate, which ensures that the conditions of human dignity in relations between employers and workers are maintained. Breaches of the provisions of the Convention may lead to official proceedings.

## India (First Report).

Constitution of India, in particular, articles 13 and 23. Indian Penal Code, section 374.

Statement placed before Parliament on 10 September 1951 respecting the ratification of the Convention.

The general principle that no person shall be required to perform forced or compulsory labour has already been accepted and provided for in the Constitution of India. Article 23 of the Constitution prohibits traffic in human beings and *begar* and other similar forms of forced labour except the imposition by the State, without discrimination, of compulsory labour for public purposes. All laws, in so far as they are inconsistent with this provision, are void, under article 13 of the Constitution. Any contravention of this provision is also an offence punishable in accordance with law. Thus, the use of forced labour for any private purpose is prohibited by the Constitution of India.

Even prior to the adoption of the Constitution, the Government of India appointed a Special Officer, in August 1948, to study the various legal enactments—central and provincial—and to submit a report indicating the extent to which the existing legislation was at variance with the requirements of Convention No. 29 and to make suitable recommendations so as to enable the Convention to be ratified. On receipt of the Special Officer's report the enactments which authorised the use of forced labour were examined and it was found that only the following needed to be amended or repealed: (1) Criminal Tribes Act, 1924; (2) Bengal Regulations XI of 1806 and VI of 1825; (3) Madras Compulsory Labour Act, 1858; (4) Orissa Compulsory Labour Act, 1948; (5) Angul Laws Regulation, 1936 and the Khondmals Laws Regulation, 1936; (6) Northern India Canal and Drainage Act, 1873.

The Governments of the States concerned were asked to take steps either to amend or repeal the offending provisions in the relevant State enactments.

With the adoption of the Constitution these enactments were re-examined, since the review undertaken by the Special Officer was from the point of view of the international labour Convention and not specifically from the constitutional viewpoint. It was found that sections 2 (a), 8, 9 and 11 of the Orissa Compulsory Labour Act, 1948, sections 66 and 70 (9) of the Northern India Canal and Drainage Act, 1873, and sections 1 and 2 of the Madras Compulsory Labour Act, 1858, and the Panchayat Acts of various State Governments were discriminatory and that the enactments required amendment.

The State Governments were requested to repeal such provisions as might be offending the Constitution in the Acts specified above, as also in others, if any, allowing the exaction of forced labour.

As this Convention came into force for India from 30 November 1955, the States concerned were requested to complete necessary action on outstanding items by that date. They have either amended or repealed the offending Acts and Regulations or are taking action to repeal

them. The present position in regard to the Acts and Regulations mentioned above is as indicated below :

*Criminal Tribes Act, 1924.* The provisions of this Act were not in conformity with those of the Convention, as they permitted the use of forced labour in criminal tribes settlements. The Act was therefore repealed with effect from 31 August 1952.

*Bengal Regulations XI of 1806 and VI of 1825.* All State Governments have agreed to the repeal of the Regulations. The Regulations will be taken out of the Statute Book through a General Repealing and Amending Act. It is proposed to introduce a Bill for the purpose in Parliament shortly. The Government of India has, however, been advised that the offending provisions of these Regulations are void in view of the provision of article 13 (1) of the Indian Constitution.

*Madras Compulsory Labour Act, 1858.* The Government of Madras has issued Executive Instructions keeping in abeyance the provisions of section 6 of the Act, pending its amendment. The Amending Bill has also been finalised.

*Orissa Compulsory Labour Act, 1948.* A Bill to amend this Act has been passed.

*Angul Laws Regulation, 1936 and Khondmals Laws Regulation, 1936.* The Government of Orissa, which is concerned with these Regulations, has taken action to delete the offending provisions.

*Northern India Canal and Drainage Act, 1873.* This Act applies to the States of the United Provinces, Pepsu, Punjab and Delhi. Section 65 of the Act empowers State Governments to obtain forced labour for carrying out usual annual repairs. The Governments of the United Provinces and Pepsu have issued orders keeping in abeyance the offending provision in the last paragraph of section 65, pending its repeal. The Punjab Government has also issued Executive Instructions to the effect that action permissible under the last paragraph of section 65 should not be resorted to. The Government of Delhi has taken a decision not to invoke the offending provision in section 65.

*State Panchayat Acts.* The Governments of Madhya Bharat, Madhya Pradesh, Jammu and Kashmir, Orissa and Mysore have already enacted legislation amending their Acts suitably. Necessary action in the matter has also been taken by the Governments of Bihar and Madras. The Government of Assam has been advised to issue Administrative Instructions holding in abeyance the offending provisions of its Panchayat Act pending its formal amendment.

Thus, on the legal plane, all action has been taken or initiated for protection against forced labour.

There is no provision in the Constitution of India giving the force of national law to the terms of the Convention. However, the fundamental rights enumerated in the Constitution (including protection against forced labour and *begar*) are legally established. All laws that are repugnant to the fundamental rights under the Constitution are void, under article 13 (1),

and, notwithstanding anything in any law, the exaction of forced labour in contravention of article 23 is an offence punishable under section 374 of the Indian Penal Code.

In a statement placed before Parliament on 10 September 1951 respecting the ratification of the Convention by India (a copy of the statement has been supplied to the I.L.O.) it was pointed out that, apart from the amendments or repeal needed in the existing enactments, no further legislation as such was considered necessary, since it was felt that, when the necessary amendments or repeal of the offending laws and regulations had been carried out, there could be only forced labour for certain public purposes which fell within the purview of the exceptions specified in Article 2 of the Convention. However, with a view to prescribing national standards regarding the quantum of forced labour that could be exacted under the exceptions provided for in clause (e) of Article 2 of the Convention, and for laying down some guiding principles for assisting the State Governments while having recourse to compulsory labour for public purposes, a set of Model Provisions (Draft) was framed by the Central Government and circulated to State Governments, etc., for comments. In framing the Model Provisions the requirements of Articles 11 to 15 of the Convention were taken into account. The intention was that the State Governments should be requested to give statutory effect to these provisions after their finalisation in the light of comments received, either by amending the relevant State Acts or by framing Rules under those Acts. However, further action in the matter was kept in abeyance, as the International Labour Conference had on its agenda for the 39th Session the question of the adoption of a Recommendation, as a supplement to Convention No. 29, dealing with the exempted classes of forced labour. The proposed conclusions relating to this Recommendation included a number of points covered by the Model Provisions. Now that consideration of the Recommendation has been postponed till such time as the question of the revision of the 1930 Convention on forced labour is placed on the agenda of the Conference, the question of finalising the Model Provisions will be reconsidered.

The position with regard to the individual Articles of the Convention is indicated below.

*Article 1 of the Convention.* Article 23 (2) of the Indian Constitution reads as follows : "Nothing in this Article shall prevent the State from imposing compulsory service for public purposes and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them".

Thus at present forced labour for public purposes can be exacted by public officials only within the limits authorised by the law. If a public official exacts forced labour in contravention of the law, such forced labour is illegal and is a penal offence under section 374 of the Indian Penal Code.

*Article 2.* The Government of India has no information to furnish.

*Articles 4 and 5.* Article 23 (2) of the Indian Constitution forbids forced labour for any private purpose.

*Article 6.* No such practice is allowed by governments in India.

*Article 7.* See the observations regarding Articles 4 and 5.

*Article 8.* Since in India forced labour can be utilised only by the State for public purposes, only the appropriate governments or other agencies duly authorised by them can have recourse to forced labour.

*Article 9.* The draft Model Provisions, circulated to State Governments for comments, contain the safeguards mentioned in clauses (a) to (d) of this Article.

*Article 10.* No such case has come to the notice of the Government of India.

*Articles 11 to 15.* The draft Model Provisions covered all the safeguards mentioned in these Articles. However, some of the State Governments, who were consulted on the draft, have pointed out that certain of the provisions are impracticable in cases of emergency and have suggested some modifications to the provisions. The comments and the suggestions made by the State Governments will be taken into consideration when the draft Model Provisions are finalised.

*Article 16.* No such case has come to the notice of the Government of India.

*Article 17.* No instance of recourse to forced or compulsory labour for works of construction or maintenance, which entail the workers remaining at workplaces for considerable periods, has come to the notice of the Government of India during the period under review.

*Article 18.* Forced labour for other than public purposes is prohibited by the Constitution of India.

*Article 19.* The Government of India is not aware of any case where recourse was had to compulsory cultivation during the period 1 July 1955 to 30 June 1956.

*Articles 20 and 21.* Forced labour of the kind mentioned in these Articles is not permitted.

*Article 23.* In view of the fact that forced labour, permitted in India after the necessary modification or repeal of offending laws has been completed, would be such as is covered by clauses (a) to (e) of Article 2, the formulation of any new regulations except the Model Provisions, already referred to, is considered unnecessary.

*Article 24.* No special machinery has been set up for this purpose. The need for having such machinery will be examined after the Model Provisions have been finalised.

*Article 25.* No such case has come to the notice of the Government of India.

*Article 26.* This does not apply to India.

No court decision involving questions of principle relating to the application of the Convention has come to the notice of the Government of India so far.

No observations regarding the practical fulfilment of the conditions prescribed by the

Convention or the application of the national law implementing the Convention have been received from the organisations of employers and workers concerned.

#### *Indonesia.*

Statute Book of 1859, No. 46.

Penal Code of 1915, sections 333, 335 and 421.

Regulations No. 708 of 1917, section 15, paragraphs 1 and 2, and section 58, paragraph 2.

Statute Book of 1934, No. 661.

Statute Book of 1938, No. 21.

Statute Book of 1941, No. 97.

Statute Book of 1941, No. 514.

Exceptional Ordinance of 1946 respecting Java and Madura.

Provisional Constitution of the Republic of Indonesia of 29 October 1949, article 10.

Forced labour in the sense of the Convention has been abolished for the whole territory of Indonesia. It is therefore unnecessary to reply to all the questions in the report form point by point. The following indications give some idea of the prevailing situation.

Under article 10 of the Provisional Constitution of the Republic of Indonesia, no one may be held in slavery, servitude or bondage. Slavery, the slave trade and bondage and any actions in whatever form giving rise thereto are prohibited.

Slavery has been abolished since 1 January 1859.

Statute labour has been abolished for Java and Madura since 1 February 1938 under the terms of an Ordinance of 1934, which came into force in 1938, and for the territories outside Java and Madura since 1 January 1942.

Services which the inhabitants of the private lands must offer to the landed proprietors were abolished by an Ordinance of 1946.

The work performed in virtue of contracts under penal sanctions has been abolished since 1 January 1942.

In conformity with Article 25 of the Convention, the unlawful exaction of forced labour is punished by sections 333, 335 and 421 of the Penal Code (the text of these sections is given in the report).

As regards the application of Article 2, paragraph 2 (c), of the Convention, work exacted as a consequence of a conviction to imprisonment by a court of law in a criminal case is performed under the conditions laid down in section 15, paragraphs (1) and (2), and section 58, paragraph (2) of Regulations No. 708 of 1917. The text of these provisions, which are wholly in accordance with those of Article 2, paragraph 2 (c), of the Convention, is given in the report.

#### *Spain.*

Act of 8 April 1932 to ratify Convention No. 29.

Labour Charter of 9 March 1938 (L.S. 1938—Sp. 1).

Decree of 26 January 1944 to approve the consolidated text of the First Book of the Act respecting contracts of employment (L.S. 1944—Sp. 1A).

Ordinance of 23 March 1945 to approve the regulations for rural trade union organisations.

Charter of the Spanish Nation of 17 July 1945.

Ordinance of 18 January 1949 respecting rural trade union organisations.

Act respecting local government approved by Decree of 16 December 1950.

Ordinance of 14 December 1952 respecting convict labour.

*Article 1 of the Convention.* In defining the contract of employment, section 1 of the Act respecting contracts of employment, approved by the Decree of 1944, emphasises the voluntary character of the engagement, which must be an essential condition and a constituent element of the contract concluded. The law does not therefore contemplate any cases of forced or compulsory labour and it has never appeared necessary or advantageous to issue express rules on the question, above all in so far as concerns the sphere of labour properly so called.

Where it is necessary to impose forced or compulsory labour exceptionally for public purposes such cases are duly provided for and governed by administrative laws and regulations which stipulate every kind of guarantee for the persons concerned in order to avoid any unauthorised exploiting.

*Article 2, paragraph 2 (c).* Under the prison system prisoners may shorten their sentences by work. The work performed under this system is voluntary, and the prisoners who ask for the application of this legislation work under conditions of payment, social security, etc., identical with those enjoyed by other workers. The various provisions adopted in this respect are collected together in the Ordinance of 14 December 1952.

Paragraph 2 (b) and (d). The observations of the national trade union organisation which are transmitted by the Government contain the following details: with regard to the work performed in the general interest, the Charter of the Spanish Nation of 17 July 1945 stipulates in section 8 that personal services required in the interest of the nation and for public needs may be imposed by law, provided that they are always of a general nature.

In application of this provision the Act respecting local government of 16 December 1950 provides that municipal authorities may exact a personal service from persons of the male sex residing in their respective municipal areas for urgent work and services of an exceptional character. The following are exempt from this personal service: (a) minors of not more than 18 years of age and persons of not less than 50 years of age; (b) persons suffering from a physical disability; (c) prisoners in penal institutions; (d) civil and military authorities; (e) Catholic priests; (f) primary school teachers; (g) serving soldiers and sailors.

The period for which the services are required may not exceed 15 days in the year nor three consecutive days, and the persons concerned may buy themselves out, at the place where and the time at which the service is exacted, by a cash sum equal to the payment for the days of work for labourers of the locality. Refusal to carry out the service or services may be punished by a fine equal to the amount of the sum by which the service could have been bought out, and administrative regulations arrange for the recovery of this sum and the fine.

Paragraph 2 (e). The Ordinance of 18 January 1949 respecting rural trade union organisations interprets paragraph (a) of section 23 of the Ordinance of 23 March 1945 to approve the regulations of such organisations, and pro-

vides as follows: A trade union organisation may, if authorised by the municipal authorities concerned, exact a personal service in order to ensure the opening up or repair of rural roads, but this service may only be imposed on members of the organisation who are to benefit by this work.

*Articles 4 to 6.* The report states that there are no provisions in Spain to establish forced or compulsory labour for the profit of private individuals. The rules laid down in this connection in the Articles of the Convention are therefore inapplicable in this country.

#### *Sweden.*

The Government refers to the information submitted to the Conference in writing in 1956.

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

Labour Code of Viet-Nam of 8 July 1952 (chapter 1, section 8).

Section 8 of the Labour Code states that "forced or compulsory labour shall be absolutely prohibited".

It also states that "the term 'forced or compulsory labour' shall mean all work or service which is exacted from any person under a menace of any penalty and for which the said person has not offered himself voluntarily". This definition is simply a reproduction of that given in the international Convention itself. However, the following are excluded from the definition: (a) any work or service exacted in virtue of military or fiscal obligations as determined by law; (b) any work or service which forms part of the normal civic obligations of the citizens; (c) any work or service exacted from any person as a consequence of a conviction in a court of law, provided that the said work or service 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; (d) any work or service exacted in cases of emergency, that is to say, in the event of war or of a calamity or threatened calamity, such as fire, flood, famine, violent epidemic or epizootic diseases, invasion by animal, insect or vegetable pests, and in general any circumstance that endangers or would endanger the life or the normal conditions of existence of the whole or part of the population.

The said section 8 applies to domestic staff and to workers in agricultural undertakings.

No form of forced or compulsory labour is imposed for the benefit of private individuals, companies or associations.

The daily services previously required of the mountain tribes for the benefit of agricultural concessions were abolished by the Government of Viet-Nam immediately it attained independence.

*Article 5 of the Convention.* None of the concessions granted to private individuals, companies or associations contain clauses implying the imposition of forced or compulsory labour.

No form of compulsion is practised, either in the interest of the Government or in that of any private undertaking. Forced or compulsory labour of any kind is absolutely prohibited.

*Article 25.* Any infringement of the above-mentioned section 8 of the Labour Code is punishable as a penal offence, the penalties being specified in section 352 of the Code. This section provides as follows: "All means or forms of direct or indirect compulsion used for the purpose of engaging or keeping at the workplace any individual who does not consent thereto, and in general any infringement of the provisions of section 8, shall be punished by a fine of from 500 to 2,000 piastres and imprisonment for not less than six days and not more than three months or by either one of these penalties".

The courts of law have given no decisions

involving questions of principle relating to the application of the Convention.

No observations have been received from employers' and workers' organisations concerning the practical application of the provisions of the Convention.

Supervision of the application of the national laws and regulations giving effect to the provisions of the Convention is undertaken by the officials of the Department of Labour and the regional or local administrative authorities.

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

*Argentina, Australia, Ceylon, Chile, Denmark, Finland, France, Ireland, Italy, Japan, Mexico, Netherlands, New Zealand, Nicaragua, Norway, 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 735 contraventions were reported. Permanent exceptions were granted in 50 cases and temporary exceptions were authorised in 701 cases (Article 7 of the Convention).

#### *Bulgaria.*

Ordinance of 3 May 1952 respecting overtime (L.S. 1952—Bul. 2 B).

The length of the working day is fixed at eight hours in commerce and offices as in other activities. This applies in general to all undertakings, establishments and organisations under public administration. No resort is made to the provisions of Articles 4 and 5 of the Convention.

In keeping with Article 6 of the Convention, paragraph 2 of section 44 of the Labour Code permits the distribution of working hours over a period of one month in certain industries and administrative services, having due regard to the relevant legal provisions. Monthly

hours of work are applied to physicians and to the staff of medical institutions, to shop, restaurant, café and news-stand employees, and to itinerant vendors.

Overtime work is authorised subject to the conditions set out in sections 46 to 48 of the Labour Code and in accordance with the ordinance respecting overtime. No more than 150 hours of overtime may be worked in the course of a year except in the cases specified in paragraphs (a) and (b) of section 46 of the Labour Code. Overtime worked in the course of a month may not exceed 40 hours. The rate of pay is 25 per cent. higher than the regular rate for the first two hours of overtime and 50 per cent. higher for each additional hour. The rate of pay for work done on a weekly day of rest is 50 per cent. higher than the regular rate and any such work done on certain specified national holidays is remunerated at twice the regular rate.

Under section 12 of the ordinance respecting overtime undertakings are required to keep a special register indicating the number of workers, the amount of overtime worked and the amount of pay due in respect of overtime.

#### *Chile.*

In 1955, 3,776 inspection visits were made to supervise compliance with the regulations concerning closing hours and weekly rest in commercial and industrial workplaces. The number of contraventions brought to light was 26.

#### *Finland.*

In 1955 the number of commercial establishments and offices covered by the legislation applying the Convention rose to 29,751, and the number of workers employed in them increased to 121,480. Prosecutions were instituted in respect of two contraventions.

*Haiti.*

In reply to the observations made by the Committee of Experts in 1956, the Government states that all the public and private establishments indicated in Article 1 of the Convention are covered by the relevant national legislation. Advantage has been taken of the exceptions authorised in paragraphs 2 and 3 of Article 1 of the Convention to the extent shown in the Act of 5 May 1948.

Apart from the provisions of the 1948 Act no special regulations have been made under Articles 6 and 7 of the Convention.

*Israel.*

The report states that during the period under review 384 special permits for overtime were granted for work in commerce, offices and industry.

*New Zealand.*

Shops and Offices Act, 1955.

The Act of 1955 consolidated the Shops and Offices Act, 1921-22, and its amendments. The provisions of the consolidated act, together with awards made under the Industrial Conciliation and Arbitration Act, as consolidated in 1954, are in accord with the provisions of the Convention.

The estimated number of workers covered by the legislation as at April 1956 was 76,000 in shops and 42,700 in offices. During the year ended 31 March 1956, 14,023 inspections of shops and 583 inspections of offices were made; the 637 breaches of the legislation reported include some which do not relate to hours of work regulations. Investigations were made of 124 alleged breaches, 31 of which were without foundation. No prosecutions were instituted.

*Norway.*

The following information is supplied in reply to the observations made by the Committee of Experts:

Section 18 of the Workers' Protection Act of 19 June 1936 corresponds to Article 7, paragraph 1, (a) to (c), of the Convention. The hours of work specified in section 18 of the Act are, in the cases in question, considered as normal working hours (see also section 17 of the Act). Thus, for example, in virtue of section 18, paragraph 1, of the Act, overtime is considered to begin when the actual hours of work exceed ten per day or 60 per week.

Article 7, paragraph 2 (a) to (d), of the Convention is covered by section 19, paragraph 1, (a) to (d), of the Act. The system under the Act is such that overtime may be worked without special authorisation being granted by the public authority in the cases specified in section 19, paragraph 1 (a) to (e), of the Act. Section 20 of the Act limits this overtime to ten hours per week and 30 hours in four consecutive weeks. However, the Act fixes no limit for the number of overtime hours per day.

The number of overtime hours which the workers are obliged to carry out is not regulated

by the Act but by the various collective agreements.

A special permit from the public authorities is required for overtime work exceeding ten hours per week and 30 hours in four consecutive weeks. Thus, the Labour Inspectorate may authorise overtime up to 15 hours per week in special circumstances or for a period not exceeding six months at a time, and the Ministry may lay down other rules for overtime in the case of establishments where longer hours of work are necessary at certain seasons of the year (section 20 of the Act). These rules are established in each individual case at the request of the establishment.

The total amount of overtime worked by an individual worker in the course of a calendar year may in no case exceed 390 hours. The Workers' Protection Act does not permit the working of overtime as a lasting and permanent addition to the normal hours of work. Thus, all permits for the use of extended overtime work are limited to a specified period and no permanent permits are granted.

No records are kept showing the grounds of the individual permits authorised under section 19 of the Act. In 1955, 18 permits for overtime were granted under section 19 of the Act to the establishments covered by the Convention. Some of these permits were granted to associations grouping a number of individual firms. As a rule, these permits are short-term and seasonal in character.

*Spain.*

Act of 4 July 1918 respecting the hours of work of commercial employees and Regulations thereunder approved by Royal Decree of 16 October 1918.

Act of 9 September 1931 respecting maximum statutory hours of work (L.S. 1931—Sp. 9).

Act of 15 December 1939 respecting the organisation of the National Labour Inspectorate (L.S. 1939—Sp. 4).

Decree of 13 July 1940 to approve regulations for labour inspection.

Labour Regulations (Commerce) and Labour Regulations (Offices), approved by Orders of 10 February and 21 April 1948 respectively.

Hours of work in commerce and offices are governed by the above-mentioned enactments, which in several occupations improve on the standards laid down in the Convention in providing for shorter hours of work. There are 23 sections in the Act and 79 in the Regulations, and between them they cover and give effect to all the requirements of the Convention on the subject to which it relates.

The struggle for the eight-hour day and the 48-hour week in Spain was won many years before the adoption of the Convention in 1930, this system having been introduced by Royal Orders of 19 September and 1 December 1919, which declared the above-mentioned hours of work to be applicable to persons employed in commerce.

Subsequently the Royal Orders of 26 February and 26 March 1920 recognised the compatibility of the Hours of Work (Commercial Employees) Act with the provisions governing the eight-hour day. These enactments were later consolidated and standardised in the Maximum Statutory Hours of Work Act.



Sections 49 to 51 of the Labour Regulations (Commerce) again prescribed an eight-hour working day, giving the provincial labour offices the power to determine the corresponding opening and closing times for commercial establishments and providing that these times must conform to the provisions of the Hours of Work (Commercial Employees) Act and the Regulations thereunder on the subject of minimum rest periods and other matters.

Similar provisions are contained in the Labour Regulations (Offices), which refer to the Act of 9 September 1931 with respect to hours of work and make the provincial labour inspectorates responsible for approving the office hours for the staff.

*Article 1 of the Convention.* Section 3 of the Act of 4 July 1918 lists the businesses exempted from the application of the statutory system instituted by the legal provisions in force on the subject, which refer to the uninterrupted 12-hour rest period during which all commercial establishments must be closed.

*Article 3.* The eight-hour day and 48-hour week are provided for in the Hours of Work Act and the above-mentioned sections of the Labour Regulations.

*Article 4.* Section 10 of the Hours of Work (Commercial Employees) Regulations stipulate that, when carrying out extraordinary duties, employees may not be required to work hours that exceed the length of the ordinary working day by more than two hours. Sections 8 and 59 of the Maximum Statutory Hours of Work Act and the Sunday Rest Regulations, respectively, establish the conditions under which lost time may be made up.

*Article 5.* This Article is given effect to by section 8 of the Act. The competent authorities to sanction increases in working hours are the labour offices, which also ensure that such increases do not exceed the aforementioned two hours.

*Article 7.* Effect is given to this Article in the Labour Regulations cited above.

*Article 11.* Approval of the notices showing office or business hours is a matter for the Labour Inspectorate and for this purpose the notices must be submitted to the local labour office. They must be posted up in a conspicuous place for the information of the employees of the establishment. The labour inspectors also ensure that these timetables are strictly observed, and report any infringements that may come to light.

Enforcement of the relevant legislation is entrusted to the National Labour Inspectorate in accordance with the provisions of section 2 (*d*), of the Act of 15 December 1939 and section 3, paragraph 1, of the Decree of 13 July 1940 approving regulations for labour inspection.

Any claims or legal proceedings relating to labour matters fall within the jurisdiction of special tribunals set up by a Decree of 13 May 1938 to adjudicate between the parties. These tribunals are known as labour courts and are regulated by the Act of 17 October 1940.

The national trade union organisation has also supplied additional information on the application of the Convention.

#### *Uruguay.*

During the period under review 18 contraventions of Act No. 9347 were reported and fines totalling 900 pesos were imposed; 192 contraventions of Act No. 10489 with 6,830 pesos in fines; and 116 contraventions of Act No. 10495 with 2,330 pesos in fines.

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

*Cuba, Mexico, Nicaragua.*



## 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
Norway . . . . .	23. 6.1956
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 Government supplies detailed information for each provision of the Convention, and gives additional details separately with regard to the instructions relating to hoisting machinery.

The report states, with reference to some provisions of the Convention which are not explicitly cited in the general regulations for labour protection of 27 September 1947, that the Labour Inspectorate has prepared draft decrees which are at present before the Council of State. These drafts repeat the information supplied previously in a slightly different order.

The report affirms that in general the legislation and regulations are satisfactorily observed. It notes, however, an observation made by the General Federation of the Liberal Unions of Belgium with regard to the application of the Convention during the period 1954-55. The Federation points out that it had to intervene several times with the competent authorities to ensure that the loading and unloading sites on the banks of the Lower Scheldt in Belgium satisfied all the conditions necessary for the safety both of workers and of the boatmen and their families. The Federation also draws attention to the complaints received with regard to the exaggerated speed of the work.

#### *Canada.*

During the period under review 3,728 inspections were carried out on vessels, and 514

requests were made by inspectors for repair, replacement or examination of gear. The number of serious accidents reported was 35, four of which were fatal.

#### *Chile.*

At the time of reporting the Government was not yet in possession of statistics in respect of the number of workers covered and the total number of accidents which occurred during 1955.

#### *China.*

Regulations of 22 April 1937 concerning the protection against accidents of workers employed in loading or unloading ships (L.S. 1937—Chin. 1).

The report, which is the first report giving information on the application of the Convention since 1947, states that the regulations concerning the protection against accidents of workers employed in loading or unloading ships are still in force. There were no difficulties in enforcing this legislation, for which the port authorities and local governments are responsible. No requests from other countries desiring reciprocal arrangements as provided for by Article 18 of the Convention have ever been received. The Government is satisfied with the existing conditions and sees no need for reciprocal agreements.

#### *Cuba (First Report).*

Decree No. 1980 of 1956 containing the schedule of appliances and devices for the prevention of industrial accidents.

The text of the Convention has been forwarded to the Technical Board for the Prevention of Accidents in Industry in order that all its requirements may be taken into consideration in revisions of the schedule.

The Ministry of Labour and the provincial offices, the General Directorate of Health and Welfare, the National Office of Maritime Affairs, the harbour-masters and the maritime police ensure that the schedule and other safety regulations are observed.

Any infringements that come to light are punishable under section 575 of the Social Defence Code.

#### *Finland.*

During the period under review further improvements have been made in the lighting of harbours, especially those of Helsinki and Hanko.

At the request of the Ministry of Social Affairs, the General Directorate of the Mercantile Marine studied the question of the extent to which the boats used for transporting the workers to their place of work had been inspected and satisfied the prescriptions in force.

The Ministry of Social Affairs approved two revised forms of certificates of inspection of hoisting machinery.

During the period under review 649 inspections were carried out in harbours and on board ships. A number of communications with regard to inspection on board vessels, pointing out various defects, are appended to the report.

The Workers' Association of Finland and the General Finnish Association of Foremen submitted the following observations to the Ministry of Social Affairs with regard to the application of the Convention. In a large number of cases it has been reported that the safety provisions are not applied; the construction, maintenance and inspection of hoisting machinery and gear for loading and unloading ships leaves much to be desired. This state of affairs is mainly due to the fact that there are too few safety inspectors. Again, the exhaustion of the workers owing to the general practice of overtime in the harbours is a further cause of many accidents. The lighting on many ships is very imperfect and work on them should be prohibited after nightfall. The two organisations making these observations suggest that energetic action should be undertaken in the harbours to prevent accidents, above all by an intensive training in safety questions and inspection.

In addition, the Dockers Trade Union of Helsinki has recommended to the Ministry of Social Affairs that, owing to the high accident rate in harbours, the medical examination of signalmen should be made compulsory, with special regard to their sight, hearing and ability to take care, and that signallers and crane operators should also receive compulsory training on signalling and safety provisions.

In 1955 there were 12,423 accidents, of which five were fatal, during the work of loading and unloading ships; the number of days lost was 61,271.

#### *India.*

The Indian Dock Labourers Regulations, 1948, were further amended recently by Notification No. Fac. 38 (71) dated 18 November 1954 and Corrigendum No. Fac. 38 (71) dated 20 September 1954.

#### *Italy.*

During the period under review the following accidents were registered: 3,748 involving temporary invalidity, 101 resulting in permanent invalidity, and five fatal.

#### *New Zealand.*

The report gives a very detailed reply, particularly in respect of the observation made in 1956 concerning Article 9, paragraph 2 (2) (b), of the Convention. It reproduces comments made by the Marine Department

describing the various legal and practical measures which are in force or advised in the ports of New Zealand.

There are provisions under the authority of the Boilers, Lifts and Cranes Act, 1950—particularly sections 11 and 20—which prescribe a certificate of inspection which shall not be granted for more than one year. It is advised that every harbour crane be thoroughly inspected every twelve months. The crane is required to be securely guarded, in good repair, and safe for the purpose for which it is intended.

As regards hoisting machines and all fixed gear accessory thereto on board ship Regulation 52 of the General Harbour Regulations, 1954, requires all lifting machinery, derricks and other cargo gear to be inspected once in every twelve months and thoroughly examined once at least in every four years. Further, the cargo gear and derricks of a ship shall be subjected to a periodic special proof test and examined after each test has been made. All running gear and other appliances used for loading or unloading cargo shall be inspected from time to time and the gear and appliances shall at all times be maintained by the owners thereof in good order and condition. There are also routine inspections in service made by Port Safety Inspectors at the two main ports of Wellington and Auckland.

It is advised that the annual inspection of ship's cargo gear be carried out concurrently with the annual survey of the hull, machinery and equipment. Details of these inspections and of proof tests are described in the report.

The Government considers that the powers given under the Boilers, Lifts and Cranes Act and under the General Harbour Regulations and General Harbour (Safe Working Load) Regulations are sufficient to ensure that the requirements of Article 9 of the Convention are substantially complied with.

The report also contains detailed information on safety posters, an improved cargo gear register, the number of persons employed, accident statistics, safety education and the general conditions in dock work.

#### *Spain.*

Order of 31 January 1940 to approve the General Safety and Industrial Hygiene Regulations.

Regulations respecting work in ports, promulgated by Order of 14 March 1947.

National Labour Regulations for the Mercantile Marine, approved by Order of the Ministry of Labour of 23 December 1952.

*Articles 1 and 2 of the Convention.* The report of the national trade union organisation states that these Articles are applied under the regulations respecting work in ports, which were promulgated by an Order of 14 March 1947 and establish higher standards than those prescribed in the Convention. The report also refers to the General Safety and Industrial Hygiene Regulations of 31 January 1940, which call for certain preventive measures.

*Article 3.* This Article is applied both under the port work regulations and the National Labour Regulations for the Mercantile Marine, which provide for safe means of access to the ships and lay down standards for the various installations. They also require that, when the

ship is not lying alongside the quay, safe means of transport be provided for the workers.

*Articles 4 and 5.* The provisions of these Articles are covered by section 61 of the port work regulations and section 45 of the National Labour Regulations for the Mercantile Marine.

*Article 6.* The port work regulations contain provisions for the safety of workers engaged in opening or closing hatchways, etc., and for the proper maintenance of the equipment used by them. The regulations specify that, when workers are on board ship, all hatchways of cargo holds exceeding 1.50 metres in depth must be fenced in and that all other openings in the deck must also be protected.

*Article 7.* The port work regulations and the National Labour Regulations for the Mercantile Marine specify that all places on board ship where work is done must be lighted by effective and safe means.

*Article 8.* The port work regulations and the National Labour Regulations for the Mercantile Marine are in conformity with this Article.

*Article 9.* The regulations lay down that hoisting gear and other appliances may be used only when their operation is free from danger. Various measures are provided for, e.g. an annual test of the hoisting gear; tests and inspections every six months of all machines in use; certificates guaranteeing the safe operation of equipment under the maximum permissible load; clear indication of the maximum load for cranes, etc.; protection of engines, gears and moving parts; and devices to prevent the accidental dropping of loads from cranes, etc.

*Articles 10 to 13.* The provisions of these Articles are covered by the regulations mentioned.

*Article 14.* Safety and health committees set up in each port are entrusted with the enforcement of the provisions of this Article. Their composition and functions are set out in section 68 of the port work regulations.

*Article 15.* The report states that no exceptions have been authorised in this respect, but that section 65 of the port work regulations prescribes detailed measures for the protection of workers.

*Article 16.* The regulations mentioned are applied nationally and are binding as from the date of their promulgation.

*Article 17.* The regulations set out clearly the rights and obligations of employers and port workers and those of official bodies entrusted with the enforcement of safety prescriptions, i.e. the Labour Inspectorate and the trade unions, as represented by the Transport and Communications Union and the safety committees.

*Sweden.*

Statistics of accidents during the loading and unloading of ships are appended to the report. In 1954, 2,495 accidents, seven of them fatal, were reported; the frequency rate of the accidents was 2.309 per 10,000 hours of work. Accidents due to winches have increased during recent years; in 1954, they amounted to 11.34 per cent. of the total number of accidents. The probable cause of this rise is the increasingly frequent use made of union purchase rigs for hoisting operations.

*United Kingdom.*

During 1955, 7,496 accidents, of which 49 were fatal, were reported at docks, wharves and quays. The causes of these accidents are listed in a table appended to the report. Convictions were secured in eight out of the nine cases in which employers were prosecuted.

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

*Argentina, Bulgaria, 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.

*Argentina.*

The Government states that under the terms of section 1 of Act No. 11317 no children under

12 years of age may be admitted to employment and that under section 2, children under 14 years of age may only be employed in family undertakings provided that they have satisfied certain minimum requirements of compulsory education.

*Austria.*

The Government refers to the information given to the Conference by one of its representatives in reply to the observations made by the Committee of Experts in 1956.

The statistics supplied by the Labour Inspection Service for 1955 do not mention any cases of infringement of the provisions with regard to the employment of children in educational and training establishments or in artistic undertakings and public entertainments.

The Congress of Chambers of Labour stated that it attached great importance to the declaration made by the Government representative of Austria before the Conference Committee at the 39th Session of the Conference, to the effect that the Government will once more examine the question of "the employment of children on light work". In the opinion of the Congress, only the promulgation of an appropriate implementing decree would make it possible to prevent the unauthorised employment of children in certain occupations such as the seasonal serving of drink or in public entertainment undertakings. The Congress of Chambers of Labour is not unaware that it is difficult to define the employment of children on temporary work but it considers that it should be possible to establish such a definition in consultation with the circles concerned and taking the opinion of physicians.

#### *Belgium.*

During the period under review 47 exceptions in respect of 180 children were granted under section 2, paragraph 2, of the Royal Decree of 27 April 1927.

In the 162 entertainment undertakings visited by the inspection services there were 154 children under 14 years of age and 20 between the ages of 14 and 16 years; 13 contraventions were noted in these undertakings.

#### *Netherlands.*

See under Convention No. 5 for information relating to inspection and contraventions.

#### *Spain.*

Act of 26 July 1878.

Royal Decree of 29 January 1908.

Decree of 26 January 1944 to approve the consolidated text of the First Book of the Act respecting contracts of employment (L.S. 1944—Sp. 1 A).

Decree of 31 March 1944 to approve the consolidated texts of the Acts respecting seamen's articles of agreement, apprenticeship, employment of women and children and homework (L.S. 1944—Sp. 1 B).

*Article 1 of the Convention.* There has been no necessity to establish a line of division between industry, commerce and agriculture, since the Act respecting contracts of employment is applicable to all three fields of activity and to all work done by young persons.

*Article 2.* Under section 171 of the Act respecting contracts of employment, young persons of either sex who have not attained the age of 14 years shall not be admitted to any kind of employment except in agriculture and family undertakings.

*Article 3.* Section 173 of the Act respecting contracts of employment prohibits the employment of children on dangerous or unhealthy processes; the Royal Decree of 1908 (the text of which was appended to the report) gives a list of these processes. It may therefore be stated, on the contrary, that young persons of 16 years of age may be employed on the light work covered by Article 3 of the Convention.

*Article 4.* Section 176 of the Act authorises the employment of young persons in public performances in places of amusement subject to individual permits granted by the labour office. Under this provision the permits shall not be given to young persons under the age of 14 years except for afternoon performances of a charitable or similar nature not given for purposes of gain. Any such permit shall be valid for one performance only.

The safeguards required by paragraph 2 of Article 4 of the Convention are provided by paragraph 3 of the above-mentioned section 176.

*Articles 5 and 6.* Sections 172 to 177 of the Act respecting labour contracts fixes the "higher ages" mentioned in Articles 5 and 6 of the Convention.

The Labour Inspectorate pays particular attention to supervising the work of young persons, particularly in entertainments. Any infringements of the provisions in force are punishable by the infliction of the maximum penalties provided by labour law, without prejudice to any other penalties.

The labour courts take cognizance of individual appeals made as a consequence of an infringement of the provisions respecting the minimum age for employment.

The Government appends to its report a report of the Labour Inspectorate for the year 1954 and adds that, although the reports on infringements drawn up by the Inspectorate do not expressly indicate those which concern the provisions relating to the minimum age for admission to employment, a certain number of these reports do in fact deal with the supervision of those provisions.

The Government also communicates the following information supplied by the national trade union organisation :

*Articles 1 to 8.* Section 171 of the Act respecting contracts of employment fixes the minimum age for admission to employment of all kinds at 14 years without allowing exemptions for light work.

Domestic work, which is excluded from the scope of the Act respecting contracts of employment under the terms of section 2 of that Act, is not covered by the provision fixing the minimum age for admission to employment.

Young persons from 14 to 18 years of age may be employed as actors at afternoon performances—on Thursdays, Sundays and public holidays—in entertainments for young people, approved by the competent authorities, on condition that such performances do not consist of balancing or acrobatic feats, feats of strength, or feats which are dangerous or involve bodily contortions. Circulars Nos. 36 (27 November 1940) and 58 (17 April 1943) of the General Labour Directorate repeat these provisions and lay down that the Labour Inspectorate shall devote particular attention to supervising their enforcement.

The Act of 26 July 1878 provides penalties for persons who infringe the rules concerning the employment of young persons.

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

## 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.

#### *Bulgaria.*

In Bulgaria there are no fee-charging employment agencies, whether conducted with a view to profit or not. Such agencies had been formally prohibited by section 2 of the Act respecting employment and unemployment insurance. No special further provision to prohibit such agencies was made when this Act was repealed in 1951. Such a measure was not considered necessary because of the virtual disappearance of fee-charging employment agencies as a result of previous legislation, and also in view of the availability of a public and free employment service in the form of the State manpower reserves agencies.

#### *Chile.*

The Government's report mentions the technical assistance mission carried out in Chile by an expert of the I.L.O. in the field of employment service.

#### *Czechoslovakia.*

The report reproduces the information given at the 1956 Session of the International Labour Conference by a Government representative, and adds that the Agency for Musical Performers and Artists is the only fee-charging employment agency in Czechoslovakia.

#### *Mexico.*

The Government communicates the following information in reply to the observation made by the Committee of Experts in 1956:

Section 53 of the Employment Agencies Regulations of 6 March 1934 states: "Private employment agencies may not operate in the Federal District and in the federal territories

without the express authorisation of the Directorate of Social Welfare of the Labour Department, which shall lay down the conditions for their operations". Seeing that the Social Security Act of 1942 was enacted without mentioning fee-charging employment agencies, the latter may not operate in the Federal District and federal territories until related legislation is adopted which will be applicable to such agencies.

The agencies in the federal territories are governed by the Employment Agencies Regulations, which have not been amended in any way, and the provisions with regard to official employment exchanges are applicable to them in so far as possible.

The Government's report adds that the recruitment of unskilled labourers for the United States of America is carried out in every case by means of international agreements providing for a model contract.

It may be inferred from section 57 of the Employment Agencies Regulations that, when granting the necessary permit for the operation of private employment agencies, the competent authority states whether it is a question of free agencies or agencies set up for purposes of gain. The placing service provided by the private employment agencies is in any case free of charge for the workers.

#### *Spain.*

Decree of 13 May 1938 respecting labour courts.  
Orders of 4 August 1938 and 23 September 1939 respecting apprenticeship (L.S. 1939—Sp. 2).  
Orders of 27 December 1938 and 17 November 1939 respecting the placing of women.  
Decree of 3 May 1940 to make work books (issued by the employment exchanges) compulsory.  
Order of 26 June 1940 respecting employment exchanges and registration with a view to placing.  
Act of 17 October 1940 respecting labour courts (L.S. 1940—Sp. 6).  
Act of 10 February 1943 respecting the placing of workers (L.S. 1943—Sp. 2).  
Order of 3 February 1949 to institute the occupational book which is compulsory in agriculture.

Section 3 of the Act of 10 February 1943 prohibits the existence and operation of employment exchanges or other private bodies of the same kind. Under the terms of that Act, the employment exchanges constitute a national, public and free service set up by the State—at the local, regional, provincial and national level—within the framework of the trade union organisation and dependent on the Ministry of Labour, which inspects them.

The authorities whose duty it is to enforce the legal texts mentioned above and the methods

for ensuring their supervision are the trade union organisation, which is responsible for the operation of the various sections of the employment exchanges, and the labour inspectorates, which are responsible for supervising and inspecting the exchanges.

All disputes in this field are treated by special courts known as labour courts, which were set up by the Decree of 13 May 1938 and organised by the Act of 17 October 1940.

The Government also transmits the following

information from the national trade union organisation:

According to the Act of 10 February 1943 there are no fee-charging employment agencies operating in Spain, the only existing agencies of that kind being exclusively engaged in placing female domestic workers who have not the status of workers.

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.*

In 1955 the expenditure on invalidity, old-age and survivors' pensions and on funeral benefits amounted to 2,559,435,337 pesos. The administrative expenses amounted to 856,158,982 pesos. Pensions being paid at the end of 1955 were as follows: invalidity pensions, 13,398; old-age pensions, 49,834; survivors' pensions, 12,855.

#### *Czechoslovakia.*

Ordinance of 3 September 1954 of the Central Council of Trade Unions and the National Pensions Office.

The above Ordinance extended invalidity, old-age, and survivors' insurance to new categories of persons (certain students, members of the Mountain Service, etc.).

Referring to the observations made by the Committee of Experts in 1955 the Government supplies the following additional information with regard to the application of Article 9, paragraph 4, and Article 10, paragraph 3, of the Convention:

The method of financing Czechoslovak social insurance was changed by Act No. 102/1951 respecting the reorganisation of national insurance. The Act provides that the receipts and outgoings of the national insurance shall appear in the State budget, which means that all contributions to national sickness and pensions insurance must be paid into the State fund and, on the other hand, that all the costs of national insurance are covered by the State assets. This method of financing social insurance responds to the system of planned economy in Czechoslovakia, under which a proportion of the State revenue is reserved every year for social insur-

ance. The proportion in question exceeds by a considerable amount the sums accruing to the State revenue in the form of contributions. The remaining costs, which are not covered by the contributions, are covered by other receipts making up the State revenue. It should be emphasised that this system also provides that the funds assigned to payment of benefits under national insurance must be administered separately from the other State funds. In so far as this concerns the funds assigned to payment of benefits under pensions insurance, it is the State Provident Security Office which administers them and they may not be used for any other purposes.

The report is accompanied by statistics which cover all wage earners, both agricultural and industrial, and concern both old-age and invalidity pensions. The total number of insured persons on 30 June 1956 was 4,508,976. On 1 July 1955 the number of old-age and invalidity pensions being paid was 677,238. During the period from 1 July 1955 to 30 June 1956, 72,600 new pensions began to be paid and 40,748 ceased to be payable. In addition, on 30 June 1955 the number of "spouses' pensions" being paid was 98,007.

The total cost of old-age and invalidity pensions during the period under review was 3,856,324,000 crowns and the cost of benefits for spouses was 125,735,000 crowns. Administrative costs amounted to 48,815,000 crowns.

A non-contributory "social pension" is paid to persons over 65 years of age who are in need or are incapable of any lucrative activity, and who are not in receipt of any pension under the national insurance scheme or any retirement pension under the retirement pension scheme for the armed forces. At 30 June 1956 the number of "social pensions" being paid was 301,808, and the cost of these pensions for the period under review was 718,868,000 crowns.

Statistics relating to the period 1 July 1954 to 30 June 1955 were communicated as a supplement to the previous report.

#### *France.*

Decree of 29 September 1955 to raise the wage limit for the calculation of social security contributions and family allowances.

Act No. 56-331 of 27 March 1956 to increase the allowance to old wage-earning workers, the old-age allowances and the special allowance.

Act No. 56-639 of 30 June 1956 to establish a National Solidarity Fund.

The Act of 30 June 1956 established a National Solidarity Fund in France to help all old persons deprived of revenue and holders of an old-age benefit or social assistance allowance. All such old persons, whether or not they are members of a social security scheme, are assisted by the Solidarity Fund as soon as they can show that their incomes do not exceed a certain maximum. This state assistance, which is not a substitute for, but on the contrary an addition to, the old-age insurance schemes, within the limits of the income ceiling, does not hinder the development of the schemes in question.

*Article 7 of the Convention.* For the determination of the annual remuneration to be taken as a basis in calculating old-age pensions that become payable after 31 March 1956, the Decree of 30 April 1956 fixes the coefficients of increase applicable to the wages corresponding to the contributions paid. The report contains a detailed schedule of these coefficients. The decree also provides that the revision of old-age, retirement, reversionary, and widowers' or widows' pensions, awarded and becoming payable before 1 April 1956, shall be carried out by multiplying by the coefficient 1.085 the amount of the pensions in question as obtained by the application of the provisions previously in force for their settlement or their revaluation, as the case may be. 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 1956. The application of the coefficients 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.

*Article 9.* As from 1 October 1955 the maximum amount of remuneration serving as a basis for the calculation of contributions is 528,000 francs.

*Article 13.* The social security convention between France and Norway, which was signed on 30 September 1954, came into force on 1 July 1956.

*Article 15.* The Act of 27 March 1956 fixed the maximum income, including the allowance, which a person concerned may possess in order to receive the special allowance provided by the Act of 10 July 1952 at 139,000 francs a year, as from 1 January 1956; in the case of a household the maximum is 194,000 francs. The Act of 30 June 1956 raised these figures respectively to 170,000 francs and 225,000 francs as from 1 April 1956. The additional allowance instituted by the Act of 30 June 1956 is not taken into consideration in fixing the income ceilings mentioned above.

*Article 18.* The maximum income, including the allowance, which a person concerned may possess, in order to receive the allowance to old wage-earning workers, has been increased from 194,000 francs to 201,000 francs and, in the case of a household, from 244,000 francs to 258,000 francs. No account is taken of the

additional allowance established by the Act of 30 June 1956 in determining the above income ceilings.

*Article 19.* The following rates were fixed for the allowance to old wage-earning workers with effect from 1 January 1956: 72,380 francs for workers living in towns of more than 500 inhabitants and 68,640 francs for workers living in other localities.

*Article 21.* The Franco-Norwegian protocol signed on 18 September 1954 came into force at the same time as the convention of 1 July 1956. Under the terms of this protocol, the allowance to old wage-earning workers has been extended to old Norwegians who fulfil the same conditions as old Frenchmen and, in addition, can show that they had had five years of uninterrupted residence in France at the date of the demand.

Statistical information is appended to the report. On 31 December 1955 the total number of insured persons covered by the general scheme for non-agricultural occupations was estimated at 8½ million.

The number of persons in receipt of benefits on 31 December 1955 was 2,214,232. A statistical table shows the division of these beneficiaries according to the type of pension they received.

Expenditure (in millions of francs) between 1 July 1955 and 30 June 1956 was made up as follows: pensions and allowances payable under the general scheme, 178,152; old-age allowances to persons not eligible for membership of the general scheme, 3,724; cash benefits (reimbursement of contributions, buying back of pension rights, travel and hospitalisation expenses, etc.), 6,200; benefits in kind (also entered in the expenses of the sickness insurance scheme), 11,686; administrative expenses, 6,587.

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 costs of the different risks. Part of the contributions paid under the general scheme, which amounted to 476,480 million francs during the period under review, were used for financing the old-age insurance scheme.

### Italy.

Act No. 638 of 1 July 1955 to institute a special provident scheme (invalidity, old-age and survivors) for the staff of private gas companies, in substitution for the general compulsory scheme.

Act No. 692 of 4 August 1955 to provide invalidity and old-age pensioners with medical treatment under sickness insurance by means of a slight increase in the contributions of active insured persons and their employers.

Decree of the President of the Republic No. 914 of 17 August 1955 to approve the regulations issued under Act No. 967 of 27 December 1953 to establish a special provident scheme for managers of industrial undertakings, in substitution for the general compulsory scheme.

Act No. 1125 of 26 November 1955 to amend some of the methods for the revaluation of pensions awarded to workers before 1952.

Act No. 293 of 31 March 1956 to institute a special provident fund (invalidity, old-age and survivors) for the staff of private electricity undertakings, in substitution for the general compulsory scheme.

Act No. 393 of 3 May 1956 to fix the special standards for the voluntary continuation of compulsory invalidity, old-age and survivors' insurance (general scheme).



Statistics are appended to the report showing that invalidity, old-age and survivors' insurance and unemployment insurance cover 2,236,900 non-agricultural wage earners and 1,253,300 agricultural workers. The report also gives the number of pensioners in receipt of old-age, invalidity and survivors' pensions at 1 January 1955 and the number of pensions awarded and ceasing to be payable during 1955. The total expenditure during the period under review was 309,869 million liras and the total receipts 312,462 million.

#### *Peru.*

*Article 11 of the Convention.* The possibility is at present being examined, when the law is next revised, of establishing special tribunals for disputes in regard to benefits.

Statistics are appended to the report which show that the average number of insured persons during 1954 was 370,868 and the number of persons in receipt of pensions on 1 January 1954 was 3,174. In the course of the period under review 61 pensions ceased to be payable and 668 new pensions were awarded. The total cost of old-age pensions in 1954 was 1,747,550 sols.

The total receipts, comprising contributions from the employers, the insured persons and the State, was 27,916,644 sols.

#### *Poland.*

Referring to the observations made by the Committee of Experts, the Government states in its report that the Decree of 25 June 1954 does not provide for the maintenance of rights of insured persons by the voluntary continuation of the insurance, or automatically, for an unlimited period—exceeding the period of five years at present in force—to be reckoned from the date when the insured person ceased work. The report adds the following justification for this: "Although the insurance benefits are paid from an insurance fund which accrues from contributions, these contributions only

represent a form of assignment of a part of the national revenue to benefits, and the benefits cannot therefore be considered as equivalent to the contributions paid. This conception of social insurance in Poland cannot therefore involve the possibility of maintenance of rights by the voluntary continuation of insurance, or automatically, for an unlimited period. This question has, moreover, lost its previous importance, in view of the almost total socialisation of the Polish national economy, except for agriculture."

The report is accompanied by statistics which show that the number of insured persons (in all branches of social insurance) on 30 June 1955 was 6,834,019 (not including railway officials, the average number of whom was 240,000). On 30 June 1955 the number of persons in receipt of old-age and invalidity pensions was 555,361, and the number of dependants in receipt of pensions at the same date was 383,346. The cost of the pensions (including pensions for victims of employment injuries) was 2,668,151,400 zlotys.

For the number of insured persons and the total amount of receipts and expenses of insurance, see under Convention No. 17.

#### *United Kingdom.*

For legislation see under Convention No. 24.

Retirement pensions are now paid anywhere in the world, by virtue of the National Insurance (Residence and Persons Abroad) Amendment Regulations, 1955. Past residence in New Zealand is now treated as a period of contribution under United Kingdom legislation for any national in the United Kingdom claiming a retirement pension there, and vice versa.

During the year ending 30 June 1955 408,474 new retirement pensions were awarded in the United Kingdom.

The report from *Bulgaria* 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.

#### *Czechoslovakia.*

See under Convention No. 35.

#### *France.*

Act No. 56-331 of 27 March 1956 to increase the allowance to old wage-earning workers, the old-age allowances and the special allowance.

Act No. 56-639 of 30 June 1956 to establish a National Solidarity Fund.

The minimum amount for old-age pensions under agricultural insurance granted to beneficiaries of not less than 65 years of age (or 60 years of age in the event of incapacity for work) was increased by 10 per cent. as a result of the increase in the allowance to old wage-



earning workers, by section 1 of the Act of 27 March 1956.

The Act of 30 June 1956 established, as from 1 April 1956, an additional allowance of 31,200 francs a year, paid in particular to holders of old-age pensions under agricultural insurance if their income does not exceed a certain maximum. This additional allowance may be substituted, if appropriate, for the increase resulting from the application of section 1 of the Act of 27 March 1956.

The number of compulsorily insured persons who paid contributions during the year was estimated at 1,295,000, and the number of persons in receipt of pensions and allowances being paid on 31 December 1955 was 186,900; the total amount of pensions paid by the Central Agricultural Mutual Assistance Fund was 13,680 million francs; the amount of the benefits paid by the agricultural mutual social insurance funds to the pensioners was 811 million francs. Reimbursement of contributions in 1955 totalled 5,300,000 francs. The revenue of

the Central Agricultural Mutual Assistance Fund was estimated at 4,836 million francs from employers' contributions and 3,326 million francs from insured persons' contributions. In addition, in 1955 the Treasury made a loan of 8,000 million francs to the Central Agricultural Mutual Assistance Fund to ensure payment by the Fund of the old-age and invalidity pensions.

#### *Italy.*

See under Convention No. 35.

#### *Poland.*

See under Convention No. 35.

#### *United Kingdom.*

See under Convention No. 35.

The report from *Bulgaria* 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.

#### *Czechoslovakia.*

See under Convention No. 35.

#### *France.*

Decree No. 56-92 of 21 January 1956 to amend and supplement Decree No. 45-0179 of 29 December 1945, as amended, issuing public administrative regulations under Ordinance No. 45-2454 of 19 October 1945, as amended, determining the social insurance scheme applicable to insured persons in non-agricultural occupations, and Decree No. 46-2959 of 31 December 1946, as amended, issuing public administrative regulations to implement Act No. 46-2426 of 30 October 1946 respecting the prevention of, and compensation for, employment accidents and occupational diseases.

See also the legislation under Convention No. 24.

*Article 7 of the Convention.* See, under Convention No. 35, the information with regard to the Decree of 30 April 1956, which applies also to invalidity insurance. Under section 2, paragraph 3, of that Decree, the increase granted to disabled insured persons who are totally unfit for work of any kind and need the constant aid of another person to

carry out the ordinary acts of life was raised to 232,200 francs a year as from 1 April 1956.

*Article 9.* The Decree of 20 May 1955 provides for the suppression of the arrears of invalidity pensions at the end of the three-monthly period of arrears during which the person in receipt of the pension was carrying on a non-wage-earning occupation. The Decree of 24 January 1956 provides that an occupation is not to be considered as a non-wage-earning occupation if it yields earnings for the holder of the invalidity pension which, together with the pension, amount to less than 201,000 francs a year for a single person and 258,000 francs for a household. When the total earnings and pension exceed this figure, the pension is reduced accordingly.

*Article 10.* See under Convention No. 35, Article 9.

*Article 14.* See under Convention No. 35, Article 13.

The following statistical information is appended to the report: at 31 December 1955 the total number of persons insured under the general scheme for non-agricultural occupations was estimated at 8,500,000; the number of pensions being paid had decreased from 265,946 on 30 June 1955 to 253,555 on 30 June 1956; the total expenditure from 1 July 1955 to 30 June 1956 amounted to 20,905 million francs for pensions and 15,338 million francs for benefits in kind.

#### *Italy.*

See under Convention No. 35.

#### *Peru.*

*Article 11 of the Convention.* See under Convention No. 35, Article 11.

For the number of insured persons, see also under Convention No. 35. The number of persons in receipt of pensions on 1 January 1954 was 3,796, and during the same year 51 new invalidity pensions were awarded. The cost of the pensions was 990,582 sols, and the total receipts from contributions of insured persons, employers and the public authorities amounted to 15,347,125 sols.

*Poland.*  
See under Convention No. 35.  
*United Kingdom.*  
See under Convention No. 24.  
The report from *Bulgaria* 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.  
*Czechoslovakia.*  
See under Convention No. 35.

*France.*  
Act No. 56-331 of 27 March 1956 to increase the allowance for old wage-earning workers, the old-age allowances and the special allowance.  
The minimum amount for invalidity pensions under the agricultural social insurance scheme was increased by 10 per cent. as a result of the increase in the allowance to old wage-earning workers.  
The number of compulsorily insured persons who paid contributions during the period under

review was estimated at 1,295,000 and the number of pensioners at 31 December 1955 was 21,759. The total amount paid out in pensions by the Central Agricultural Mutual Assistance Fund was 1,727 million francs, and the amount of benefits awarded to pensioners by the agricultural mutual social insurance funds totalled 1,260 million francs. The revenue of the Central Agricultural Mutual Assistance Fund was estimated at 778 million francs from employers' contributions and 536 million from insured persons' contributions. In addition, in 1955 the Treasury made a loan of 8,000 million francs to the Central Agricultural Mutual Assistance Fund to ensure payment by the Fund of the old-age and invalidity pensions.  
*Italy.*  
See under Convention No. 35.  
*Poland.*  
See under Convention No. 35.  
*United Kingdom.*  
See under Convention No. 24.  
The report from *Bulgaria* 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

*Czechoslovakia.*  
The report contains the following statistical information concerning wage earners in both industry and agriculture.  
At 1 July 1955 the number of widows' pensions being paid was 363,145 ; during the period

between 1 July 1955 and 30 June 1956, 29,300 new pensions were awarded and 13,013 ceased to be payable.  
At 30 June 1956 the number of orphans' pensions being paid was 40,550 ; this figure includes the pensions of orphans with neither father nor mother awarded before the coming into force of the National Insurance Act of 1 October 1948. Under the scheme instituted by that Act, orphans without a father receive a supplement for the cost of their education, paid with the widow's pension ; the number of these supplements has not been established.  
The total cost of widows' pensions for the period under review was 1,411,565,000 crowns and the cost of orphans' pensions was 70,868,000 crowns.

Statistics for the period 1 July 1954 to 30 June 1955 were communicated as a supplement to the previous report.

Italy.

For statistics, see under Convention No. 35.

Peru.

Studies have been made with a view to substituting for the scheme at present in force, which provides for payment of a lump sum, a scheme for payment of a pension to the spouse and children of the insured person. The Government hopes that this reform will be brought into effect when the law is next revised. With regard to the application of Article 14 of the Convention, the Government refers to the information given under the report on Convention No. 35 (Article 11).  
For the number of insured persons covered by survivors' insurance see also under Convention No. 35. The total cost of survivors' insurance, including administrative expenses, amounted to 909,818 sols in 1954, and the

total amount of receipts from contributions by employers, insured persons and the public authorities was 4,536,454 sols.

Poland.

See under Convention No. 35.

United Kingdom.

For legislation see under Convention No. 24.  
The National Insurance (Residence and Persons Abroad) Amendment Regulations, 1955 enable widows' benefits and guardians' allowances to be paid anywhere in the world. A reciprocal agreement with New Zealand applies regardless of the nationality of the persons concerned. From the detailed statistics furnished by the report it appears, *inter alia*, that about 60,778 new awards of widows' benefits and 1,478 new awards of guardians' allowances were made during 1955 in the United Kingdom.  
The report from *Bulgaria* 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

Czechoslovakia.

See under Convention No. 39.

Italy.

For statistics see under Convention No. 35.

Poland.

See under Convention No. 35.

United Kingdom.

See under Convention No. 39.

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

EIGHTEENTH SESSION (GENEVA, 1934)

41. Night Work (Women) Convention (Revised), 1934

*This Convention came into force on 22 November 1936*

Countries	Date of registration of ratification
Afghanistan . . . . .	12. 6. 1939
Argentina . . . . .	14. 3. 1950
Belgium <sup>1</sup> . . . . .	4. 8. 1937
Brazil . . . . .	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 . . . . .	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.

*Argentina.*  
See under Convention No. 4.

*Brazil.*  
During the period under review 24 infringements of sections 379 to 381 of the Consolidation

of Labour Laws were reported in the federated states and territories.

*Egypt.*  
Copies of the annual report have been communicated to the Federation of Industry and the Permanent Congress of Workers' Trade Unions in the Republic of Egypt.

*Greece.*  
As regards the observations made by the Committee of Experts and the information subsequently furnished by the Government to the Conference Committee last year, the Government states that the new provision in the amended law, which permits the suspension of night work in case of serious emergency affecting the national interest, is in conformity with Convention No. 89. Thus, a discrepancy still exists between the national legislation and Convention No. 41 which makes no such provision but the Government intends to make a proposal for the ratification of Convention No. 89 so that it may be released from the obligations under Convention No. 41.

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

*Afghanistan, Burma, Ceylon, Iraq.*

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

Countries	Date of registration of ratification
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

*Argentina.*

See under Convention No. 17.

*Austria.*

Federal Act of 9 September 1955 respecting general social insurance (L.S. 1955—Aus. 3).  
Ordinance of 11 February 1956 respecting the payment of lump sums instead of disablement pensions under the accident insurance scheme.

The Federal Act of 9 September 1955 totally altered the social insurance schemes existing in Austria. The more important provisions of the Act are summarised in the report on Convention No. 17.

The statistics for the year 1955 show 1,100 notified cases of occupational diseases; 15 of them were fatal and 325 were cases in which the occurrence of the disease was recognised for the first time.

*Belgium.*

Royal Order of 9 September 1956 to establish the list of occupational diseases and citing for each one the industries or occupations in which the diseases give rise to compensation and the categories of workers who benefit.

The above-mentioned Order rectifies the differences which the Committee of Experts pointed out with regard to the mention of "chlorate derivatives of hydrocarbons of the aliphatic series" in the list of diseases and toxic substances, which are included in the Royal Order of 27 October 1953. The new text mentions halogen derivatives of hydrocarbons of the aliphatic series, in agreement with the text of the Convention.

The report of the governing body of the Provident Fund for Victims of Occupational Diseases for 1955 is appended to the Government's report, and contains detailed statistics of the occupational diseases notified and recognised during 1955, with their apportionment to the different industries and according to the severity of the cases. The Fund recognised 225 cases of occupational diseases, and the cost of compensation paid to the sick persons or their dependants amounted to 23,632,351 francs for the year in question.

Further, by letter of 27 August 1956, the Government communicated the text of the observations made by the General Federation of Liberal Unions of Belgium on the annual report drawn up by the Government with regard to the application of Conventions. The Federation draws attention to its conviction that there are other cases of occupational diseases elsewhere than in the industries which are considered to be unhealthy or particularly laborious.

*Bulgaria.*

The Government appends a list of occupational diseases in respect of which compensation similar to that payable for occupational accidents is due under section 171 of the Labour Code. The report also states that the pensions boards may recognise as occupational diseases, besides those listed, particular cases of illness connected with employment.

*Czechoslovakia.*

With reference to the general observation of the Committee of Experts the report states that Czechoslovak legislation relating to workmen's compensation is applicable without distinction to wage earners in industry and agriculture, and adds that all severe poisonings provoked by work with harmful chemical agents are deemed to be employment accidents. The Government further emphasises that the Czechoslovak list of occupations and processes appended to the schedule of occupational diseases is a very extensive one, which implies that all severe or chronic poisonings are entitled to compensation in all the undertakings of any kind whatever which expose the workers to the risk.

The total number of cases of occupational diseases giving right to compensation during the period from 1 July 1954 to 30 June 1955 was 1,551, and for the period 1 January to 31 December 1955, 1,424.

With regard to the cost of compensation for occupational diseases see under Convention No. 17.

*Denmark.*

See under Convention No. 18.

*France.*

Decree No. 55-1212 of 13 September 1955 (L.S. 1955—Fr. 5) to amend Decree No. 46-2959 of 31 December 1946, as amended, to issue public administrative regulations under Act No. 46-2426 of 30 October 1946 respecting the prevention of, and compensation for, industrial accidents and occupational diseases.

Act No. 55-1536 of 28 November 1955 to amend some of the provisions relating to occupational diseases in Act No. 46-2426 of 30 October 1946. Various Decrees (Nos. 46-2959, 55-1124, 55-1138, 55-1614, 56-92, 56-162, 56-511) and an Order of 30 April 1956 respecting a number of amendments concerning the prevention of, and compensation for, industrial accidents and occupational diseases, as well as the revaluation of pensions, etc.

The provisions of Act No. 55-1536 now allow workers whose sickness was diagnosed before the listing of their disease in the schedules of occupational diseases to obtain compensation as from the date when the disease is listed.

Workers with an occupational disease who, under earlier legislation, were not eligible under the regulations in force at the time of the first medical diagnosis of their diseases, were given a period of three months from the time of the publication of Act No. 55-1536 of 28 November 1955 to enable their position to be re-examined in the light of the regulations.

This new Act once more imposes an obligation on every doctor to notify the Labour Inspectorate of any disease that comes to his notice and is in his opinion of an occupational character. In addition to the possible extension of the schedules, this is to allow the date of the first diagnosis of the patient's occupational disease to be certified.

The purpose of Decree No. 55-1212 of 13 September 1955 was to revise the lay-out of 27 of the 35 existing schedules of occupational diseases, including that in respect of silicosis, to bring out the fact that the list of operations

mentioned in the schedules is by no means exhaustive. The decree also makes certain amendments to Schedule No. 8 concerning affections caused by cement. It also amends Schedule No. 19 (occupational ictero-haemorrhagic spirochetosis) and Schedule No. 24 (occupational brucellosis). The decree also makes an addition to the list in Schedule No. 35 with regard to osteo-articular affections arising out of the use of pneumatic drills.

As regards observations made by the Committee of Experts in March 1956 the Government points out that the differences referred to are chiefly a matter of form. The report emphasises that French legislation establishes the presumption that an industrial accident or the contraction of an occupational disease is of occupational origin. For occupational diseases it is the listing in the schedules that gives rise to this presumption in favour of workers who are habitually exposed to the hazards to which each schedule relates. This presumption must normally be supported by recognition that it is sufficiently certain that the hazard existed.

The legislation divides occupational diseases in respect of which compensation is payable among three types of schedules: (a) those that list the acute or chronic morbid manifestations of infections due to noxious agents mentioned in the schedules which give, simply by way of illustration, a list of the main trades or processes where the hazard may arise; this is the most frequent case (27 schedules out of 35); (b) those that list the microbial infections that are presumed to be of occupational origin when the persons who contract the disease in question are habitually employed on some specified kind of work; and (c) those that specify presumed affections resulting from a special environment or posture in the case of certain types of work also specified.

Thus as regards poisoning by phosphorus, with regard to which the law covers only phosphorus necrosis, it does not seem in the present state of knowledge that there are other affections that can be produced by phosphorus. Moreover, the list of kinds of work that is appended to the phosphorus schedule is not exhaustive, and also covers the preparation of phosphorus compounds from white phosphorus.

As regards poisoning by the halogen derivatives of hydrocarbons of the aliphatic series, the legislation covers only certain of these products, but the schedules could be extended if it were recognised that other products belonging to the same series can give rise to occupational diseases.

As regards primary epitheliomatous cancer of the skin, French legislation covers not only epitheliomas caused by coal tar pitch, but also those caused by all products (tar, bitumen, etc.) in so far as they contain coal tar pitch.

Finally, the report states that in the year 1955 the social security administration recorded 7,325 notifications of occupational diseases. Eight tables appended to the report give the distribution of these occupational diseases by schedules and by sectors of industrial employment.

### *Greece.*

Decision of the Minister of Labour No. 25398/1955 to amend the benefit rules of the Sickness Branch of the Social Insurance Institution (I.K.A.).  
Ministerial Decision No. 4620/1956 to amend the sickness rules of the Social Insurance Institution.

Decision No. 25398/1955 does away with the obligation of persons in receipt of pensions from the I.K.A. and their dependants to contribute towards the cost of clinical examinations in certain specified cases.

Ministerial Decision No. 4620/1956 amends certain paragraphs of the "processes" connected with lead and benzene poisoning.

### *Iraq.*

During the period under review four cases of silicosis were notified, the compensation for which amounted to 1,079,400 dinars.

### *Ireland.*

Workmen's Compensation Act 1934 (Industrial Disease) Order, 1956.

This Order, which came into operation on 2 April 1956, has added pneumoconiosis due to the inhalation in coal mining of coal dust or silica dust to the list of industrial diseases set out in the sixth schedule to the Workmen's Compensation Act, 1934.

Statistical data on occupational diseases are appended to the report in respect of 81 cases of dermatitis produced by dust or liquids, one case of lead poisoning and one case of acute bursitis of the knee; compensation in respect of these cases amounted to £10,472. There were in addition four cases of dermatitis produced by dust or liquids in agriculture, in respect of which a total of £1,367 compensation was paid.

### *Italy.*

The statistics show that 14,373 cases of occupational diseases, 696 of which were fatal, were notified; 14,113 cases were settled and compensation was granted in 6,578 cases.

### *Japan.*

Special Protective Law No. 91 of 1955 concerning silicosis and traumatic impediment, and Enforcement Ordinance of the Ministry of Labour.

According to the text appended to the report the Special Protective Law concerning silicosis and traumatic impediment provides in Chapter III (section 10) that when a worker has contracted silicosis and has ceased to be engaged in work which is associated with exposure to the inhalation of silica dust and has been transferred to other work not associated with such exposure, the Government may pay the worker as transfer benefit an amount equivalent to the amount of average wages for 30 days.

Section 11 of the law provides that when a worker who contracted silicosis before or after his transfer benefit has been paid expiry compensation as provided under the Workmen's Accident Compensation Insurance Law (No. 50 of 1947), the Government may give medical

treatment benefit to the said worker for two more years or pay an amount equivalent to the expenses needed for his medical treatment.

Section 12 provides that when a worker has contracted silicosis and cannot work owing to the need for his medical treatment and is not paid his wages, the Government may pay the said worker absence benefit for the period needed for his medical treatment.

The Enforcement Ordinance specifies where the treatment provided under section 11 above shall be given and the method for calculating the amount of the daily benefit granted.

The Government appends a statistical table of the occupational complaints classified by category of industry. The total number of these cases reported was 17,097.

#### *Mexico.*

In reply to the observations made by the Committee of Experts in previous years, the report states that the Government is contemplating the adoption of new regulations to bring its legislation into agreement with the provisions of the Convention, taking into account past experience and the actual situation in Mexico.

#### *Netherlands.*

In reply to the general observation of the Committee of Experts the Government confirms that compensation for industrial accidents and occupational diseases covers workers in agriculture and horticulture.

An appendix to the report gives detailed statistics of the number and nature of the occupational diseases which gave rise to compensation during 1954, i.e. 1,092 cases in industry and eight in agriculture.

#### *New Zealand.*

The report supplies statistics extracted from the Annual Report of the Department of Health with reference to 403 cases of occupational diseases notified during 1955, classified under the different diseases, together with special statistics with regard to the six notified cases of lead poisoning in the different industries.

The report also reviews the work of the various industrial health centres and describes the activities initiated and the progress achieved in different fields, including the discovery of cases of occupational disease, training by means of films, exhibitions, improvements in therapeutic equipment and techniques, etc.

#### *Norway.*

The statistics for 1952 show 28 cases of silicosis, including 12 resulting in invalidity and three in death, three cases of lead poisoning, and eight cases of benzene poisoning; the total expenditure amounted to 504,602 crowns.

#### *Poland.*

Order of the Council of Ministers of 14 May 1956 to publish a list of occupational diseases (L.S. 1956—Pol. 2).

The above-mentioned Order, which repeals the Ordinance of 17 July 1954, amends and supplements the list of diseases giving entitlement to the benefits provided by the Decree of 24 July 1954 relating to the general pension scheme in force for workers and their families. The Order came into force with retroactive effect to 1 July 1954.

The new Order adds various diseases to the list of occupational diseases which were previously in force and, in particular, all diseases engendered by industrial poisonings; occupational diseases of the eyes; chronic skin diseases; infectious diseases caused by occupational employment, if there is no reason to suppose that the origin of the disease should be imputed to other causes than the conditions of the occupational employment.

With regard to the observations made by the Committee of Experts in 1956 the Government states that the divergencies to which the Committee drew attention have been removed by the new Order of the Council of Ministers of 14 May 1956, under the terms of which all diseases caused by industrial poisonings are considered to be occupational diseases.

For statistics see under Convention No. 17.

#### *Sweden.*

The report gives detailed explanations regarding the rules for the application of the new Swedish insurance legislation (Act No. 243 of 14 May 1954), and regarding their application to occupational diseases.

The report states in particular that, under the comprehensive scheme introduced for employment injuries and for all injuries caused by substances or radiations, a causal relation is presumed to exist between an accident and an injury unless there are very cogent reasons to the contrary.

The right to compensation in respect of certain injuries—including those not arising in the course of employment—that are considered as occupational diseases, particularly infectious diseases, was laid down in a Royal Order of 29 October 1954. That Order mentions anthrax among the occupational diseases in respect of which compensation is payable.

Occupational injury insurance is administered by the National Insurance Office and nine private insurance companies. If an employer has not taken out insurance with any of the private companies he is automatically insured with the National Insurance Office.

Complaints against the decisions of the insurance institutions can be brought before the Royal Insurance Council and before special courts established for the purpose. This Council is responsible for the application of insurance legislation.

See also under Convention No. 17 for details of the new Act.

#### *Turkey.*

The report states that an amendment revising and extending the list of occupational diseases giving right to compensation, contained in section 34 of the regulations on health and safety in industry, is at present before the

Council of State for approval and will be promulgated in the near future.

Statistical information is appended to the report. For the year 1955, 199 cases of occupational diseases were recognised, including 13 cases of pulmonary tuberculosis, 20 cases of bronchitis, 160 cases of silicosis and pulmonary fibrositis, two cases of dermatosis, two poisonings, one case of arthritis and one case of an eye complaint. The statistics also show the apportionment of the diseases among different branches of industry.

### *United Kingdom.*

National Insurance (Industrial Injuries) (Benefit) Amendment Regulations, 1955.

National Insurance (Industrial Injuries) (Benefit) Amendment Regulations (Northern Ireland), 1955.

National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations, 1956.

National Insurance (Industrial Injuries) (Prescribed Diseases) Amendment Regulations (Northern Ireland), 1956.

These regulations introduce the following modifications: (1) removal of certain disqualifications for receiving death benefit in Great Britain and Northern Ireland; (2) the addition of poisoning by cadmium to the list of prescribed diseases in Great Britain and Northern Ireland, and the extension of insurance against byssinosis in relation to Great Britain only.

The Minister of National Insurance has accepted the recommendations of a Majority Report of the Departmental Committee appointed to review the diseases provisions of the Industrial Injuries Act. The effect is to continue the present system of compensation for prescribed diseases only.

Statistics of industrial disease give the following information: 43,000 spells of incapacity from industrial disease, about half of which were due to dermatitis (provisional figures based on sample); 6,500 cases of pneumoconiosis and byssinosis, 5,500 being coal miners; six disablement allowances under the Industrial Diseases (Miscellaneous) Benefit Scheme and three awards in respect of death, during the 12 months ended 30 June 1956; 2,395 disablement allowances under the Pneumoconiosis and Byssinosis Benefit Scheme and 466 payments in respect of death, during the same period.

Four cases of occupational diseases occurred in Northern Ireland.

The total expenditure on accident and disease benefits during the year ended 31 March 1955 was about £25 million in Great Britain and £406,000 in Northern Ireland.

### *Uruguay (First Report).*

Decree of 8 April 1914 to bring into effect the monopoly of the State Insurance Bank in regard to employment accident insurance.

Act of 11 January 1934 to extend and readjust the pension system based on the Pension Fund for Industry, Commerce and the Public Services (L.S. 1934—Ur. 1).

Decree of 9 September 1937 to declare anthrax and bubonic plague to be occupational diseases for the purposes of the Act respecting prevention of industrial accidents.

Act of 17 December 1937 to repeal or amend certain provisions of the Act of 11 January 1934 with regard to compensation for industrial accidents.

Decree of 31 August 1939 to declare certain occupational diseases to be entitled to compensation.

Decree of 13 March 1940 to determine the occupational diseases which must be notified under the same conditions as the diseases included in the Code of Transmissible Diseases.

Act of 28 February 1941 to issue rules respecting industrial accidents and occupational diseases (L.S. 1941—Ur. 1).

Decree of 8 January 1943 to add allergic erythema to the list of occupational diseases giving the right to compensation.

Decrees of 14 September 1945 to include certain complaints and processes in the list of occupational diseases.

Decree of 22 July 1948 to add ictero-haemorrhagic spirochetosis to the list of occupational diseases giving the right to compensation.

Act of 14 October 1950 to limit hours of work, to prescribe rules as regards employment and compensation, and to establish a commission for the purpose of classifying the employments to be covered (L.S. 1954—Ur. 1 B).

Act of 19 October 1950 to amend the law respecting the payment of compensation for industrial accidents and occupational diseases (L.S. 1950—Ur. 1).

Decree of 30 May 1954 to include telegraphers' cramp in the list of occupational diseases.

Act of 12 June 1956 to amend the Acts of 28 February 1941 and 19 October 1950 fixing maximum wages for the purpose of determining compensation for industrial accidents and occupational diseases.

*Article 1 of the Convention.* According to the Government's report compensation paid to persons suffering from occupational diseases is based on the same principles as those for the compensation of employment accidents, as established by the Act of 28 February 1941. The compensation is even higher in the cases provided for in sections 8 and 9 of the Act of 14 October 1950. The Act respecting unhealthy occupations raised the amount of the pension for permanent total disability and the compensation for temporary invalidity to 100 per cent. of wages, while for employment accidents it is only 50 per cent. of wages for the first 30 days and 75 per cent. from the 30th day onwards.

Compensation for total or partial permanent disability takes the form of a pension paid by the State Insurance Bank which, under the Decree of 8 April 1914, holds the monopoly for employment accident and occupational disease insurance.

If an undertaking has not concluded an insurance contract with the Bank, the law requires that, in the event of an accident, it shall pay in to the Bank a lump sum corresponding to the pension granted.

Persons suffering from an occupational disease and their dependants benefit by free legal aid from the legal adviser and barristers of the National Labour Institute. In cases where legal action takes place the judge pronounces his decision only after taking the opinion of the legal adviser of the Institute.

Some state or joint bodies have adopted provisions supplementary to the law which ensure persons suffering from occupational diseases being paid the whole of their wages during their treatment, and also providing appropriate work for holders of a pension which will allow them to receive the whole of their wages when the work in question is authorised by their physician.

*Article 2.* The report states that the occupational diseases listed in the Convention are only a part of those which figure in Uruguayan



legislation. That legislation provides, in addition, compensation for the following complaints: brucellosis, skin injuries caused by cement, complaints caused by industrial noise and pneumatic tools, navvies' occupational kyphosis, swineherds' disease, complaints contracted in work on sewers, occupational cataract, rheumatism due to cold and telegraphers' cramp.

The application of the laws and regulations with regard to compensation for occupational diseases is entrusted to the National Labour Institute, which exercises supervision, the Justice of the Peace, who lays down the procedure, the State Insurance Bank, which takes charge of the risks, and the Ministry of Public Health, which acts as adviser.

The industries in which occupational diseases are met with include undertakings for crushing minerals (quartz, carbonates, talc, mica), glass-works, manufacture of accumulators, chemical industries, graphic arts, etc.

The workers employed in the industries listed above undergo medical examinations which are held by the Industrial Hygiene Department of the Ministry of Health and by the dispensaries of the State Insurance Bank.

During 1955 cases of silicosis of varying degrees of severity were recorded in glass-works and quartz-crushing undertakings. This is the only occupational disease of any importance which has shown itself during recent years. Other activities have led to cases of dermatosis and inflammation and a few cases of complaints induced by pneumatic tools, spray-gun painting, gases and fumes, allergic troubles and brucellosis. During 1955 the sanatorium of the State Insurance Bank treated about 330 cases of recognised occupational diseases.

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

*Brazil, Cuba, Finland, 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

#### *Bulgaria.*

Decree No. 1502 of the Council of Ministers of 21 March 1951.  
Decrees published in *Izvestia*, Nos. 6/1951 and 8/1953.  
Ordinance respecting overtime approved on 3 May 1952 (L.S. 1952—Bul. 2).

The Government states that the Decree of 21 March 1951 established four six-hour shifts for workers employed on "Fourco" machines and furnaces.

Workers employed in glass-bottle works do not work continuously. For certain categories of glass works a seven-hour day was introduced under decrees published in *Izvestia*, Nos. 6/1951 and 8/1953. Additional lists were published in *Izvestia*, No. 8 of 21 January 1953, and No. 69 of 26 August 1955. The latter text provides that in undertakings which work continuously and in which, for technical reasons, the introduction of a seven-hour day is impracticable, other arrangements may be made by agreement between the management and the central committee of the trade union concerned, provided that the average number of hours worked does not exceed seven by day or six by night in any one week. This includes the operation of gas-holders in glass works and metallurgical plants.

Section 50 of the Labour Code requires the granting of six hours' daily rest in glass works. Under section 9 of the overtime ordinance workers on reduced schedules may not be required to work overtime.

#### *Czechoslovakia.*

In reply to the observations made by the Committee of Experts in 1956, the report states that, as from 1 October 1956, hours of work were reduced to 46 a week, and for young persons under 16 years of age to 36 a week. Before the end of the second Five-Year Plan, that is, before 1960, daily hours of work will be reduced in general to seven. This reform will be effected preferably in the industries where the work is deemed to be injurious to health, including sheet-glass works and glass-bottle works.

#### *France.*

See under Convention No. 49.

#### *Mexico.*

*Article 3, paragraph 2, of the Convention.* The report states that the practical application of the provisions of the Convention is shown by the following extract from a collective agreement relating to a glass factory of lesser importance: "Additional hours shall be paid for at twice the normal wage rates but such overtime shall only be recognised if the undertaking, either directly or through one of its agents, gives the relevant authorisation in writing . . ."

*Article 4, clause (c).* The report refers to the observations on Convention No. 49.

*United Kingdom.*

The Government states that, in the one firm in the United Kingdom to which the Convention applies, a shortage of labour from time to time during the period under review has made necessary the working of hours in excess of those prescribed in Article 2 and in cases not provided for under Article 3.

*Uruguay (First Report).*

Act No. 12030 of 27 November 1953 to ratify international labour Convention No. 43.

The report states that it is planned to adopt regulations to implement the Convention.

*Article 1 of the Convention.* Only one sheet-glass works has a section equipped with automatic machines for the production of sheet-glass to which the provisions of the Convention applies.

*Article 2.* The work day is eight hours, with a rest period of half an hour; the interval between two spells of work is 16 hours. The work week is 42 hours. Timetables are drawn up by agreement between the undertaking and the workers concerned.

*Article 3.* It is not necessary to have recourse to the exemptions envisaged in this Article since the production of sheet-glass is small and the automatic machines are in operation only three or four months each year. If it were necessary to work additional hours previous authorisation would have to be requested of the National Labour Institute. In cases of urgency the Institute must be informed without delay.

*Article 4.* Notices must be posted in all industrial and commercial workplaces in virtue of the general labour legislation. The information thus notified includes hours of work, rest periods, the weekly rest day, etc.

The report states that application of the legislation is supervised by the inspectors of the National Labour Institute. There are no reports relating especially to the manner in which the Convention is applied because of the small volume of production involved.

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

*Belgium, Ireland, Norway.*

## 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 competent authorities have been instructed to consider the advisability of introducing measures, in agreement with Article 1 of the Convention, for payment of compensation or allowances to persons who may be involuntarily employed.

*France.*

Owing to the exceptionally cold weather which prevailed in February 1956, the French Government made liberal grants of partial unemployment allowances to agricultural workers, without reference to the limitation provided by the Decree of 12 March 1951, which excludes undertakings employing less than five wage earners from the benefit of such allowances.

During 1955 expenditure for total unemployment was as follows (millions of francs) : State contributions, 4,741.3; contributions by the communes, 410.6. Expenditure for partial

unemployment (millions of francs) was 828.9 and subsidies to communes carrying out works for assisting unemployed persons was 170.3. The total benefits paid to unemployed persons amounted to 5,840.5 million francs, including 100 million francs for works for the unemployed in the overseas départements. The Government states that the decrease in costs compared with 1954 is a result of the constant fall in unemployment, and it gives statistics which illustrate this fall.

*Ireland.*

Social Welfare (Overlapping Benefits) (Amendment) (No. 2) Regulations, 1955.  
Social Welfare (Contributions) (Amendment) Regulations, 1955.  
Social Welfare (Unemployment Benefit) (Additional Condition) Regulations, 1955.  
Social Welfare (Unemployment Benefit and Miscellaneous Provisions) (Transitional) (Amendment) Regulations, 1956.

*Article 1 of the Convention.* As from 29 July 1955 the rates of widows' (non-contributory) pensions were increased. The Social Welfare (Overlapping Benefits) (Amendments) (No. 2) Regulations, 1955, effected, from the same date, consequential increases in the limits prescribed to the combined rate payable to a widow by way of unemployment benefit and a widow's (non-contributory) pension which is reduced on account of her means and made consequential adjustments in the allocations of increased unemployment benefit in respect of dependent children.

*Article 6.* The Social Welfare (Contributions) (Amendment) Regulations, 1955, ensure

that the employment contributions or the credits referred to in article 4 (2) of the Social Welfare (Contributions) Regulations, 1953 and 1955, in the case of persons employed in any of specified employments, will not be reckoned for the purposes of article 5 of the Regulations except in relation to a widow's contributory pension. The orphans' (contributory) allowance is not affected.

The Social Welfare (Unemployment Benefit and Miscellaneous Provisions) (Transitional) (Amendment) (No. 2) Regulations, 1955, extended to 3 June 1956, in the case of both male and female existing contributors within the meaning of the Social Welfare (Unemployment Benefit and Miscellaneous Provisions) (Transitional) Regulations, 1953, the period of waiving of the contribution condition for the receipt of unemployment benefit, which requires that at least 50 unemployment contributions must be paid or credited in respect of the contribution year preceding the benefit year of claim, and the Social Welfare (Unemployment Benefit and Miscellaneous Provisions) (Transitional) (Amendment) Regulations, 1956, continued the waiving of the condition in question to 4 July 1956.

The amount paid out of the Social Insurance Fund in respect of unemployment benefit in the financial year 1955-56 was approximately £2,300,000.

#### *Italy.*

Decree No. 1323 of 24 October 1955 to approve the regulations issued to apply the provisions of Title III of Act No. 264 of 29 April 1949 respecting the extension of compulsory unemployment insurance to agricultural workers.

Decree No. 1324 of 24 October 1955 to determine the rate of contributions of agricultural employers under the employment insurance scheme.

Decree No. 1325 of 24 October 1955 respecting the employers' contributions to the unemployment insurance scheme (industry, commerce).

Legislative Decree No. 23 of 21 January 1956 to issue rules governing financial assistance for unemployed agricultural workers.

During the year 1955 benefit was paid to 891,647 unemployed, and the total expenditure on unemployment benefit amounted to 28,158 million liras.

#### *New Zealand.*

Social Security Amendment Act, 1955.

Social Security Amendment Act (No. 2), 1955.

The Social Security Amendment Act, 1955, increases the rate of unemployment benefit for an applicant under 20 years without dependants from £2 5s. 0d. to £2 7s. 6d. a week and the rate of benefit for other persons from £3 7s. 6d. to £3 10s. 0d.

The Social Security Amendment Act (No. 2), 1955, increases the rates of benefit, including unemployment benefit, for unmarried persons in certain cases by five shillings a week, bringing the basic rate to £3 15s. 0d. a week and the rate for applicants under 20 years without dependants to £2 12s. 6d. a week. It includes a provision which, while it results in an age benefit being conferred, is occasioned by inability to undertake regular employment, namely

a proviso to section 14 that the Commission may in its discretion grant an age benefit to any unmarried female applicant who has attained the age of 55 and, by reason of physical or mental disability, or for any other good and sufficient reason, is unable to undertake regular employment.

During the year ended 31 March 1956 there were 109 applications for unemployment insurance. Allowances were granted in 68 cases and total payments amounted to £4,247.

#### *Switzerland.*

On 1 January 1955 the number of persons insured against unemployment was 626,726, as against 613,461 in 1954.

The Government forwards the report of the Department of Public Economy for 1955, which gives a general review of the enactments and regulations applying the Convention, together with the bulletins of the Federal Office of Industry, Arts and Crafts, and Labour which reproduce the decisions of principle given by the appeal authorities.

#### *United Kingdom.*

##### *Great Britain.*

Various Regulations and an Order, issued in 1955 and 1956, relating to unemployment and sickness benefit, determination of need, contributions, residence and persons abroad, claims and questions, and reciprocal agreement with New Zealand.

##### *Northern Ireland.*

Various Regulations and an Order, issued in 1955 and 1956, relating to unemployment and sickness benefit, determination of need, residence and persons abroad, claims and questions, and reciprocal agreement with New Zealand.

A worker who has to take unpaid extra days of holiday because he changes his job or moves to another region may now receive unemployment benefit therefor if he registers at an employment exchange and is available elsewhere for work on those days.

Higher rates of national assistance came into force on 23 January 1956. A person from New Zealand claiming unemployment benefit in the United Kingdom is now treated, for purposes of contributions conditions, as if he had contributed while employed in New Zealand or had had contributions credited while unemployed or incapacitated there, and vice versa.

On 11 June 1955 the number of persons registered as unemployed in the United Kingdom was 250,376. Unemployment benefit payments totalled £19.4 million during the year ended on 30 June 1956.

On 30 June 1956 the number of persons in Great Britain receiving national assistance who were required to register for employment was 54,993, of whom 19,218 were persons receiving assistance to supplement unemployment benefit. The corresponding figures for Northern Ireland were 8,965 and 3,396.

Copies of the reports of the National Assistance Boards are appended to the Government's report.

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

## 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
Japan . . . . .	11. 6.1956
Mexico . . . . .	21. 2.1938
Morocco . . . . .	20. 9.1956
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 provisions of Convention No. 45 have been incorporated in the revised edition of the Afghan Labour Regulations and they are considered as having the force of law.

The Labour Department of the Ministry of Mines and Industry is responsible for the application of the provisions of the Convention; this is done by means of periodical inspections of labour conditions in the country.

#### *Chile.*

During the period under review the mining undertakings employed 2,357 women workers, as against 1,007 during the previous period.

These women, none of whom were employed on underground work, were divided among the different types of mine as follows: coal, 365; copper, 685; saltpetre, 974; other mines and quarries, 333.

#### *China.*

Mines Act, 1936, as amended in 1950.

*Article 2 of the Convention.* Section 5 of the Mines Act is in complete conformity with this Article of the Convention.

*Article 3.* No exemptions have so far been provided.

The competent authorities for the application of the above-mentioned Act are the Ministry of Interior, the Taiwan Provincial Committee on Factories and Mines Inspection and the Bureaux of Reconstruction of the Provincial Governments.

All mines are regularly inspected.

#### *Ecuador (First Report).*

Labour Code of 5 August 1938 (L.S. 1938—Ec. 1). Constitution of 31 December 1946.

The approval of the Convention by the National Congress and its ratification by the Executive give it force of law under section 53, No. 15, and section 71 of the Constitution.

*Articles 1 and 2 of the Convention.* These Articles are applied by section 87 of the Labour Code, which reads as follows: "No woman and no male young person under the age of 18 years shall be employed in any industry or occupation which is deemed to be dangerous or unhealthy, as listed in the special regulations. The prohibition laid down in this article applies notably to the following industries: . . . (f) underground work and work in quarries."

*Article 3.* The national legislation does not provide for the exemptions allowed by this Article.

Title VI of the Labour Code deals with the organisation, jurisdiction and procedure for enforcing the Labour Code and other labour legislation.

Section 88 provides that if any woman or a male young person under the age of 18 years meets with an accident or falls ill, and it is proved that the accident or illness is due to any employment prohibited for such person or that it occurred in circumstances constituting

a contravention of the law, there shall be a legal presumption that it was due to the fault of the employer. Under section 334 of the Labour Code the compensation payable by the employer in such cases is increased by 50 per cent.

The Labour Inspectorate and the competent courts are responsible for the application of the provisions of the Convention

#### *Federal Republic of Germany (First Report).*

Act of 30 April 1938 respecting the employment of children and the hours of work of young persons (L.S. 1938—Ger. 5).

Order of 30 April 1938 to issue the consolidated text of the Hours of Work Code and other provisions for the regulation of hours of work (L.S. 1938—Ger. 6).

Order of 12 December 1938 to implement the Act respecting children's work and hours of work of young persons.

Works Constitution Act of 11 October 1952 (L.S. 1952—Ger. F.R. 6).

Act of 10 June 1954 respecting international labour Convention No. 45 concerning the employment of women on underground work in mines of all kinds.

Effect is given to the provisions of the Convention by section 16, paragraph 1, of the Order of 30 April 1938 and section 52 of the Order of 12 December 1938. These provisions prohibit the employment of adult women and young women respectively on underground work in mines, rock salt mines, undertakings for the preparation of ore, underground quarries and excavation work.

The supervision of the enforcement of the above-mentioned provisions is the duty of the labour inspection offices; as regards mines, supervision falls to the mines administration services. These bodies supervise all the undertakings at regular intervals. The local police are required to give administrative assistance to the labour inspection offices in enforcing these provisions.

Employers or their representatives who contravene the above-mentioned provisions are liable to a fine of not more than 150 marks or imprisonment. In very serious cases they may be sentenced to imprisonment or a fine, or both penalties. Under section 58 of the Act of 1952, the works council is instructed, *inter alia*, to carry out supervision of the provisions concerning labour protection.

The Government of the Federal Republic of Germany is not aware of any decision taken by legal or other courts.

The enforcement of the Convention does not meet with any difficulty and no infringements have been reported. The Government has not received any observations from the employers' and workers' organisations concerned with regard to the practical application of the provisions of the Convention and the national laws which give effect to it.

#### *Greece.*

The Greek General Confederation of Labour has reported in writing that there appear to have been cases of contraventions of the law which prohibits the employment of women in underground work in mines; this matter has been brought to the attention of the Labour Inspection Service for appropriate action.

#### *India.*

Ministry of Labour Notification No. M-46 (8) 52 of 24 August 1954.

Under the terms of the above-mentioned Notification, an extract of which is appended to the report, the provisions of section 46 of the Act of 1952 to issue amended regulations for work and safety in mines do not apply to women employed in health and welfare services and those who, in the course of their studies, occasionally have to enter the underground workings for purposes other than manual work. However, every such woman is required to possess an advance permit granted by the manager of the mine showing the date or dates and the hours between which she is permitted to be present underground.

The law in this connection has generally been respected and there have only been five complaints during the period under review regarding the employment of women underground. Five other cases were detected during the course of inspection. During the 12 months ending 30 June 1956 prosecutions were instituted in six cases for employment of women underground.

#### *Indonesia.*

The implementation of the legislation on this Convention is entrusted to the Labour Inspection Service. The labour inspectors and controllers of the service, who are appointed by the Minister of Labour, are responsible for inspection and investigation; they visit all the undertakings to obtain information on the effect given by the employers to the provisions of the Accident Law.

#### *Union of South Africa.*

Act No. 27 of 1956 to consolidate and amend the laws relating to the operating of mines and works and of machinery used in connection therewith.

The provisions of this Act as affecting Convention No. 45 have not altered previous legislation; the report points out, however, that the definitions of the scope of the new Act are more comprehensive than those given in Article 1 of the Convention.

#### *Uruguay (First Report).*

Act No. 12030 of 27 November 1953 to ratify international labour Convention No. 45.

Decree of 7 December 1954 to issue regulations under Convention No. 45.

The above-mentioned Decree reproduces Articles 1 to 3 of the Convention almost word for word.

Up to the time when the report was drawn up no exemption from the provisions of the Convention had been granted and no act or regulations relevant to it had been adopted. The extractive industries of the country do not employ women.

The National Labour Institute is responsible for supervision of the enforcement of labour laws and carries out this supervision mainly by means of the inspection service, the operations of which have been described in previous reports.

Breaches of the provisions of the decree are liable to a fine of 20 pesos for every person concerned, with a maximum of 1,000 pesos for a first infringement. These fines are doubled if the offence is repeated. Further, any action hindering the work of the inspectors is liable to a fine of from 50 to 250 pesos, which is doubled if the offence is repeated.

The employers are assumed to be responsible for any infringements which are noted and they are jointly and severally responsible in law for contraventions established against their representatives (director-general, official or employee).

Up to the time when the report was drawn up no legal sentence had been pronounced relating to the provisions of the Convention.

The only mines being worked at the present time in Uruguay are stone and lime quarries. A few years ago a certain number of gold mines in the department of Rivera were being worked, and in 1932 an official body tried to start these works afresh to see whether it was possible to lease them. However, in 1938 the State definitely and finally abandoned all working of these mines and sold the material, since national and foreign experts had established that the only way of making any profit out of the mines was by the "small undertaking" system, which has not yet been adopted in the country.

*Viet-Nam* (First Report).

Labour Code of 8 July 1952.

Section 211 of the Labour Code lays down that "girls and women of any age and boys under 16 years of age shall not be employed on underground work in mines and quarries".

The legislation does not provide for any exceptions to this rule.

The Labour Inspection Service and the General Service of Mines and Industry are responsible for the supervision of the application of this provision.

No legal decisions have been taken with regard to questions of principle relating to the application of the Convention. No observation with regard to the practical application of the Convention has been received.

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

*Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Ceylon, Cuba, Czechoslovakia, Egypt, Finland, France, Ireland, Italy, Mexico, Netherlands, New Zealand, Pakistan, Portugal, Sweden, Switzerland, Turkey, United Kingdom, Yugoslavia.*

#### 47. Forty-Hour Week Convention, 1935

*This Convention will come into force on 23 June 1957*

Countries	Date of registration of ratification
Byelorussia . . . . .	21. 8.1956
New Zealand . . . . .	29. 3.1938
Ukraine . . . . .	10. 8.1956
U.S.S.R. . . . .	23. 6.1956

*New Zealand* (Voluntary Report).

As at April 1956 the estimated number of workers covered by the legislation giving effect to the Convention was 426,971, representing 308,271 in industrial establishments and 118,700 in shops and offices.

#### 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 states that the necessary measures have been taken to give effect to the hope expressed by the Committee of Experts

with regard to the application of Article 10, paragraph 3, of the Convention. Consequently, the amount of the pensions paid to nationals of Members which have ratified the Convention are not subject to any reduction, and comprise all the increases provided by Czechoslovak legislation, including in particular the increase which was introduced as a result of the abolition of rationing.

On 30 June 1956 the numbers of Czechoslovak nationals and of foreigners resident in the countries bound by the Convention to whom pensions were being paid were as follows : 3,439 in Poland, 91 in Yugoslavia, 12 in Italy, 5 in the Netherlands and 1 in Hungary. However, in the absence of facilities for payment in Italy, the pensions due to persons residing there

were paid into individual accounts in Czechoslovakia. In agreement with the Italian Government it has at least been possible partially to offset the pensions payable against the trading surplus.

Italy.

During the period under review the following bilateral treaties came into force: (1) treaty between Italy and the Saar for unemployment insurance, signed at Paris on 3 October 1953 and came into force on 1 November 1955 (Act No. 257 of 9 March 1955); (2) treaty between Italy and the Federal Republic of Germany respecting social insurance, signed at Rome on 5 May 1953 and came into force on 1 April 1956 (Act No. 823 of 17 July 1956). These treaties affirm, *inter alia*, the right of workers employed in the contracting countries to benefit by the provisions in force in their workplaces in the same way as national workers.

Netherlands.

Royal Decree of 22 March 1956.

On 1 July 1955 the following pensions were being paid: to one invalid and to one old-age pensioner residing in Hungary; to 34 invalids, 16 orphans and three old-age pensioners in Poland; to one invalid, one widow, one orphan and one old-age pensioner in Czechoslovakia; and to eight invalids, one orphan and two old-age pensioners in Yugoslavia. During the period under review nine pensions were granted to persons living in Poland (six invalidity pensions and three widows' pensions); one old-age pension was granted to a person living in Spain; one invalidity pension to a person living in Czechoslovakia and four pensions to persons living in Yugoslavia (one invalidity pension, two widows' pensions and one orphan's pension). The total number of pensions now being paid is, therefore, 82 (two in Hungary, 59 in Poland, one in Spain, five in Czechoslovakia and 15 in Yugoslavia).

Poland.

Referring to the observations made by the Committee of Experts in 1956 the report of the Government makes the following statement:

"The provisions of section 7 of the Decree of 29 June 1954 determine in the first place the periods of employment within the area of the Polish State which entitle the worker to benefit. The section further authorises payment of benefit to Polish citizens for periods of employment abroad even when they had not been employed in Poland or when they were employed in Poland and in a foreign country with which Poland had not concluded a bilateral agreement. Section 7 of the Decree of 25 June 1954 does not in any way rule out the taking into account of periods of employment (insurance) in the countries which have ratified Convention No. 48 or in those countries with which Poland has concluded agreements with regard to social insurance. The pensions are therefore paid under the new decree in agreement with bilateral provisions, whatever may be the nationality of the insured person."

Spain.

The Government states that the ratification of the Convention has been approved by the Act of 2 June 1936 and that no other legislation concerning the application of the Convention has been promulgated.

The following additional information was supplied by the national trade union organisation and communicated by the Government: The Convention has not yet been applied in Spain. A practical application of the Convention was not yet possible, taking into account the duration of the Second World War and the interruption of diplomatic relations with the other countries which have ratified the Convention. An agreement between Spain and France (which has not yet ratified the Convention), providing for maintenance of rights to social security benefits, has been in operation since 1934.

Yugoslavia.

At 30 June 1956 personal and survivors' pensions were being paid to 132 persons living abroad. Most of the beneficiaries were resident in Czechoslovakia (49), Italy (36) and France (21).

49. Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935

This Convention came into force on 10 June 1938

Countries	Date of registration of ratification
Bulgaria . . . . .	29.12.1949
Czechoslovakia . . . . .	19. 9.1938
France. . . . .	25. 1.1938
Ireland. . . . .	10. 6.1937
Mexico. . . . .	21. 2.1938
New Zealand . . . . .	29. 3.1938
Norway . . . . .	21. 7.1936

Bulgaria.

See under Convention No. 43.

Czechoslovakia.

See under Convention No. 43.

France.

The Government refers in its report to the collective agreement of 23 July 1954, a copy

of the text of which was transmitted to the Office during the Conference. Section 3 of the appendix to the agreement, covering production workers, provides that work performed exceptionally in any of the cases of permanent exceptions provided for under the Decree of 13 February 1937 (Hours of Work in Glassworks) shall be taken into account in calculating overtime work. Section 5 of the appendix, which relates to shift workers in particular, provides that the regulations governing overtime which may be necessary in order to make good the unforeseen absence of a member of a shift (Article 3, paragraph 1 (b), of the Convention) are to be decided upon within the individual undertakings.

*Mexico.*

*Article 3, paragraph 2, of the Convention.* The report refers to a clause of a collective agreement, similar to that summarised under Article 3 of Convention No. 43.

*Article 4, clause (c).* Additional hours are recorded by the head of the shift on the card of any worker having carried out such work.

*New Zealand.*

In reply to the observation made by the Committee of Experts the Government transmits the text of two collective agreements respecting glass-works. It also states that the report furnished in 1953 and clause 6 (a) of the Glassworks Employees Agreement set out the rosters for the shift workers concerned. These show that, averaged over a four-weekly period, each worker is rostered for 42 hours per week, one extra shift being worked in each four-weekly period. The special rates provided for in the agreements are paid for the hours in excess of 40 per week and would apply to the extra shift rostered in each four-weekly period. Other overtime worked in excess of this would be worked only in exceptional circumstances of the type enumerated in Article 3 of the Convention.

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

*Ireland, Norway.*



TWENTIETH SESSION (GENEVA, 1936)

50. Recruiting of Indigenous Workers Convention, 1936

*This Convention came into force on 8 September 1939*

Countries	Date of registration of ratification
Argentina . . . . .	14. 3.1950
Belgium <sup>1</sup> . . . . .	26. 7.1948
Japan . . . . .	8. 9.1938
New Zealand <sup>1</sup> . . . . .	8. 7.1947
Norway . . . . .	7. 7.1937
United Kingdom <sup>1</sup> . . . . .	22. 5.1939

<sup>1</sup> See below the summary of reports on the application of ratified Conventions in non-metropolitan territories (article 35 of the Constitution).

The reports from the following countries either reproduce or refer to the information previously supplied :  
*Argentina, Japan, Norway.*

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
Byelorussia . . . . .	6.11.1956
Cuba . . . . .	20. 7.1953
Czechoslovakia . . . . .	12. 6.1950
Denmark . . . . .	22. 6.1939
Dominican Republic . . . . .	5.12.1956
Egypt . . . . .	3. 7.1954
Finland . . . . .	23. 8.1949
France . . . . .	23. 8.1939
Greece . . . . .	13. 6.1952
Hungary . . . . .	8. 6.1956
Israel . . . . .	22. 8.1951
Italy . . . . .	22.10.1952
Mexico . . . . .	9. 3.1938
Morocco . . . . .	20. 9.1956
New Zealand . . . . .	10.11.1950
Ukraine . . . . .	14. 9.1956
U.S.S.R. . . . .	10. 8.1956
Uruguay . . . . .	18. 3.1954
Viet-Nam . . . . .	6. 6.1953
Yugoslavia . . . . .	26. 3.1953

*Brazil.*

During the period under review, according to the official figures so far compiled, the administrative authorities responsible for the supervision of the application of the provisions regarding annual holidays with pay drew up

252 reports of contraventions of the provisions of Title II, Chapter IV, of the Labour Code.

*Bulgaria.*

The Government states that all workers without exception are entitled to annual leave with pay. This includes persons employed in family undertakings provided that they are covered by an employment contract. Section 53 of the Labour Code also applies to public administration employees.

Under section 86 of the Labour Code the pay to which a worker is entitled during his leave is based on the average wage earned during the preceding 11 months. It is paid in cash. Any part of the wage that is paid in kind is converted into cash equivalent when calculating leave pay.

Under section 6 of the Ordinance respecting holidays each undertaking, establishment or organisation is required to draw up annually, by 15 January at the latest, the schedule according to which it plans to grant paid leave to its workers. The head of the undertaking issues a written order for the worker to take his leave and the administrative services record in the worker's file the period during which the leave is taken.

The leave schedule, the worker's file and the pay sheets assist the Labour Inspectorate in supervising the application of the provisions governing holidays with pay.

There are no provisions concerning persons gainfully employed during their annual paid leave.

Under section 38 of the Ordinance respecting holidays with pay, workers under 16 years of age are entitled to 26 working days of paid leave annually. Section 53 of the Labour Code requires the granting of 14 working days of paid leave per year, that is to say, public holidays (as designated by the Council of Ministers under section 52 of the Labour Code) are not taken into account. In some industries additional paid leave is provided, under section 55 of the Code and section 45 of the Ordinance respecting holidays, for workers employed in continuous processes in a single undertaking.

### *Burma.*

Leave and Holidays Act No. 58 of 1951 (L.S. 1952—Bur. 1).

*Article 1 of the Convention.* This Article applies to persons employed in any of the following undertakings or establishments, whether private or public: (1) factories as defined in the Factories Act or notified as factories thereunder; (2) factories and undertakings as defined as "railways" in the Railways Act; (3) ports as defined in the Rangoon Port Act and in the Ports Act, in so far as labour directly employed by the ports authorities is concerned; (4) notified oilfields as defined in the Oilfields Act; (5) mines as defined in the Mines Act; (6) shops, commercial establishments and establishments for public entertainment as defined under the Shops and Establishments Act, 1951; (7) all government establishments; (8) all establishments of local authorities.

The report states that the persons enumerated in paragraph 3 (a) and (b) of this Article have been exempted.

*Article 2.* Provision is made for ten days' consecutive holiday for persons over 15 years of age and 14 days for children under 15 years of age. No provision has yet been made with regard to paragraphs 3, 4 and 5 of this Article.

*Article 3.* The average wages for the full period of holiday are prescribed by law.

*Article 4.* This question is provided for in section 9 of the Leave and Holidays Act.

*Article 5.* No provision is made for this contingency.

*Article 6.* This provision is covered under section 5 of the Leave and Holidays Act.

*Article 7.* Clauses (a) to (c) of this Article are covered by section 11 of the Leave and Holidays Act.

The Chief Inspector of Factories is entrusted with the enforcement and supervision of the above-mentioned legislation.

### *Cuba.*

The Government states that the Convention grants only six days' holiday per year, whereas Cuban legislation grants one month's holiday for 11 months of employment, or proportionally for shorter periods.

Section X of Act No. 40 of 22 March 1935 was not applied in practice and has no legal force as a result of the promulgation of Decree No. 1435 of 28 March 1953, particularly the last paragraph of section 2, and also section 4. The idea of carrying forward or reducing the period of leave arose out of the apparent need to ensure continuous production in the case of essential workers and in periods of emergency. Nevertheless, the payment of time-and-a-half has, in practice, led to a practical result which is in harmony with the Convention.

The repeal of section X of Act No. 40 would require the promulgation of another Act of Congress.

Article 2, paragraph 3, of the Convention cannot be held to be applicable to legislation that grants one month's holiday for 11 months of employment. The particulars required in Article 7 of the Convention are entered both in individual contracts and collective agreements and in the staff register in which all the working conditions are recorded.

According to their particular occupation, persons below 18 years of age receive special treatment under section 18 of Decree No. 1435 and sections 8 and 9 of Legislative Decree No. 883 of 1953.

National holidays or days of mourning, as well as certain public or religious holidays, are granted in addition to the rest period.

The Ministry of Labour requires that undertakings record in their books the date of entry, the dates on which holidays actually begin and end, and the remuneration received.

### *Czechoslovakia.*

Legislative Measure No. 11 of 1956 promulgated by the National Assembly and approved by Decision of the National Assembly No. 37 of 1956.

Decree No. 18 of 1956 of the Ministry of Education and Culture.

Notice No. 140 of 1956 of the State Planning Bureau of the Central Council of Trade Unions.

Legislative Measure No. 11 of 1956 extends the validity of Act No. 3 of 1954 to issue regulations concerning holidays with pay. The provision in the circular of the Ministry of Education respecting the holidays for teachers and teaching staff, which was cited in the report for 1954-55, remains applicable for the years 1956 and 1957. Notice No. 140 of 1956 extends for the years 1956 and 1957 the validity of Notices Nos. 84 and 130 of 1954 that were cited in the report for 1954-55.

As regards the observation made by the Committee of Experts with regard to payments in kind, the Government states that the legislation ensures that during his leave a worker receives his full remuneration just as though he were at work. Lodging, lighting and heating are provided even during his holiday. This matter will nevertheless be re-examined in connection with new regulations on holidays. The Government states, however, that in its opinion there is no direct contradiction between Czechoslovak legislation and the Convention. Most of the workers spend their holidays in recreation centres maintained by the State or by trade union organisations or, in some cases, by the undertaking. To stay in such centres the

workers pay only a very small sum which only partly covers the cost of board, while lodging is practically free.

#### *Denmark.*

Regulations of 7 March 1956 to amend the Regulations of 24 March 1954 respecting the holiday stamp system.

Two lawsuits concerning contraventions of the Holidays with Pay Act have been published.

#### *France.*

Act No. 56-332 of 27 March 1956 to amend the provisions respecting annual holidays with pay.

The above-mentioned Act modifies Chapter IV of Book II of the Labour Code by providing for an annual holiday of 18 working days instead of 12.

The report states that employers are not normally required to consider interruption of work due to sickness as part of the working period with regard to which holidays are due.

#### *Greece.*

Circular No. 41762 of 1955 of the Ministry of Labour respecting the allowance for unhealthy work which must be taken into account for calculating the sum due in respect of holidays with pay.

Circular of the Ministry of Labour respecting the holidays of the staff of limited liability companies.

Circular No. 51872 of 1955 of the Ministry of Labour to provide that leave for curative baths shall not be offset against annual holidays with pay.

Circular No. 57432 of 1955 of the Ministry of Labour respecting the grant of leave after a worker's demobilisation.

Circular of the Ministry of Labour concerning payment for the rest days of night watchmen.

Royal Decree of 19 December 1955 respecting the extension of the provisions of article 2, paragraph 5, of Act No. 539 of 1945 concerning annual holidays with pay.

Royal Decree of 24 December 1955 respecting postponement in 1955 of the grant to bakers and bakery workers of the holidays provided for in Act No. 539 of 5 September 1945 (section 2, paragraph 5).

For some years the Government has suspended the grant of holidays with pay to bakers, at the pressing request of the Bakery Workers' Federation and with the agreement of the General Confederation of Greek Workers.

The Government would be ready to abrogate the provision referred to if the employers' and workers' organisations were to reach agreement on this issue.

#### *Israel.*

The Government has already approved an amendment to the Holidays Acts, deleting section 35 (a) (2) in respect of workers whose remuneration consists of a share in the profits. It is hoped that Parliament will pass the amending Bill at its present session.

The definition given by the courts to the term "casual worker" is generally the one contained in the book by Willis on workmen's compensation. Attention should be drawn to the fact that section 35 (a) (3) of the Holidays Act excludes "casual workers employed not in the business or occupation of the employers", namely in his private household. These workers are not

covered by the Convention. In respect of workers covered by the Convention the law applies to temporary and casual workers and is being enforced through Holiday Funds.

The Regulations under section 36 of the Act have not yet been published; a translated copy of the draft regulations is appended to the Government's report. The process of accumulating unclaimed sums by the Holiday Funds is continuing. Warning letters have been sent by the Labour Inspectorate to employers contravening the law. Forty-two infringements have been brought before the courts; in all the cases but nine the employers were found guilty, fines were imposed and orders were made for payment of the holiday money due. It should be noted that cases of infringing the law are mainly discovered after termination of employment.

#### *Italy.*

The Government repeats in its report the information supplied to the Conference Committee in reply to the observation made in 1956.

#### *Mexico.*

Decree of 31 December 1956 to amend the Federal Labour Act.

In a supplementary report the Government forwards the text of the above-mentioned Decree which amends section 82 of the Labour Act; this section now provides that, after one year's service, workers are entitled to an annual holiday with pay of at least six working days, that the duration of the holiday is to be increased with the length of service, that workers under 16 years are entitled to 12 working days' holiday and that the prescribed minimum holiday must be taken continuously; it also provides that employers shall deliver to their workers a note indicating the length of their employment, the duration of the holiday due and the date at which it should be taken.

#### *New Zealand.*

The report gives a full account of a case which came before the courts, where it was decided that a worker away from work on compensation, whose employment was not terminated by notice, was entitled to holiday pay.

Statistical information is supplied regarding the number of workers covered by the relevant legislation, breaches of the Act and arrears of wages paid.

#### *Uruguay.*

Act No. 10684 of 17 December 1945 to provide for holidays for salaried and wage-earning employees in private undertakings (L.S. 1945—Ur.1), as amended by Acts Nos. 10818 of 17 October 1946, 10833 of 18 October 1946, 10839 of 21 October 1946 and 12094 of 26 February 1954.

Decree of 8 January 1947 to make regulations under Act No. 10684 and other laws on the same subject in respect of the supervision of workers' annual holidays, holiday pay, the public holidays to be paid for, appeals, penalties and other matters (L.S. 1947—Ur. 1).

Act No. 12030 of 27 November 1953.

The Government states that special decrees are issued to regulate the manner in which annual leave is granted, by virtue of the provisions of Act No. 10684, to construction workers, harbour workers, coal miners, cold storage workers, workers in public passenger transport, etc.

Although the first Act quoted in the above list dates from 1945, annual holidays with pay were introduced in Uruguay in 1933, but only for salaried and wage-earning workers in commerce, the right being later extended to other industries under special statutes between that date and the date of the passing of the general Act of 1945. It has always been understood that Act No. 10684 tacitly repealed all the former enactments (though the text does not say so) as it is the most advantageous one in view of the fact that it also covers private domestic service and increases the length of holidays from 12 to 15 days for wage-earning workers.

*Article 1, paragraph 1, of the Convention.* Uruguayan law covers all the undertakings and establishments included in the list. It should be added that pursuant to section 19 of Act No. 10684 every wage-earning employee enjoys an additional three days off, on 1 January, 1 May and 25 August in each year; "radio-logical" staff (clause (h)) are entitled under section 54 of the Decree of 9 December 1942 to a holiday of 30 consecutive days; and ushers and similar staff in the Montevideo cinemas (clause (j)) increased their annual holidays with pay to 20 days under an agreement of 14 November 1955.

Paragraph 2. Although there are no undertakings that are exempted from compliance with Act No. 10684, at the beginning of 1946 a special committee was set up consisting of representatives of the major employers' and workers' organisations and the directors of the National Labour Institution, for the purpose of drafting special supplementary regulations for each industry having regard to the working arrangements in these industries. The Government generally converts these draft proposals into decrees. As a result these regulations of limited application are the outcome of agreement between the parties, a fact which ensures their implementation without protests or appeals.

Paragraph 3 (a) Members of the employer's family who are not partners in the business are regarded as being outsiders and are entitled to the benefits of the Act.

(b) Persons employed in governmental services enjoy an annual holiday with pay of a minimum of 20 days from the first year of their appointment until they have completed 20 years' service, the holiday being increased by one day in respect of each year of service in excess of 20.

*Article 2, paragraph 1.* The Uruguayan system is much more generous than that provided for in the Convention since it gives entitlement to an annual holiday with pay of at least 12 days, either in a continuous period or in two periods of six days each, after 12 months or 24 fortnights or 52 weeks of employment, irrespective of whether such employment has

been continuous or discontinuous or with one employer or with different employers.

Paragraph 2. Act No. 10684 is in conformity with this paragraph in that it grants 12 days to all workers without distinction as to age.

Paragraph 3. Uruguayan law does not allow periods of sick leave to be transferred. Moreover, for the purpose of computing holiday pay, no deductions are made in respect of days during the week, fortnight or month in question on which the employee did not work by reason of public festivals, sickness not exceeding 30 days, work stoppages, or any other causes not attributable to the wage earner or salaried employee, provided that he remained at the disposal of the employer.

Paragraph 4. The law permits the holiday period to be divided into two periods of six days each for the convenience of the workers.

Paragraph 5. There is no provision in the legislation for progressive increases in the duration of the holiday period on account of length of service.

*Article 3, clause (a).* Uruguayan law is completely in accordance with this Article in virtue of sections 1, 4, 5, 6 and 19 of Act No. 10684, which specify the holiday pay to be drawn by salaried employees and workers paid by the month, persons remunerated on commission, on percentages of sales or on piece rates, and wage-earning workers. Provision is also made for cases where tips constitute all or part of the employee's remuneration. In the system of payment on a percentage of sales the employer pays the average of the percentages out of his own pocket. Holiday pay is payable at the beginning of the holidays.

*Article 4.* This Article is applied by section 9 of Act No. 10684 which provides that the right to a holiday may not be waived and that any agreement implying renunciation of the right or the payment of cash in lieu thereof shall *ipso jure* be null and void and that the employer will moreover lay himself open to a fine. Act No. 10684 is a statute of general application.

*Article 5.* Effect is given to this Article by section 20 of the Basic General Regulations of 8 January 1947 which covers the case of discharged workers who have been paid cash in lieu of holiday entitlements. These workers may not start work in another firm without having effectively taken, in the form of rest, the number of days' leave for which they have been paid. This provision is enforced by means of certificates which must be issued by the former employer and demanded by the new employer, without which requirement the contract of employment may not be concluded.

*Article 6.* The Uruguayan system is fully in keeping with the Convention by means of section 8 of Act No. 10684 and section 18 of the Decree of 8 January 1947, which further provides that the last week, fortnight or month will be counted in full if the worker has worked a minimum of 5, 10 or 20 days respectively.

*Article 7, clause (a).* The date on which salaried employees and wage earners begin their employment is recorded in the control documents which must be accessible at all times to the staff and the labour inspectors.

Clause (b). The dates of holidays are recorded in quadruplicate on special forms and one of the copies (the employer's copy) must be kept available together with the corresponding control document which has been stamped by the appropriate department of the Institution to attest the date on which the declaration was submitted. Section 11 of Act No. 10684 and sections 1 to 4 of the Decree of 8 January 1947 give full effect to this clause.

Clause (c). Payment of the remuneration is evidenced by means of special receipts which must be produced to the authorities.

*Article 8.* Section 16 of Act No. 10684 and sections 30 to 32 of the Decree of 8 January 1947 lay down the system of penalties for infringements. Act No. 12030 of 27 November 1953 which, among other things, ratified the Convention in question, amended this system by doubling the amount of the fines, changing the procedure to be followed for the imposition and recovery of fines and providing a special penalty for any persons obstructing the labour inspectors in the performance of their duties.

Moreover (and this was true even before Convention No. 52 was ratified) the safeguards guaranteeing the observance of the Act are such that it has been possible to relieve employers of responsibility for the payment of holiday remuneration by setting up holiday funds in those industries that are not regarded in Uruguay (and probably not in any other country either) as affording sufficient security on account of the special circumstances in which they are carried on. Wages in respect of holidays are paid by Family Allowance Fund No. 17 for the building industry; by Fund No. 28 for workers in wool, hides and similar warehouses; by Fund No. 36 in the case of homeworkers; by Fund No. 19 for musicians, professional performers, singers and dance band soloists, and by the Port of Montevideo Stevedoring Services Administrative Board in the case of harbour and maritime workers.

The desire to ensure that the law is respected with remarkable successful results has led the National Labour Institution, the Special Holidays Committee and the Executive, pursuant to the provisions of section 12 of Act No. 10684, to make the Family Allowance Funds, the Unemployment Benefit Funds or certain special employment services responsible for the payment of annual holiday remuneration.

In the building industry in Montevideo, in which there are more than 27,000 registered workers, almost 100 per cent. compliance has been attained. Steady progress is noted in the payment of annual holidays for homeworkers. It should also be mentioned that the same system has been set up for musicians performing in cafés, cabarets, hotels, restaurants, dance halls, etc. Uruguay is in a position to give an emphatic assurance that, as regards the industries covered, schemes for the payment of holiday remuneration have been introduced on the widest possible scale. Emphasis should be laid on the salient fact that the percentage of actual wages compulsorily earmarked for holidays is not less than 4.55 per cent. in any branch of industry or commerce and may be as high as 14 per cent. of wages in certain trades.

This explains why the Act stipulates that all periods of availability for work are to be counted as *qualifying service*, a worker being deemed to be available for work at times when he is not working on account of lack of work, shortages of raw materials, bad weather, industrial injuries, sickness not exceeding 30 days, strikes, etc.

The last census showed that Act No. 10684 covered 205,000 persons in industry, 120,000 in commerce, 75,000 in office work and independent occupations, 18,000 in common carrier services and 40,000 in domestic service.

The enforcement of the law is the responsibility of the National Labour Institution, with the collaboration of the Central Port Authority in respect of shipping and maritime and harbour activities, the Stevedoring Services Administrative Board, the Managing Boards of the Compensation Fund and other bodies.

Generally speaking the National Labour Institution wins the prosecutions it undertakes. In almost every case the pleas entered by offenders relate merely to technical questions concerning the applicable law of procedure or the legal status of the labour inspector. The legal status of the labour inspector has, generally speaking, been favourably received, in accordance with the Act of 29 May 1916, by the justices of the peace in summary cases and by the national judges in the Treasury and Administrative Disputes Division on appeal. On two occasions an interesting case concerning general managers of firms has been argued in the courts, and in both cases judgment was given for the Institution and fines were imposed, the Institution's case being that there was no exception to the laws on annual holidays with pay and that these general managers should be given annual leave like any other employee.

Supervision of the observance of the Annual Holidays Act and the regulations thereunder is the subject of constant attention. The general system of application is that of declarations in quadruplicate which must be submitted by the undertakings to the National Labour Institution. These declarations, showing the names of the workers, their duties and the dates on which each will take his annual leave, are subject to a number of specific safeguards.

Penalties may be incurred for not producing holiday declarations to the inspectors and for not granting holidays on the dates stated in the declarations. The penalties for first offences are fines ranging from 20 to 1,000 pesos, and are doubled in the event of a repetition of the offence, depending on the size of the offending undertaking. However, if holidays are not granted on the dates stated, the amount of the penalty is equivalent to one month's wages for the worker in question, which is at least twice the remuneration payable for the holiday. This system of graduating the fines removes any inducement for the undertakings to employ their salaried employees or wage earners during their leave, even with the consent of those concerned.

During the period 1955-56, 457 infringements of Act No. 10684 were reported and fines totalling 52,865 pesos were imposed.

*Viet-Nam (First Report).*

Labour Code of 8 July 1952 (Part VIII; sections 200 to 209).  
Decree No. 23/LD of 24 February 1955, to implement the Labour Code.

*Article 1 of the Convention.* Section 200 of the Labour Code fixes annual holidays with pay at not less than 15 days, including not less than 12 working days. The scope of these provisions is wider than that of the Convention; it includes all branches of industrial, mining, commercial and agricultural activity and the liberal professions. The Labour Code does not establish any line of division between the undertakings and establishments mentioned in section 200 and those which are not covered by the Convention.

No exception is provided for undertakings in which only members of the employer's family are employed. Public servants are entitled to longer periods of annual holidays with pay. The subordinate staff of government departments are treated similarly (section 7 of the Labour Code) to commercial and industrial employees and are given the same annual holidays with pay as those employees.

*Article 2.* The questions treated by this Article are governed by sections 200 to 202 and 205 of the Labour Code.

*Article 3.* This Article is covered by the provisions of section 206 of the Labour Code, which provides that the employer shall pay the worker, before the latter goes on holiday, the amount of his usual remuneration for the period of the holiday, including allowances, supplementary bonuses and benefits in kind.

*Article 4.* Section 208 of the Labour Code provides that any agreement involving the renunciation of holidays with pay shall be null and void.

*Article 5.* Section 200, paragraph 2, of the Labour Code prescribes that the length of the holiday shall be increased by one working day for every five years of service with the same employer.

*Article 6.* Sections 206 and 207 of the Labour Code provide that if the contract of employment is terminated without any grave fault on the part of the wage earner, before the latter has taken all or part of the holiday to which he is entitled, he shall be paid compensation for the holiday or part of the holiday to which he is entitled.

*Article 7.* Section 12 of Decree No. 23/LD of 24 February 1955 guarantees the application of this Article and establishes the obligation to keep a register of annual holidays with pay.

*Article 8.* Sections 346 to 351 of the Labour Code contain repressive provisions with regard to infringements of the rules governing holidays with pay.

The enforcement of the above provisions is within the jurisdiction of the Labour Inspectorate.

The judicial authorities have only intervened to suppress infringements and grant damages.

*Yugoslavia.*

The exceptions provided for in section 5 of the Decree of 4 July 1946 concerning annual holidays with pay were dictated by the special needs of an underdeveloped, war-devastated country, suffering from a grave shortage of manpower. However, thanks to an improved economic and social situation, these exceptions are no longer applied in practice, except in special cases involving exceptionally urgent or difficult work. In such cases the undertaking limits the holidays to two weeks, which is even more than the minimum provided for in the Convention.

The practical application of section 5 of the Decree would be contrary to the principles on which the economic activity of national undertakings is now based. The suspension of paid holidays would prejudice the interests of the workers as a whole, since any compensation paid to them in respect of forgone holidays has to come out of the wages funds and in the event of these claims being numerous the funds would be overburdened.

The principles on which the taking of annual holidays by workers is based are laid down in a new Labour Relations Bill, section 92 of which provides that economic organisations may not deprive workers of their holidays.

Workers are entitled to their regular pay during the holidays. In no case may this be paid in kind. Legal provisions concerning paid holidays cover all persons in an employment relationship, without exception, so that the number of workers entitled to paid holidays is the same as the number of people working.

The Government regrets that, owing to the decentralised system of management under which both the national economy and the undertakings operate, it is not in a position to send any information concerning conventions.

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

*Argentina, Finland.*

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 203 officers' certificates of competency were issued.

*Bulgaria.*

The Government repeats the information given in its last report and adds that a ship's master must possess a master's certificate, which is awarded after reaching a prescribed limit passing an examination and acquiring the necessary practical experience. For certain certificates it is necessary to have completed courses in the navigation schools in the People's Republic of Bulgaria or abroad.

Persons without the required certificates may, in exceptional cases, be appointed as ship's master, when the ship is less than 20 tons and engaged in local navigation, or, in the case of ship's engineers, whose engines are under 30 h.p. They must, however, submit to a medical examination and to a practical test.

The report also states that as a rule ships' crews are composed of persons having undergone training in special schools and acquired experience in the work for which they have been engaged.

*Denmark.*

The Government hopes to submit to Parliament, for its consideration during the session of 1956-57, a Bill to amend the Act of 28 February 1915 respecting the mercantile marine.

*Finland.*

During the period under review competency certificates were issued to 433 navigating officers

and 614 engineer officers. Twelve persons were fined for various infringements of the regulations.

*France.*

Order of 29 June 1956.

This Order contains regulations concerning the award of certificates or diplomas to foreigners in the National Schools of the French Merchant Navy. Successful candidates belonging to countries which have reciprocal agreements with France are eligible for diplomas while others are granted certificates which are invalid for French vessels. The application of the Convention, however, remains unaffected.

During 1955, 1,512 certificates and diplomas were issued, as follows: 795 for deck officers, 734 for engineer officers, and 83 for radio operators.

*Mexico.*

In reply to last year's observation by the Committee of Experts on the mode of application of Article 5 (2) of the Convention, the report states that the administrative authorities are empowered by section 223 of the General Communications Act to detain vessels registered in the country when the crew indicated in the relevant certificates is either incomplete or does not possess the required professional capacity.

*New Zealand.*

Examinations for engineer officers are held at intervals of two or three months at Auckland, Wellington, Christchurch and Dunedin respectively. During the period under review 144 passes and 79 partial passes were obtained out of 330 candidates, one of whom was awarded the Extra First Class Certificate of Competency. Minor changes have been made to the requirements for admission to the Third Class examination for engineers.

During the period under review 77 passes and 64 partial passes, out of a total of 175 candidates, were recorded in the various examinations for masters and mates.

*Norway.*

During the period under review the total number of certificates of competency issued to navigating officers was 980 and to engineer officers 1,223.

*United States.*

During the period under review 1,008 original licences were issued to masters and mates of all categories and 1,814 licences to engineer officers and chief engineers. In addition, 2,895

licences were issued to motor-boat operators and 70 to radio operators.

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

*Brazil, Egypt, Italy.*

## 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

*Uruguay (Voluntary Report).*

Act No. 10684 of 17 December 1945 to provide for holidays for salaried and wage-earning employees in private undertakings (L.S. 1945—Ur. 1).

Decree of 8 January 1947 to make regulations under Act No. 10684 and other laws on the same subject in respect of the supervision of workers' annual holidays, holiday pay, the public holidays to be paid for, appeals, penalties and other matters (L.S. 1947—Ur. 1).

*Article 1 of the Convention.* The provisions of both the above-mentioned Acts give effect to this Article. They cover all vessels engaged in long and short distance voyages, fishing vessels and vessels engaged in inland navigation.

The exceptions mentioned in paragraph 3 are not included in the national legislation, except in so far as subparagraph (b) is concerned (members of the shipowner's family employed on board the vessel). The exception under subparagraph (d) in respect of self-employed persons is also applied.

*Article 2, paragraph 1.* All members of the crew have the right to 12 days' annual leave.

*Paragraph 2.* Act No. 10684 is in complete conformity with this paragraph. The limit of six weeks as the maximum for interruptions of service is not included in the national legislation.

*Paragraph 3.* As far as subparagraph (a) is concerned the legislation provides, through the

general observance of holidays during two weeks called "de carnaval" and "de turismo" (Easter week) an opportunity for all members of all families to enjoy holidays. Act No. 10684 is in conformity with subparagraphs (b) and (c).

*Paragraph 4. (a)* National legislation allows the division of the annual holiday into not more than two periods of six days each.

*(b)* In the few cases where the holiday entitlement cannot be utilised cash payment must be given equivalent to three times the normal remuneration.

*Articles 3 to 7.* Act No. 10684 is in complete conformity with these Articles.

*Article 8.* The provisions of the Decree of 8 January 1947, which apply to seafarers as well as to all other categories of workers, go somewhat further than those laid down in the Convention. Every employer must submit to the competent authority, in January or February of each year, a plan showing the leave periods of all his employees for the calendar year. The report gives details about the formalities to be observed in this connection.

*Article 9.* Section 16 of Act No. 10684 lays down penalties for infringements. Act No. 12030 of 27 November 1953, by which this Convention was ratified, provides for penalties ranging from 20 to 1,000 pesos, which are doubled in cases of repeated offences.

The competent authority for the application of these regulations is the National Labour Institution, in co-operation with the Mercantile Marine Offices and the Administrative Board of Dock Services.

The legislation mentioned above covers about 2,000 workers.

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

## 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.*

The Convention applies to approximately 5,000 seafarers. During the period under review 75 seafarers were repatriated.

*Bulgaria.*

The report refers to the information given under Conventions Nos. 17 and 24, since seamen



have the same rights as other workers and employees in the event of sickness, employment injury or death.

The Government adds the following information to that supplied in previous reports, with regard to the application of Articles 6 to 8 of the Convention :

*Article 6.* The expenses of the repatriation of seamen are defrayed by the company owning the vessel.

*Article 7.* Section 161 of the Labour Code provides for an allowance for funeral expenses in the event of the death of a worker or a member of his family. The company owning the vessel which has made itself responsible for the funeral expenses may reclaim them from the state social insurance scheme.

*Article 8.* Under section 25 of the Regulations with regard to the relations between members of the crew of Bulgarian merchant ships and the consuls of the People's Republic of Bulgaria, if a member of the crew dies in foreign waters or in a foreign port or at sea, the consul is responsible for making all the necessary arrangements for the funeral and for the protection of the deceased person's effects.

#### *France.*

In reply to the request of the Committee of Experts for information on the result of the appeals before the Court of Appeal and the Council of State concerning accidents to seamen while they are on leave, the report states that there have been two orders by the Court of Appeal to the effect that an accident occurring in the course of a stop-over shall be considered as an industrial accident. Copies of the orders are appended to the report. No decision has

as yet been handed down in a similar case which is before the Administrative Tribunal.

The charges borne by the shipowners are estimated to be about 1,000 million francs.

#### *Italy.*

With reference to the observation made by the Committee of Experts in 1956, the report reaffirms the Government's intention to bring Italian legislation into agreement with the Convention and states that a Bill for the purpose is being examined and has already received the approval of the Ministry of Mercantile Marine.

During the period under review 21,119 seamen received benefits from the Maritime Funds—4,061 on account of accidents and 17,058 on account of sickness. The number of persons protected amounted to 78,591 and the total costs borne by the three Maritime Funds for the period covered by the report were about 3,500 million liras.

#### *Mexico.*

With reference to last year's observation on the application of the Convention, the report states that section 684, paragraph X, of the Revised Commercial Code lays down that, among his other duties, the master of a vessel must ensure the safe custody of all the papers and belongings of any crew member who dies on board and make a detailed inventory thereof in the presence of witnesses, who may be passengers or, failing that, members of the crew. This provision is of general application and covers foreign-going as well as coastal voyages.

The report from the *United States* refers to 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
Federal Republic of Germany . . . . .	12.12.1956
United Kingdom . . . . .	30. 9. 1944

#### *Bulgaria.*

The report refers to the information given under Convention No. 24, since seamen have the same rights as other workers and employees in the event of sickness or death. The Government adds the following information :

*Article 4 of the Convention.* The insured person may request that the sickness benefit shall be paid to the members of his family. Members of the seaman's family are entitled, like all other citizens, to medical treatment and hospitalisation free of charge.

*Article 6.* See under Convention No. 55, Article 7.

*Article 7.* Under section 20 of the Regulations respecting the application of Part 3 of the Labour Code, if the seaman falls ill within the month following the termination of his contract of employment he is entitled to cash benefits for 75 days.

#### *France.*

Decree No. 56-162 of 28 January 1956 to bring the seamen's insurance scheme into agreement with the legislation on labour and on social insurance in general.

Order of 2 March 1956 to abolish the share, prescribed by regulations to be paid by seamen and their dependants, of certain medical and pharmaceutical expenses, and expenses of hospitalisation and medical treatment.

Decree No. 56-301 of 22 March 1956 to amend wages and to make the General Welfare Fund responsible for the increase in the daily and monthly allowances and pensions paid to insured persons of the third to the twentieth category as from 1 January 1956.

Interministerial Order (Labour/Finance) of 30 April 1956 to increase the minimum wages taken as a basis for benefits and pensions of the first, second and third categories as from 1 March 1956.

By a judgment of 13 January 1956 the Court of Appeal recognised the occupational character of a traffic accident which occurred during the time a ship was in port in the United States. A copy of the judgment is appended to the report.

The number of beneficiaries has hardly varied. The amount paid out in cash benefits was estimated at 630 million francs, or 5,250 francs per insured person. Out of this total,

survivors' benefits amounted to 22 million francs. Benefits in kind cost 2,520 million francs. Employers' contributions amounted to 1,986,671,500 francs, and contributions from insured persons and pensioners to 1,013,465,000 francs; the contributions of the public authorities amounted to 171,863,500 francs.

*United Kingdom.*

See under Convention No. 24.

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

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 report from *Belgium* refers to the information previously supplied.

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
Byelorussia . . . . .	6.11.1956
Canada . . . . .	10. 9.1951
Cuba . . . . .	20. 7.1953
Denmark . . . . .	4. 6.1955
France . . . . .	9.12.1948
Iceland . . . . .	21. 8.1956
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
Ukraine . . . . .	14. 9.1956
U.S.S.R. . . . .	10. 8.1956
United States . . . . .	29.10.1938
Uruguay . . . . .	18. 3.1954

*Belgium.*

The report states that the Bill to amend the Act of 5 June 1928 was to be brought before Parliament at the beginning of 1957.

*Cuba.*

The Government, in a written reply to the observations made by the Committee of Experts last year, states that the last paragraph of article 66 of the Constitution prohibits the employment or apprenticeship of children under 14 years of age. Section 1 of Decree No. 883 of 1953 confirms this prohibition, including work on board ship. Section 18 of the same Decree lays down that a medical certificate of fitness for work on board ship is compulsory.

The crew list conforms to normal international use and includes all details about young persons under the age of 18 years with their dates of birth.

In the report for the period from 1 July 1955 to 30 June 1956 the Government states that, in accordance with sections 8 and 9 of Decree No. 883 of 1953, no children under 16 years of age are commonly employed in maritime work. Permits to two children under 15 years were granted in the port of Havana and one in the port of Nueva Gerona, after the educational authorities had ascertained that maritime work did not interfere with their education and that they were physically fit for such work.

*Netherlands.*

In 1955 permission was given to 42 children aged 14 years, who had completed their compulsory schooling, to work on board fishing vessels. Two children, whose applications had previously been rejected, were discovered at work on a fishing vessel, the owners of which were consequently prosecuted.

*Uruguay (First Report).*

The report states that in October 1955 a special committee was established for the purpose of studying the co-ordination of the national legislation with the provisions of Conventions Nos. 58, 59, 60, 77, 78, 79, 89 and 90. This committee held several meetings and then distributed the work among its members for further study.

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

*Brazil, Bulgaria, Canada, France, Iraq, Italy, Mexico, 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
Byelorussia. . . . .	6.11.1956
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
Ukraine . . . . .	14. 9.1956
U.S.S.R. . . . .	10. 8.1956
Uruguay . . . . .	18. 3.1954

China.

Factory Act of 30 December 1932 (L.S. 1932—Chin. 2 A).  
 Mines Act, 1936, as amended in 1950.

Section 5 of both the Factory Act and the Mines Act is in complete conformity with Article 8 of the Convention.

Under sections 3 and 4 of the Factory Act factories are obliged to submit to the competent authorities for information a register of all workers, including young workers.

Cuba (First Report).

Social Defence Code of 1936.  
 Constitution of 5 July 1940 (L.S. 1940—Cuba 1 A).  
 Legislative Decree No. 883 of 27 May 1953 (L.S. 1953—Cub. 1).

Article 1 of the Convention. Since the provisions in force apply to all forms of employment, it has not been necessary to define the line of division which separates industry from commerce and agriculture.

Article 2. Cuban legislation does not explicitly prohibit the employment of young persons under 15 years of age in industrial work. The Government is therefore about to prepare a presidential message drawing the attention of the Congress of the Republic to the advisability of adding a provision to section 1 of Legislative Decree No. 883 of 1953 to prohibit the employment of young persons under 15 years of age in industrial establishments of all kinds.

In practice, the enforcement of section 8 of Legislative Decree No. 883 results in young persons under 15 years of age not being employed and young persons under 18 years of age being employed only rarely. From an economic point of view it would in fact be no advantage for the employers to employ them, since children and young persons are paid for a day's work of six hours only the same wages

as persons over 18 years of age, and are entitled to the same holidays with pay (one month for 11 months' work).

Article 3. Section 1 of Legislative Decree No. 883 is in accordance with this provision.

Article 4. All employers of young persons under 18 years of age are required to keep a register of them. There is no model of such a register, and all that is necessary is to keep an authenticated book with information with regard to the age of the young persons employed.

Article 5. This Article is applied by section 7 of Legislative Decree No. 883.

The Ministry of Labour, with its provincial offices, and the General Inspectorate of Labour, Health and Social Welfare enforce Legislative Decree No. 883. No cases have been recorded of infringements or of exemptions in undertakings where only members of the employer's family, living with him, are employed.

The courts have not pronounced any judgments with regard to application of the Convention.

The employers' and workers' organisations have not made any observations with regard to the enforcement of Legislative Decree No. 883 or the Convention.

Italy.

The draft Bill containing a provision to raise the minimum age for admission to industrial and non-industrial employment from 14 to 15 years is still under examination, difficulties having arisen regarding the employment of children after leaving school and particularly the action to be taken to cover the period between the school-leaving age (now 14 years) and the new minimum age for admission to employment (15 years). The Government states that there is reason to believe that these difficulties will soon be overcome and that the scheme will be adopted.

As a result of supervision by the labour inspection offices about 900 contraventions were registered and 30 warnings issued.

New Zealand.

With reference to the observation made by the Committee of Experts in 1956, the Government states that an amendment to the Factories Act to prohibit the employment of young persons under 15 years of age in factories is now before Parliament, and will, if passed, bring the legislation into complete harmony with the Convention.

*Norway.*

In accordance with section 27 of the Workers' Protection Act, 1936, the Ministry of Labour and Municipal Affairs has laid down provisions respecting the use of children for errand services. A copy of the rules is appended to the report.

During 1955 four contraventions of section 27

of the Act were reported to the Public Prosecutor and fines were imposed in three of these. In some other cases the contravention was not reported but the children concerned were sent home by the inspector.

*Uruguay (First Report).*

See under Convention No. 58.

**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
Byelorussia . . . . .	6.11.1956
Cuba . . . . .	7. 9.1954
Italy . . . . .	22.10.1952
New Zealand . . . . .	8. 7.1947
Ukraine . . . . .	14. 9.1956
U.S.S.R. . . . .	10. 8.1956
Uruguay . . . . .	18. 3.1954

*Bulgaria.*

Act No. 90 of 1933 respecting public education.

Under the above Act primary schooling is compulsory for all children from seven to 15 years of age.

*Cuba (First Report).*

Social Defence Code of 1936.  
Constitution of 5 July 1940 (L.S. 1940—Cuba 1 A).  
Legislative Decree No. 883 of 27 May 1953 (L.S. 1953—Cub. 1)

*Article 1 of the Convention.* The legislation is of general application for all employments.

For the purpose of maximum daily hours of work the term "family" includes only members of the employer's family who live with him, descendants and ascendants (section 10 of Legislative Decree No. 883).

*Article 2.* The effect of section 9 of Legislative Decree No. 883 is that young persons under 15 years of age are not employed except in industry.

Under section 12 of the Legislative Decree the Ministry of Labour is required to verify, before issuing the medical certificate of fitness for employment, that a young person under 18 years of age has the required elementary education. Under section 14 of the same Decree, the employment certificate is only issued if the required conditions with regard to education are fulfilled.

*Article 3.* Article 66 of the Constitution does

not allow the exceptions provided either by this Article or by Article 4 of the Convention.

*Article 5.* Section 5 of Legislative Decree No. 883 is in accordance with this provision.

*Article 7.* Under section 17 of the Legislative Decree employers are required to keep a special register giving particulars of the evidence produced in proof of age.

Penalties are provided by sections 27 of the Legislative Decree and 575 of the Social Defence Code.

*Article 8.* The exceptions allowed by this Article are not authorised by article 66 of the Constitution.

The enforcement of Legislative Decree No. 883 is the duty of the Ministry of Labour, with its provincial offices, the General Directorate of the National Labour Inspection Service and the National Office for Women's and Children's Work. The courts have not given any legal decisions relating to the provisions of the Convention.

The employers' and workers' organisations have not made any observations with regard to the application of the Legislative Decree and the Convention.

*Italy.*

As a result of supervision by the labour inspection offices 120 contraventions were registered and 20 warnings issued during the period 1954-55. During the period 1955-56 the number of penalties was about 200.

As regards the issue of regulations to eliminate the difference between Italian law and the fundamental provisions concerning the minimum age of admission to employment, the report refers to the report on Convention No. 59.

*New Zealand.*

See under Convention No. 59.

*Uruguay (First Report).*

See under Convention No. 58.

## 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).*

During the year ended 31 March 1955 the total amount of overtime worked beyond the basic 40-hour week in the various textile industries was 744,964 hours.

## 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
Hungary . . . . .	8. 6.1956
Mexico . . . . .	4. 7.1941
Netherlands . . . . .	2. 5.1950
Poland . . . . .	17. 4.1950
Switzerland . . . . .	23. 5.1940
Uruguay . . . . .	18. 3.1954

*Belgium.*

In order to adapt the provisions of the general regulations for the protection of workers to those of Article 7, paragraph 8, and Article 13 of the Convention, draft Orders are to be submitted to the Council of State as soon as possible.

During 1955 the total number of accidents was 16,132, of which 51 were fatal.

The report reviews the infringements recorded, especially as regards the application of the provisions on scaffolding and hoisting appliances, and states that improvements have been made in certain directions as, for example, a more general use of tubular scaffolding and protective helmets, regular inspections of the hoisting appliances by recognised officials or visiting bodies, etc.

*Finland.*

Decree of the Council of Ministers of 31 May 1956 to amend the provisions with regard to building work.

The report states that sections 7, 17, 24 and 30 of the above-mentioned Decree remove the divergencies to which the Committee of Experts drew attention. It adds that more exact directives and new standards covering scaffolding which can be taken down and hoisting appliances used on the sites will be drafted during the next reporting period.

In 1955, 87,152 workers were employed in the building industry, and the total number of accidents which occurred in 1953 in the industry

was 17,469, of which 54 were fatal and 167 resulted in permanent incapacity. The report shows the division of the accidents by their causes.

*France.*

The revision of the legislation in force, which was previously announced, is proceeding.

The number of accidents which occurred during the year 1954 in the building and public works industry was 234,530; of this number 541 were fatal and 83 resulted in permanent incapacity.

*Mexico.*

The number of accidents in the building and construction industry was as follows: 1951, 323; 1952, 460; 1953, 110. These figures include workers employed in the manufacture of building materials.

The 1950 census disclosed that 224,512 persons were employed in the building industry.

*Netherlands.*

In 1955 there were 43,178 non-fatal and 34 fatal accidents in the building industry, as against 41,773 and 40 respectively in 1954, and 39,680 and 27 in 1953. Reports on contraventions were drawn up in 128 cases.

The report also states that an improvement in the general attitude of employers with regard to safety has been noted, but that the co-operation of workers in frequently dangerous operations left something to be desired.

*Poland.*

Ordinance of 19 March 1954 of the Ministries of Labour and Social Welfare and of Health respecting occupational safety and hygiene in the operation of installations handling materials.

Ordinance of 20 March 1954 of the Ministries of Labour and Social Welfare and of Health respecting occupational safety and hygiene in the operation of cranes.

The report refers to the information supplied in 1956 to the Conference Committee indicating that the above-mentioned Ordinances gave

effect to Article 14, paragraph 3, of the Convention and that provisions relating to safety in the building industry were in course of preparation and would be communicated to the Office when adopted.

#### *Switzerland.*

In 1954 there were 30,321 accidents in the building trades for a volume of employment of 73,329 workers during the year; 11,357 of the accidents were not serious.

#### *Uruguay (First Report).*

Act No. 5032 of 21 July 1914 respecting the prevention of industrial accidents (L.S. 1935—Ur. 3 B).  
Act No. 9499 of 21 August 1935 to amend a section of Act No. 5032 providing that scaffolding in masons' or bricklayers' and painters' work, etc., shall be provided with fencing (L.S. 1935—Ur. 3 A).  
Decree of 22 January 1936 to issue regulations under Act No. 5032.  
Decrees of 7 September 1938, 17 August 1939, 31 January 1940, 9 February 1940, 23 May 1941, 26 September 1941, 6 March 1942, 16 October 1942, 4 December 1942, 18 December 1942, 7 May 1945, 14 September 1945 and 27 August 1946.  
Act No. 10004 of 28 February 1941 to issue rules respecting industrial accidents and occupational diseases (L.S. 1941—Ur. 1).  
Decree of 23 February 1955 to set up the Industrial Safety Training Centre.

*Article 1 of the Convention.* The Government states in its report that the Executive lays down the safety measures to be applied in each industry or group of industries. The regulations are revised at intervals in order to include amendments and additions resulting from practical experience. Most of the Decree of 22 January 1936 deals with the building industry.

The National Labour Institute set up the Industrial Safety Training Centre to develop the prevention of occupational accidents.

*Article 2.* The report states that the legislation cited above complies with the provisions of this Article.

*Article 3.* Act No. 10004 clearly establishes the responsibility of the employer, and defines an employer as any individual, undertaking or company that makes use of the work of employees, how many of them there may be. It specifies what compensation is to be paid for occupational accidents.

Act No. 5032 provides only for a standard 50 peso fine, but as from 22 October 1954 the fines laid down for offences under the Act have ranged from 20 to 1,000 pesos, or double for a second offence.

*Article 4.* Since 1915 there has been an inspection service and a documentation system to ensure the effective application of accident prevention measures in the building trade. An account of the inspection system was given in earlier reports.

*Article 5.* Areas of the type mentioned in this Article are not to be found on Uruguayan territory.

*Article 6.* About 7,400 accidents are reported annually in the building trade—87.5 per cent. in masons' or bricklayers' work, 3.5 per cent. in demolition work; 2.5 per cent. in exca-

vation work; 0.7 per cent. in special concrete work; 0.7 per cent. in work with reinforced concrete; and 0.9 per cent. in light construction work. Distribution by type of worker reveals that 72 per cent. of those concerned fall into the general category of labourers.

In building work done in the interior of the country the accident rates are higher than normal owing to the difficulty of finding labour. The report gives details of the distribution of accidents according to type of injury and the part of the body involved.

*Articles 7 to 10.* Building work may not be begun until the safety installations (scaffolds) have been checked; the materials used must be of good quality and adequate for their purpose. The minimum authorised dimensions of scaffolds and the loads they must be able to bear are also specified. The size of platforms and the way in which the planks are to be joined are also indicated: the platforms must be at least 90 cm wide. Sections 57 and 72 of the Decree of 22 January 1936 lay down complete specifications for guard rails. Section 68 provides that safety belts must be worn and section 72 provides that a metal net must be provided in the case of work on roofs. The employer must ensure the safety of the worker and equipment. It is pointed out that work is normally done by day and that, in the exceptional cases of night work, the provisions of section 47 and Chapter VII of the Decree of 24 February 1938 ensure proper lighting. The electrical installations are inspected by the General Public Power Stations and Telephones Administration.

*Articles 11 to 15.* It is not possible to indicate if and to what extent the existing national regulations correspond to these Articles of the Convention. However, provisions relating to these risks are to be found in sections 2, 4 to 13, and 17 of the Decree of 22 January 1936, with additional provisions of 27 August 1946, and by sections 2 and 5 of Act No. 5032.

*Article 16.* Sections 14 and 24 of the above-mentioned Decree, together with the Decrees of 6 March and 16 October 1942, give effect to the provisions of this Article.

*Article 17.* Although there would appear to be no drowning hazard in the building trade the Decree of 7 August 1942 makes provision for such an eventuality.

*Article 18.* Section 28 provides that there must be a medicine chest and the Decree of 24 February 1938 requires the installation of first-aid rooms in certain industries and the provision of a free medical service where necessary. The Decree of 7 May 1945 provides that in building work in the interior of the country the medicine chest is to be supplemented with serum for snake bites.

Tripartite committees have been set up which are responsible for studying the amendments that might be made to national legislation in order to comply with the obligations arising out of ratified Conventions.

The application of the legislation is entrusted to the National Labour Institute; building operations are supervised through regular visits by the inspectors of the accident prevention department of the Institute.

No legal decisions have been given other than those concerning fines for contraventions when such fines are not paid during the administrative procedure and the matter comes before the courts.

According to the report Act No. 5032 is a law of a general preventive character which is applicable to the building trade and other industries; the Decree of 22 January 1936 is also of a

general character, although Chapters XI to XIV apply particularly to the building trade.

A note appended to the report states that 34 contraventions of Act No. 5032 were recorded between 1 July 1955 and 30 June 1956, and that fines totalling 1,700 pesos were imposed.

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

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TWENTY-FOURTH SESSION (GENEVA, 1938)

63. Convention concerning Statistics of Wages and Hours of Work, 1938

*This Convention came into force on 22 June 1940*

Countries	Date of registration of ratification
Australia <sup>1</sup> . . . . .	5. 9.1939
Burma. . . . .	4. 3.1955
Canada. . . . .	6. 4.1946
Ceylon <sup>3</sup> . . . . .	25. 8.1952
Cuba. . . . .	7. 9.1954
Czechoslovakia . . . . .	12. 6.1950
Denmark <sup>2</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.

*Article 22 of the Convention.* Commencing with the March quarter of 1956 wage rates are no longer published separately for agriculture because of the difficulties of obtaining a sufficiently representative selection of award rates for this industrial group and because of other problems associated with the compilation of the existing nominal weekly wage rate index for adult males.

Ceylon.

*Articles 5 and 13 of the Convention.* Statistics of average earnings, actual hours of work, time rates of pay and normal hours of work in plumbago mining (the only important type of mining) have been compiled and published.

*Article 10.* As the occupational classification in most cases shows the workers under each sex separately it is not proposed to alter the present basis of collecting these statistics in respect of the important trades.

*Article 12.* Index numbers of the general movement of earnings have been compiled and will be released for publication shortly.

*Article 21.* Index numbers of the general movement of wage rates have been compiled and are published in the *Labour Gazette*.

Cuba (First Report).

Legislative Decree No. 1716 of 23 September 1954 to organise the national statistics.

*Article 1 of the Convention.* With the help of technical assistance provided by the International Labour Office, statistics of wages were compiled in respect of 1954 and published in 1955. Copies of the publication *Estadísticas del Trabajo* are appended to the report.

*Article 2.* The Convention was ratified without the exclusion of any Part.

*Article 3.* No difficulty was encountered in obtaining statistics without disclosing information about individual undertakings.

*Article 4.* A statistical unit does not yet exist in the Directorate of Labour Statistics, and the inquiries are carried out by other governmental agencies. The main difficulty, aside from decentralisation, is to obtain information without exercising legal pressure.

*Article 5.* Statistics of average earnings are compiled for the principal mining and manufacturing industries, but not for building and construction.

*Article 6.* Average earnings are compiled as defined in this Article.

*Article 7.* Payments in kind are infrequent.

*Article 8.* A legal system of family allowances does not exist.

*Article 9.* In manufacturing, normal hours of work are eight per day and 44 per week with 48 hours' pay.

*Article 10.* So far as possible the statistics of earnings are to be compiled more frequently than once per year.

*Article 11.* The Statistical Directorate has been instructed to conform to the requirements of this Article.

*Article 12.* The Statistical Directorate has been instructed to compile index numbers showing the general movement of earnings.

*Articles 13 to 21.* Despite staffing and financial difficulties the Statistical Directorate has been trying to apply the provisions of the Convention in respect of time rates of wages and normal hours of work in manufacturing and mining.

*Article 22.* The Statistical Directorate has been trying to observe the provisions of the Convention relating to statistics of wages in agriculture, though certain difficulties exist in respect of piece work and farms other than large plantations. Particulars of legal hours of work in agriculture are given.

*Article 23.* No areas of the country have been excluded from the Convention.

The Directorate of Labour Statistics is entrusted with the compilation of the necessary data. No employers' or workers' organisations have made any observations on the subject.

#### *Czechoslovakia.*

The report provides statistics of average earnings for the period 1 July 1955 to 30 June 1956 and indices for that period, as compared with the period 1 July 1954 to 30 June 1955.

#### *Denmark.*

*Article 5 of the Convention.* The statistics of hours actually worked in September 1954, which were first published in the Statistical Yearbook for 1954, have been published in the Statistical Yearbook for 1955.

#### *Egypt.*

*Article 10 of the Convention.* Separate statistics of earnings by age and sex are not compiled because females constitute only about 3 per cent. of the number of workers in Egyptian industry, and juveniles not more than 9 per cent.

*Article 12.* Index numbers showing the general movement of earnings per week will shortly be compiled by the Labour Department.

#### *Finland.*

*Article 5 of the Convention.* Statistics of average hourly earnings in the building industry are being prepared and will be published during the year 1956.

#### *France.*

*Article 10 of the Convention.* Separate statistics for juveniles were made available in the statistics of earnings in September 1955 and the distinction by age is maintained in the current earnings inquiry.

*Article 15.* It has not yet been possible to extend the inquiry on occupational wage rates beyond the mining and metallurgical industries.

*Article 21.* The weights of the index numbers showing the general movement of wages rates have been revised on the basis of the 1954 census.

#### *Federal Republic of Germany (First Report).*

Act of 15 April 1954 respecting international labour Convention No. 63.

Act of 18 May 1956 respecting wage statistics.

The authorities responsible for the compilation of labour statistics are the Federal Statistical Office and the Länder statistical offices.

*Article 1 of the Convention.* Statistics of wages and hours of work are compiled, transmitted to the I.L.O. and published within the stated intervals.

*Article 2.* The Convention has been ratified in its entirety.

*Article 4.* No special inquiries are undertaken in respect of this Article since the existing programme of statistics is sufficient to obtain the required data.

*Article 5.* Statistics of average earnings and hours actually worked in the mining, manufacturing and building industries are compiled quarterly on the basis of data relating to all establishments in mining and representative samples of undertakings in other industries, which in turn are supplemented by more comprehensive inquiries carried out at longer intervals. The report indicates the periodicals in which these statistics are published, and the 35 groups into which industry is divided.

*Article 6.* The statistics of earnings comprise gross remuneration before deduction of social security and tax payments.

*Article 7.* Payments in kind are important in coal mining. Since 1956 they are no longer included in the statistics of gross earnings.

*Article 8.* Family allowances under the national statutory scheme are 25 marks per month in respect of the third and subsequent children. They are not included in earnings statistics.

*Article 9.* Statistics of earnings are computed on average wages per hour and per week, while statistics of hours worked relate to the week.

*Article 10.* The data are compiled quarterly and are broken down by sex.

*Article 11.* The statistics relate to the entire territory of the Federal Republic of Germany.

*Article 12.* Index numbers showing the general movement of earnings are computed, but mining is not at present included because figures for mining in the index base year of 1938 have not yet been calculated. In compiling the index, due account is taken of the importance of the different industries.

*Article 13.* A new series of statistics showing time rates of wages and normal hours of work was first published in 1956.

*Article 14.* The statistics are based on the rates and hours established by collective agreement.

*Articles 15 and 17.* The statistics are to be compiled every six months from 1956. They give separate data for the principal occupations in a wide selection of industries, and provide separate information for males and females, adults and juveniles.

*Article 16.* When the statistics do not give rates per hour, which only happens in exceptional cases, the statistics of normal hours of work can be used to calculate wages per hour.

*Article 18.* The statistics of time rates of wages and normal hours of work relate to the whole country.

*Article 19.* Particulars are given of holidays, family allowances and overtime when these data are included in the collective agreements.

*Article 20.* When the collective agreements provide information on allowances in kind, particulars of these allowances are provided.

*Article 21.* Index numbers showing the general movement of time rates of wages are not at

present compiled. It is, however, proposed to compile such index numbers at half-yearly intervals, and work on the subject has already begun.

*Article 22.* Statistics of rates of pay in agriculture, based on collective agreements, are compiled, and preparations are in progress to introduce statistics of average earnings and hours actually worked in agriculture. It is planned to introduce these statistics by March 1957 and compile them annually from 1958.

*Article 23.* The Convention is valid for the entire territory of the Federal Republic of Germany.

No difficulties have arisen in the application of the Convention.

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

#### *Norway.*

*Article 10 of the Convention.* The report states in reply to the observation made by the Committee of Experts in 1956 that separate statistics of normal and actual working hours per week for men and women in the major branches of industry have been prepared and will be published during September 1956. The question of annual statistics respecting hours of work is still under consideration and no concrete plans have been made.

#### *Union of South Africa.*

*Article 21 of the Convention.* The interim index of nominal wage rates has not yet been revised.

#### *Uruguay (First Report).*

Since no legislation concerning statistics of wages and hours of work existed prior to the ratification of the Convention, the text of the

latter forms the relevant national law and a committee has been appointed to study its implementation.

*Article 1 of the Convention.* While isolated data exist in a few cases no statistics of the type required by the Convention have yet been compiled.

*Article 2.* Uruguay did not exclude any Part of the Convention from its acceptance of this instrument.

*Article 3.* The national legislation is in conformity with this Article.

*Articles 5 to 12.* It is planned to compile statistics on average earnings and hours actually worked on the basis of payroll records. The National Labour Institute has organised a statistical section as of 1 September 1956 and it is planned to distribute a wage record book to employers, in which they will be obliged to record statistics of wages and hours of work. Statistics will probably begin to be available by 1 January 1957.

*Articles 13 to 21.* It is planned to compile statistics of time rates of wages and normal hours of work, but information will not be available until some time in 1958.

*Article 22.* It is planned to provide statistics of wages in agriculture, but the information will not be available until some time in 1958.

*Article 23.* No regions within the country are excluded from the proposed statistics.

*Article 24.* A Statistical Council has been in operation since 1953, and any proposals on statistics of wages and hours of work submitted by the Governing Body of the International Labour Office will be submitted to that Council.

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

*Canada, Ireland, Netherlands, New Zealand, Sweden, Switzerland, United Kingdom.*

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 the summary of 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 the summary of reports on the application of ratified Conventions in non-metropolitan territories (article 35 of the Constitution).

67. Hours of Work and Rest Periods (Road Transport) Convention, 1939

*This Convention came into force on 18 March 1955*

Countries	Date of registration of ratification
Cuba . . . . .	20. 7.1953
Uruguay . . . . .	18. 3.1954

*Cuba (First Report).*

Constitution of 5 July 1940 (L.S. 1940—Cuba 1 A). Decree No. 2513 of 19 October 1933 respecting the eight-hour day (L.S. 1933—Cuba 4).

*Article 1 of the Convention.* The report states that the relevant legislation applies generally to all workers, manual and intellectual, without distinction as to the type of transport.

*Article 2.* The exceptions authorised by this Article have not been applied.

*Article 3.* No change has been made in the legislation with respect to these provisions.

*Article 4.* “Hours of work” means the time during which the worker is at the service of

the employer and is not free to do what he likes.

*Article 5.* The maximum working week is fixed by article 66 of the Constitution at 44 hours.

*Articles 6 to 8.* The constitutional provisions do not permit hours of work longer than eight in the day and 44 in the week.

*Article 9.* No use has been made of these provisions.

*Article 10.* The constitutional provisions do not authorise exceptions.

*Article 11.* Exceptions in the cases mentioned are not permitted.

*Article 12.* Decree No. 2940 of 1933 permitted the averaging of hours up to 192 per month, but this has not been practised as the constitutional provisions have superseded the provisions of the decree.

*Article 13.* In practice no overtime of any kind is permitted.

*Article 14.* The timetables for buses and lorries, as well as collective agreements and

custom, do not permit driving for a continuous period of more than four hours.

*Article 15.* The daily rest period is normally 14 consecutive hours. No authorisations have been given to reduce this period.

*Article 16.* The weekly rest, which is almost always granted on Sundays, comprises a minimum period of 24 consecutive hours. In practice, this rest period is from 30 to 34 hours.

*Article 17.* As exceptions are not permitted, it has not been necessary to consult the organisations concerned.

*Article 18.* The Ministry of Labour, through its inspectors, supervises the application of the provisions limiting hours of work. All other matters concerned with road transport are under the jurisdiction of the Ministry of Transport and the police.

*Article 19.* The application of the provisions of the Convention has not been suspended.

#### Uruguay (First Report).

Act No. 5350 of 17 November 1915 respecting the eight-hour day and the 48-hour week.

Act No. 7318 of 22 November 1920 concerning the weekly rest (L.S. 1920—Ur. 2).

Act No. 8797 of 22 October 1931 to amend Act No. 7318 (L.S. 1931—Ur. 1).

Decree of 15 May 1935 to issue regulations under Act No. 5350 (L.S. 1935—Ur. 1).

Decree of 26 June 1935 to issue regulations under Acts Nos. 7318 and 8797.

*Article 1 of the Convention.* The national legislation is fully in harmony with this Article through sections 1 and 2 of Act No. 5350 and section 8 of the Decree of 15 May 1935. Section 2 of the Act applies to public undertakings; the tramways, trolleybuses and some of the buses in service in Montevideo are municipally owned, while all the railways are government owned.

*Article 2.* The national legislation does not permit the exemptions envisaged in clause (a) and subclauses (i) and (ii) of clause (b). Act No. 5350 applies to drivers of private vehicles, to drivers of vehicles belonging to agricultural and forestry undertakings and their assistants, and to drivers of public and private ambulances. Drivers of commercial delivery trucks have a work week of 44 hours.

Drivers of military and police vehicles are soldiers and police agents, and therefore come under military discipline. Their hours of work do not exceed 48 per week except in special circumstances. The fire-fighting services are under police command and work on shifts.

*Article 3.* The only exception permitted by the national legislation is for owners of vehicles. Family members are subject to the legal provisions unless they are under contract.

*Article 4.* The definition of "hours of work" given in clause (a) is in all respects exactly that contained in the Decree of 15 May 1935, and includes the details dealt with in subclauses (i) to (iv). The definition of "running time of the vehicle" contained in clause (b) is of no concern because vehicles engaged in public transport in Montevideo run for 15 hours 20 minutes per day, with two shifts of staff. The definition and provisions contained in clause (c)

are also applied by the legislation because public transport staff work a shift of 7 hours 40 minutes, of which 20 minutes is devoted to subsidiary work. As periods of mere attendance are counted in actual hours of work, as provided for in the national legislation, clause (d) is also applied.

*Article 5.* Section 1 of Act No. 5350 provides for a 48-hour week. Additional hours, as provided for in paragraph 2, are not authorised.

*Article 6.* Hours of work are calculated per week, with a limit of 48 hours (section 3 of Act No. 5350).

*Article 7.* The provisions of paragraphs 1 and 2 are applied by Act No. 5350. Authorisations that may be granted in accordance with paragraph 3 are always within the limits of the 48-hour week.

*Article 8.* This is not provided for by law but is sometimes done by agreement.

*Article 9.* The law does not make provision for the authorisations envisaged in this Article.

*Article 10.* This type of exception is not envisaged in the national legislation.

*Article 11.* The legislation is in conformity with subparagraphs (a), (b) and (d) of paragraph 1; no provision is made for subparagraph (c). Paragraph 2 is provided for in the Decree of 15 May 1935. Sections 23, 24 and 28 of that Decree are in conformity with paragraph 3: the employer is required to notify the National Labour Institute without delay, indicating also the names of the workers concerned and the hours of compensatory rest to be granted.

*Article 12.* The provisions of paragraph 1, subparagraph (a), are covered by the Decree of 15 May 1935. As regards subparagraph (b) this type of transport is carried out during normal hours.

*Article 13.* The provisions of paragraphs 1 and 2, subparagraphs (a) and (b) are dealt with in the Decree of 15 May 1935. As regards paragraph 3, undertakings do not have at their disposal a fixed number of hours of overtime. Pay for overtime hours is determined either in accordance with the provisions of Convention No. 1, or by collective agreement or arbitration award.

*Article 14.* No driver in public transport may drive for an uninterrupted period of more than five hours. Moreover, since the runs are short and in general do not exceed 45 or 50 minutes, they are assured of a waiting period (counted in their hours of work) of five or six minutes after each 45 minutes of work. In interdepartmental public transport, although work spells are longer than five hours, the work of both drivers and assistants is interrupted by rest periods in determined localities.

*Article 15.* The system in Uruguay is based on the provisions of paragraph 2. Inasmuch as hours of work cannot exceed 48 in a six-day week, the workers automatically enjoy 96 hours of rest in that period.

*Article 16.* Drivers in transport vehicles of commercial undertakings, and their assistants, enjoy a weekly rest of a day-and-a-half in virtue of Act No. 8797 of 22 October 1931. The

staff of public transport vehicles and vehicles of industrial undertakings are covered by Act No. 7318 which grants them a weekly rest of 24 hours. In practice, however, they have a weekly rest of 34 consecutive hours.

*Article 17.* Exceptions are determined by decree or by collective agreement.

*Article 18.* The system of supervision is in complete harmony with these provisions. Hours of work, daily rest periods and weekly rest are recorded on control sheets and in special

books for "workers in public transport", in which are noted daily the hours of beginning and ending of each shift. Drivers and assistants are required to carry these records in their vehicles and to show them to the labour inspectors. The person to whom the book is issued is identified by his photograph and his signature or fingerprints.

The National Labour Institute is responsible for supervising the application of the law, which is carried out by the labour inspectors.

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## 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.*

A Bill to bring Belgian legislation into conformity with the Convention was tabled in the Senate on 30 May 1956. It is anticipated that this Bill will be considered by both chambers of the legislature at the beginning of the 1956-57 parliamentary session.

#### *Ireland.*

In accordance with Article 3, paragraph 2, of the Convention, four further exemptions have been granted, making 11 exemptions in all since the Convention came into force.

#### *Italy.*

The Government's report refers to the infor-

mation supplied to the Conference Committee in 1956, and appends a copy of the draft regulations mentioned therein.

#### *Netherlands.*

Further use has been made of the provisions contained in Article 5. As a result 387 "certificates of service" were issued up to 17 June 1956, as well as 279 certificates of qualification (following an examination) up to 1 July 1956.

#### *Norway.*

During the period under review a further 141 cooks' certificates were issued.

#### *Poland.*

See under Convention No. 74.

#### *United Kingdom.*

During the period under review 124 certificates of service and 1,571 certificates of competency as ships' cooks were issued.

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

*Bulgaria, Canada, France.*

### 73. Medical Examination (Seafarers) Convention, 1946

*This Convention came into force on 17 August 1955*

Countries	Date of registration of ratification
Argentina . . . . .	17. 2.1955
Belgium . . . . .	5.12.1951
Bulgaria . . . . .	29.12.1949
Canada . . . . .	19. 3.1951
Finland . . . . .	15. 5.1956
France . . . . .	9.12.1948
Italy . . . . .	22.10.1952
Japan . . . . .	22. 8.1955
Norway . . . . .	17. 2.1955
Poland . . . . .	13. 4.1954
Portugal . . . . .	13. 6.1952
Uruguay . . . . .	18. 3.1954

#### *Belgium (First Report).*

Royal Decree of 8 November 1920 issuing regulations under the Act of 25 August 1920 respecting safety of vessels.  
Act of 5 June 1928 to issue regulations for seamen's agreements (L.S. 1928—Bel. 5 A).

The provisions of the above legislative texts apply also to fishermen and to radio operators in the employ of a wireless telegraphy company.

*Article 3 of the Convention.* This is applied by section 21 of the above-mentioned Act.

*Article 4.* This Article is applied by the same section of the Act and by section 141 and Annex

XII of the Royal Decree. Existing regulations do not, however, contain any provisions as regards the particulars to be included in the medical certificate. Medical supervision is permanent and in practice the maritime authority must verify that the seafarer is medically examined on the occasion of each engagement.

In cases of emergency the maritime or consular authority may grant exemption from medical examination.

*Articles 7 and 9.* No use has been made of the permissive provisions of these Articles.

The further examination to be provided in connection with appeals is entrusted to doctors of the Maritime Inspectorate.

The authorities competent to deal with the application of the legislation are the superintendents of shipping offices, the consular officers, and the Maritime Inspectorate; about 5,000 seafarers are covered.

#### *Bulgaria (First Report).*

Ordinance of the Ministry of Health and Social Welfare and the Central Council of Trade Unions respecting preliminary and periodic medical examinations of wage and salary earners and respecting the employment of sick persons (L.S. 1953—Bul. 4).

*Article 1 of the Convention.* The provisions of the Convention apply to all ships, irrespective of tonnage.

*Articles 2 and 3.* Any person engaged for employment on board a vessel must undergo a preliminary medical examination, which is free of charge.

*Articles 4 and 5.* The medical examination, including the testing of sight and hearing, is carried out by a doctor of the transport service; an additional examination may be made by specialists. Persons whose state of health is likely to be aggravated by their employment or whose employment would be likely to endanger the health of other persons on board are not allowed to work on board ships.

A card attesting the result of the medical examination is issued to seamen. The card mentions any pathological affections and the conclusions regarding admission or non-admission of the bearer to a specified type of work.

Seamen must undergo a preventive examination every year, and persons suffering from certain diseases are kept under medical supervision.

*Articles 6 to 9.* The legislation does not provide for such measures.

Any person who is not satisfied with the conclusions embodied in the medical certificate may in practice ask to be examined once more by an advisory medical board, which issues a decision regarding the appellant's state of health in so far as it affects his admission to a specified type of employment.

#### *Canada (First Report).*

Medical Examination of Seafarers Regulations (Order in Council P.C. 1955-667 of 5 May 1955) made under the Canada Shipping Act.

These Regulations came into effect on 1 August 1955, and provide that no person may be engaged as a seafarer unless he produces a

certificate attesting to fitness for his work; exemption may, however, be granted during the first two years from the entry into force of the Regulations if a person produces evidence of having been employed in a seagoing ship for a substantial period during the previous two years.

The report describes the detailed procedure to be followed in connection with medical examinations—provided by the Department of National Health and Welfare, free of charge—and entering the relevant certificates in the seafarer's continuous discharge book. The examination consists of a complete physical examination, followed at the end of two years by a chest X-ray and blood test for venereal disease.

#### *France (First Report).*

Act of 13 December 1926 to issue a Seamen's Code (L.S. 1926—Fr. 13).

Decree of 17 June 1938 respecting the reorganisation and unification of the seamen's insurance system.

Order of 25 May 1943 respecting the physical fitness of seafarers.

The above-mentioned legislation applies to seafarers—including pilots and persons employed in ports—on board vessels of more than 25 gross tons, usually making trips of more than 72 hours. Seamen are required to pass a medical examination to prove their physical fitness for navigation.

Furthermore, according to section 8 of the Seamen's Code, a seaman may not be entered on the crew list until he has undergone a medical examination which establishes that his embarkation does not entail any danger to his health or to that of the crew. In urgent cases a seafarer may be authorised to sign on without passing a medical examination, which, however, must be carried out at the first port, either French or foreign, at which the vessel calls.

The medical certificate is valid only for a single engagement which normally does not exceed ten months; no particular period of validity is prescribed for certificates relating to colour vision. In order to comply with section 56 of the Decree of 17 June 1938 the responsible authorities endeavour to ensure a complete medical examination every year. Seafarers may also ask for a new medical examination on application to a special committee set up in accordance with section 1 of the Decree of 13 September 1926.

The Minister of the Merchant Marine is the authority responsible for the application of the legislation, through the Superintendent of the Mercantile Marine Offices in each port. The seafarers' health services collaborate with the Mercantile Marine Offices and maintain supervisory medical services in various ports.

#### *Italy (First Report).*

Navigation Code (L.S. 1942—It. 2).

Act No. 1773 of 14 December 1944 respecting certification of the physical fitness of seafarers.

*Article 1 of the Convention.* The above-mentioned Act applies to all seafarers sailing on vessels which, under Italian legislation are considered as "sea-going vessels" when suit-



able for maritime navigation. The report also refers to section 136 of the Navigation Code.

*Article 2.* No exception is allowed by the Act to the rule that ships' personnel must be medically examined, both when first registering as seafarers and periodically thereafter and also before signing on for each voyage.

*Article 3.* Medical examinations are carried out and certificates issued by the doctors of the Seamen's Sickness Fund.

*Article 4.* So far as the form of the medical certificate is concerned, the report states that the Government intends to instruct the relevant sickness funds to include in their certificates all the particulars required by the Convention.

*Article 5.* Under the system of rotation of employment now in force, the whole of the crew of a vessel is changed every two years and must undergo a medical examination when signing on again. This situation would be changed very little if the rotation system were abolished, for owing to normal changes it is most unlikely that a seafarer will be engaged on board the same vessel for more than two years.

*Articles 6 and 7.* The legislation makes no provision for the exemptions permitted under these Articles.

*Article 8.* If the seafarer is judged unfit by the medical officer of the sickness fund he may appeal first to a medical board attached to the port authority and then, if he so desires, to a central board.

*Article 9.* The certificates are issued by the medical officers of the Seafarers' Sickness Fund, which is a public institution.

The application of the aforementioned legislative provisions is continuously and carefully ensured by the local maritime authorities. The workers covered, i.e. all the persons entered on the seafarers' register, number about 280,000 but only about 140,000 are maritime personnel in so far as they are members of crews and are registered with an employment office for an immediate engagement.

#### Norway (First Report).

Royal Decree of 2 October 1953 containing Regulations for the medical examination of seamen, together with directives of 12 November 1953 on the same subject issued by the Director-General of Health and Circular No. 16/53 of 28 November 1953 issued by the Ministry of Shipping.

The provisions which were reproduced with minor amendments in the Regulations of 2 October 1953 respecting the medical examination of seafarers were, on the basis of the Convention, originally drafted in September 1950, following discussions between the competent authorities and the shipowners' and seafarers' organisations.

*Article 1 of the Convention.* The Regulations cover all seagoing vessels, irrespective of size, with the exception of fishing and sealing vessels.

*Article 2.* Section 1 of the Regulations lays down that they apply to all persons in their service or serving on board vessels covered by the Regulations.

*Article 3.* According to section 2 of the Regulations, every person engaged for service on a Norwegian vessel must produce a medical certificate issued by a doctor or a medical officer approved by a competent health authority. The administrative authorities, jointly with the shipowners' and seafarers' organisations, have established a Seamen's Medical Centre in Oslo. Medical examinations abroad are carried out either at one of the Norwegian medical centres (Antwerp, Liverpool, London and New York) or by a physician approved by the Norwegian Consulate concerned.

*Article 4.* Section 2 of the Regulations stipulates that the medical certificate shall state that the seaman is presumed to be free from any illness or physical malady which would make him unfit for the service or which may endanger the health of other persons on board, and that his sight and hearing are adequate for the performance of the work for which he is engaged. Deck personnel must also have a certificate showing that they have satisfactory colour vision.

*Article 5.* Section 2 (3) of the Regulations lays down that medical certificates must be renewed after two years' service (every year for persons under 18 years of age) on the same vessel. Section 3 (3) lays down that a new certificate of colour vision must be submitted every six years. New certificates may also be required before the expiry of the above-mentioned periods.

Under section 8 exemptions may be granted by the Ministry of Shipping, in consultation with the Director-General of Health, when the work the seaman is to perform on board is in no way dangerous. In 1955, 26 applications for exemptions were granted, ten of which related to eyesight, five to colour vision and six to hearing; 12 applications were rejected.

*Article 8.* Under section 9 of the Regulations seafarers who have not been accepted are given a "certificate of medical unfitness". The doctor must give the reasons for rejection and indicate the procedure for appeal against his decision, which remains valid until the Appeals Board has dealt with the matter and, if necessary, until after the seaman has undergone a further examination. There is no central Appeals Board and the medical referees are appointed by the Ministry in each individual case. Appeals relating to medical examinations abroad are at present decided by the Director-General of the Norwegian Health Services.

The Ministry of Commerce and Shipping is responsible for the enforcement of the above-mentioned provisions, in co-operation with the Director-General of the Norwegian Health Service, the Seamen's Medical Centre in Oslo and the Norwegian maritime registration authorities. The number of seamen in service in the course of a year and to whom the Regulations apply is about 82,000.

#### Poland (First Report).

The Government states that the Ministry of Health is about to issue an Order based on the provisions of the Convention; this Order

will probably be adopted at the end of 1956. Meanwhile, the Order of 20 August 1936 of the Ministry of Industry and Commerce regulates the medical examinations of persons employed on board merchant vessels; under this Order, certificates remain valid for three years instead of two, as specified in the Convention; this discrepancy will be eliminated in the new legislation.

Portugal (First Report).

Legislative Decree No. 23764 of 13 April 1934 to amend and supersede Decree No. 21952 of 8 December 1932 to bring up to date the legislation respecting persons employed in the mercantile marine (L.S. 1934—Por. 1).  
Decree No. 24235 of 27 June 1934.  
Legislative Decree No. 26051 of 1 November 1935, to amend Legislative Decree No. 23764 of 13 April 1934.  
Ordinance No. 12790 of 18 April 1949.

*Article 1 of the Convention.* A sea-going vessel is defined in section 13 of Decree No. 24235 of 27 June 1934 as subject to no limitation of zone.

*Article 4.* The medical examination of seafarers is carried out (a) when a candidate for registration as seaman carries out the first formalities at a seaman's office; (b) when he applies for engagement on board ship after having terminated his previous contract owing to illness; (c) when he wishes to be examined for admission to any of the categories mentioned in section 22 of Legislative Decree No. 23764 of

1934. It must also be pointed out that, before leaving on a voyage, seamen are examined by the medical services of the shipowners.

Ordinance No. 12790 of 1949 contains four lists of diseases and infirmities which disqualify a person for admission to work as a seafarer.

*Article 5.* Under sections 119 and 120 of Legislative Decree No. 23764 of 1934, as amended by Legislative Decree No. 26051 of 1935, a certificate of physical fitness, which is valid for ten years, is issued to any seafarer who needs it. In future legislation the requirements of the Convention will be observed as regards the period of validity of these certificates.

*Articles 6 and 7.* No cases covered by these Articles have occurred.

*Article 8.* Effect is given to this Article by paragraph 2 of section 120 of Legislative Decree No. 23764 of 1934, as amended by Legislative Decree No. 26051 of 1935.

*Article 9.* No advantage is taken of the permissive provisions of this Article.

The maritime authorities are responsible for the application of the above laws and regulations in accordance with directives laid down by the Directorate of Merchant Marine.

Uruguay (First Report).

The Government states that at present the Convention only applies to masters, navigating and engineering officers and pilots.  
See also under Convention No. 58.

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.

Decree of 29 March 1956 respecting the certification of able seamen.

The above-mentioned decree supersedes that of 3 September 1954. The application of the Convention is not affected.

The total number of certificates awarded to able seamen up to 1 January 1956 was 2,819, which is an increase of 289 during the year.

Netherlands.

During the period under review a further 259 certificates were issued, 42 of which were awarded after passing an examination.

Poland (First Report).

The report states that a decree is to be published shortly in the Official Gazette giving effect to the provisions of the Convention.

United Kingdom.

The number of certificates issued to able seamen in the period under review was 2,516. Amended regulations were also introduced whereby reduction of periods of sea service for qualifying for certificates of competency as able seamen were further specified in respect of certain approved training schools.

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

Canada, United States.

## 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
Byelorussia . . . . .	6.11.1956
Cuba . . . . .	13. 1.1954
France . . . . .	28. 6.1951
Guatemala . . . . .	13. 2.1952
Hungary . . . . .	8. 6.1956
Iraq . . . . .	13. 1.1951
Israel . . . . .	23.12.1953
Italy . . . . .	22.10.1952
Poland . . . . .	11.12.1947
Ukraine . . . . .	14. 9.1956
U.S.S.R. . . . .	10. 8.1956
Uruguay . . . . .	18. 3.1954

#### *Bulgaria.*

Instruction for the application of Part II of the Ordinance respecting the work of labour registry offices and the placing of handicapped persons (*Izvestia* No. 65 of 13 August 1954).  
Regulations respecting public assistance (*Izvestia* No. 68 of 24 August 1954).

Under the two above-mentioned texts and the Ordinance respecting medical examinations for workers, measures are taken to ensure the rehabilitation of young persons found on medical examination to have certain handicaps.

The rehabilitation and placing of handicapped persons is carried out jointly by boards of industrial physicians, the public health services and the public assistance agencies of the People's Councils, and the labour registry offices.

Undertakings are required to notify the labour registry offices of available vacancies for this category of worker. After handicapped persons have been examined the boards of industrial physicians determine what work they can do and whether it is necessary for them to undergo training or rehabilitation. Their placing is carried out by the labour registry offices. Training and rehabilitation take place in special undertakings for training purposes run by the Ministry of Public Health and Public Assistance, as well as in the workshops of invalids' production co-operatives, in the undertakings of the People's Councils and in the vocational training courses run by the various administrations, undertakings and organisations.

Section 6 of the Ordinance respecting medical examinations for workers provides that they are to be assigned to jobs only on producing a document attesting their aptitudes and limitations. These documents must be retained by

the undertakings and must be available for consultation by inspection agencies.

The above-mentioned Ordinance contains a number of special provisions respecting employment on unhealthy work.

#### *Cuba (First Report).*

Legislative Decree No. 883 of 27 May 1953 to complete and bring together the laws respecting the employment of young persons and to give effect to the international labour Conventions ratified by Cuba (L.S. 1953—Cub. 1).

*Article 1 of the Convention.* Section 12 of Legislative Decree No. 883 applies to all undertakings, whether they are industrial, commercial or agricultural.

*Article 2.* The same section of Legislative Decree No. 883 provides that before being engaged a young person under 18 years of age must produce a medical certificate of fitness, stating that he is physically capable of the work which he is to perform; the medical certificate is thus issued for a specified job.

*Article 3.* The report refers to section 13 of Legislative Decree No. 883.

*Article 4.* The General Directorate of Health and Social Welfare of the Ministry of Labour has full discretion, if the work involves health risks, to hold periodical examinations, when it considers this to be necessary, even after the age of 21 years.

*Article 5.* The report refers to the first paragraph of section 12 of Legislative Decree No. 883.

*Article 6.* No special measures have been taken with regard to vocational guidance or vocational rehabilitation. Young workers normally seek employment which is suited to their abilities.

*Article 7.* Employers must submit to the labour inspectors the employment certificates prescribed by section 14 of Legislative Decree No. 883, and also the special register which they are required to keep under the terms of section 17 of the Legislative Decree.

The Ministry of Labour, its provincial offices, the General Directorate of Health and Social Welfare and the National Office for Women's and Young Persons' Work are entrusted with the application of the legislation. The Government appends to its report statistics of the National Office for Women's and Young Persons' Work which show that 189 medical certificates were issued during the period under

review to young persons from 14 to 18 years of age employed in industry.

France.

A Bill with regard to the organisation of medical services in mines was tabled by the Government on 15 March 1956.  
See also under Convention No. 78.

Israel.

With reference to the observations made by the Committee of Experts last year the Government states as regards Article 4 of the Convention that the Labour Inspectorate still concentrates its main efforts on the medical inspection of young persons under 18 years of age. Some progress has been made during the period under review as regards the medical examination of young workers. Physicians have been specially appointed for this purpose and the medical adviser of the Labour Inspectorate is in constant touch with the medical authorities in order to guide them and co-ordinate their activities. Furthermore, the number of young workers of 18 to 21 years of age is very small, these years being the period of compulsory military service. The Government hopes that the necessary measures to comply strictly with the provisions of the Convention will be taken within two years.

The provisions of Article 6 of the Convention are covered by section 13 of the Labour Code, combined with sections 17, 18 and 19. Young persons found by medical examination to be unsuited for certain types of work are reported to the regional labour inspector; in addition the parents of the child and the employment office for young workers which tries to find a suitable job for the young person in question are informed. The vocational guidance services are generally informed of the results of the medical examinations, which are in most

cases carried out by the sickness fund of which the child or its parents are members; medical treatment is provided if necessary.

Italy.

The report states that thorough preparatory work has been initiated with the assistance of the labour inspectors in order to bring Italian legislation into conformity with the Convention. A Bill to amend the legislation on the subject (Act No. 653 of 26 April 1934) has been drafted by the Ministry of Labour. The preparatory work on this Bill, in which due account was taken of the observations of the Committee of Experts, is almost completed.

As regards the observation of the Committee of Experts concerning Article 3 of the Convention (medical supervision and periodical examination of fitness for employment), the report states that under a Ministerial Decree of 8 June 1938 employers must also make children below the age of 15 undergo periodical examinations at intervals of not more than six months if they are employed in one of ten industrial groups, including the textile, metallurgical, engineering and chemical industries.

As regards Article 4 of the Convention it is stated that a Ministerial Decree of 20 March 1929 provides that all workers, irrespective of age, must undergo regular preventive medical examinations if they are engaged in processes involving the use or production of toxic or infectious substances.

Uruguay (First Report).

See under Convention No. 58.

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
Byelorussia . . . . .	6.11.1956
Cuba . . . . .	7. 9.1954
France . . . . .	28. 6.1951
Guatemala . . . . .	13. 2.1952
Hungary . . . . .	8. 6.1956
Israel . . . . .	23.12.1953
Italy . . . . .	22.10.1952
Poland . . . . .	11.12.1947
Ukraine . . . . .	14. 9.1956
U.S.S.R. . . . .	10. 8.1956
Uruguay . . . . .	18. 3.1954

Bulgaria.

See under Convention No. 77.

Cuba (First Report).

Legislative Decree No. 883 of 27 May 1953 to complete and bring together the laws respecting the employment of young persons and to give effect to the international labour Conventions ratified by Cuba (L.S. 1953—Cub. 1).

*Article 1 of the Convention.* Section 12 of Legislative Decree No. 883 is applicable to all undertakings, whether they are industrial, commercial or agricultural; it does not provide for exceptions for family undertakings.

*Article 2.* The report refers to section 12 of Legislative Decree No. 883.

*Article 3.* Under section 13 of Legislative Decree No. 883 young workers up to 18 years of age are medically examined every year, whenever they change jobs, and as often as their type of work or state of health requires.

*Article 4.* Under section 7 of Legislative Decree No. 883, it is unlawful to employ young persons under 18 years of age on dangerous or unhealthy work.

*Article 5.* Under section 12 of Legislative Decree No. 883, the medical examination is free of charge.

*Article 6.* The report refers to section 13 of Legislative Decree No. 883 and also to section 14 which prescribes an employment certificate.

*Article 7.* Employers are required to submit the employment certificates to the inspectors, and also to have them entered in a special register.

The Ministry of Labour, its provincial offices, the General Directorate of Health and Social Welfare and the National Office for Women's and Young Persons' Work are entrusted with the enforcement of Legislative Decree No. 883. During the period under review 170 employment permits for industry were granted.

#### *France.*

The Government states that Act No. 55-1032 of 4 August 1955 applies both to public and private hospitals, to hotels and restaurants, and to children employed under the authority of their father, mother or guardian. Children working on their own account are, however, not in general covered by the labour regulations.

The results of an inquiry showed that the medical supervision prescribed by the Act of

11 October 1946 was effectively applied, during the year 1955, to 80 per cent. of the wage earners and apprentices under 18 years of age, and that this percentage is steadily rising.

#### *Israel.*

See under Convention No. 77.

#### *Italy.*

See under Convention No. 77.

#### *Poland.*

With regard to the observations previously made by the Committee of Experts, the Government states that a draft Order relating to work prohibited for young persons was lately submitted to the Legislative Committee of the Council of Ministers. The draft contains a paragraph prohibiting the employment of young persons of either sex between 14 and 18 years of age in occupations which are listed in an appendix to the draft. The list includes work in domestic service.

The application of the legislation is entrusted to the Central Council of Trade Unions and the respective trade union, in agreement with the Minister of Health.

#### *Uruguay (First Report).*

See under Convention No. 58.

## 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
Byelorussia . . . . .	6. 11. 1956
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
Ukraine . . . . .	14. 9. 1956
U.S.S.R. . . . .	10. 8. 1956
Uruguay . . . . .	18. 3. 1954

#### *Bulgaria.*

Ordinance of 31 March 1953 respecting workbooks.

With regard to the application of Article 6 of the Convention, the Government states that the supervision and the application of the Labour Code is the responsibility of the trade union labour inspectors and of the labour protection agencies of the trade union committees in the undertakings. Since they are well acquainted with local conditions they can make suitable arrangements on the spot to prevent any contraventions of the legislation.

Under section 16 of the Labour Code contracts of employment must be concluded in writing. In addition the worker must produce his workbook when he enters employment. If he has not received a workbook the undertaking, establishment or organisation must issue him with one (sections 2 to 4 of the above-mentioned Ordinance). Section 5 of the Ordinance specifies that the worker's name and date of birth are to be entered in the workbook.

The issue of workbooks and the age of the holders must be noted in a register by the administration. The workbook must be retained by the undertaking until the contract of employment expires. The hours of work are mentioned in the rules of the undertaking. The above-mentioned documents are available for consultation by the supervisory agencies. Section 205 of the Labour Code lays down the penalties for contraventions.

The legislation contains no provisions similar to those laid down in Article 5 of the Convention.

#### *Cuba (First Report).*

Legislative Decree No. 883 of 27 May 1953 to complete and bring together the laws respecting the employment of young persons and to give effect to the international labour Conventions ratified by Cuba (L.S. 1953—Cub. 1).

*Article 1 of the Convention.* Legislative Decree No. 883 applies to all young persons irrespective of occupation. It does not cover domestic servants or establishments employing "only parents, grandparents, children or grandchildren" (section 6 of the Decree); this exception does not apply to unhealthy and dangerous work (section 7 of the Decree).

*Article 2.* Although section 4 of the Decree defines the night as a period of 12 consecutive hours between 8 p.m. and 8 a.m., all establishments in fact close at 6 p.m. and reopen at 8 a.m.

*Article 3.* The report refers to section 4 of the Decree, which does not allow the exception authorised by paragraph 2 of this Article.

*Article 4.* None of these exceptions is allowed under Cuban legislation.

*Article 5.* No individual licence of any kind whatsoever has been issued.

*Article 6.* Section 17 of the Decree requires every employer of young persons under the age of 18 to maintain a special register. The employment certificate required under section 14 of the Decree enables the young persons to be identified.

The national police co-operate with the inspectors of the Ministry of Labour in enforcing this legislation. The penalties for infringements are laid down in section 27 of Legislative Decree No. 883 and section 575 of the Social Defence Code.

The Ministry of Labour, together with its provincial offices, the General Directorate of Health and Social Welfare and the National Office for Women's and Young Persons' Work also help to enforce the legislation.

#### *Dominican Republic.*

With reference to the observations made by the Committee of Experts in 1956, the Government communicates the following information:

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, has been supplemented by section 3 of Resolution No. 4/56 of 28 August 1956 of the Secretariat of State of Justice and Labour, which defines dangerous and unhealthy work for young persons under 18 years of age as "work which by its nature may injure their physical integrity and encourage the onset of occupational diseases such as those arising in mines, underground occupations, explosives factories, tanneries, the driving of motor vehicles and underwater occupations".

Section 224 of the Labour Code prohibits the employment of young persons under 18 years of age between 10 p.m. and 6 a.m., and section 225 stipulates that the working hours of young persons under 18 years of age shall in no case exceed eight a day. Consequently, young persons enjoy a rest period of not less than 12 consecutive hours, including the interval between 10 p.m. and 6 a.m.

The Department of Labour (Section for Women's and Children's Work) exercises close supervision over the work of young persons between 14 and 18 years of age. A committee

of public entertainments also supervises all public shows and this is one of the methods of ensuring that the young persons are properly treated and that their employment does not either harm them morally or interfere with their education.

With regard to the observation of the Committee of Experts on the application of Article 5, paragraph 4 (c), of the Convention, the Government states that the hours of work of young persons under 18 years of age cannot in any case exceed eight a day. As a result of this provision young persons who work during the night may not work during the day and thus enjoy a rest period of more than 14 consecutive hours.

The officials and employees of the State or other public bodies are governed by special legislation under Act No. 2059 of 22 July 1949, which distinguishes two types of state employees, i.e. officials whose hours of work do not include night work and whose conditions of work are governed by Decree No. 8566 of 23 September 1952 (a copy of which is appended to the report); and workers and employees of state establishments or other public bodies which are industrial or commercial in character or concerned with transport or public works, to whom the provisions of the Labour Code and other special laws concerning social security apply.

#### *Israel.*

With reference to the observations made by the Committee of Experts in 1956 the report states as follows:

The children coming under section 4 (c) of the Compulsory Education Law, 1949, are not subject to full-time compulsory school attendance but are required to attend evening classes for three hours three times a week. Article 2, paragraph 1, of the Convention would therefore not seem to apply in such cases.

According to section 25 (a) of the Youth Labour Law no child may be employed until 11 p.m. without a permit. These permits are granted only in exceptional circumstances covered by paragraph 2 of Article 3 of the Convention. During the period under review, only one permit was granted, after consultation of the employers' and workers' organisations, for work until 11 p.m. in respect of children between 16 and 18 years of age, employed in packing citrus fruits.

As regards the register of juveniles to be kept by the employer under Article 6, paragraph 1 (b), of the Convention, see under Convention No. 5.

#### *Italy.*

Act No. 29 of 19 January 1955 respecting apprenticeship.

Article 10 of the above-mentioned Act, which also applies to certain non-industrial occupations, provides that apprentices (who may not be employed as such below the age of 14) may not be made to work during the period between 10 p.m. and 6 a.m.

The labour inspectors issued warnings in 20 cases and reported offences to the authorities in 160 cases; this shows that on the whole the workers in occupations other than industrial, agricultural and maritime work are practically not called upon to work at night.

With regard to the observations made by the Committee of Experts, the Government states that section 10 of the Apprenticeship Act mentioned above is not supposed to apply Conventions Nos. 79 and 90; the Act was mentioned only to show how the Italian legislature seizes on every opportunity of bringing national legislation into conformity with international standards.

See also under the first paragraph of the report on Convention No. 77.

#### *Uruguay (First Report).*

Act of 6 April 1934 to approve with amendments a draft Children's Code (L.S. 1934—Ur. 4).

Decree of 28 May 1954 to extend the nightly rest period in connection with the employment of young persons in industry and to prescribe penalties for offenders (L.S. 1954—Ur. 2).

Decree of 27 July 1954 to supplement the Decree of 28 May 1954.

*Article 1 of the Convention.* The Children's Council is responsible for determining harmful, prejudicial or dangerous work.

*Article 2.* The report refers to section 231 of the Children's Code and section 3 of the Decree of 28 May 1954.

*Article 3.* The report refers to section 3 of the Decree of 28 May 1954.

*Article 4.* The climate of Uruguay makes it unnecessary to apply this provision.

*Article 5.* The report refers to section 241 of the Children's Code.

*Article 6.* The Children's Council and the National Labour Institute enforce the legislation respecting the work of young persons. The names of the young persons are noted in special registers and they must also hold a document from the Children's Council authorising them to carry out the work on which they are engaged.

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

## 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
Belgium . . . . .	5. 4. 1957
Bulgaria . . . . .	29. 12. 1949
Ceylon . . . . .	3. 4. 1956
Cuba . . . . .	7. 9. 1954
Dominican Republic . . . . .	22. 9. 1953
Egypt . . . . .	11. 10. 1956
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 12 May 1956 of the Federal Ministry of Social Affairs to amend the Ordinance on areas under the supervision of the Labour Inspectorate.

The Federal Labour Inspection Act of 16 December 1953 had brought certain provisions of the Inspection Act of 1947 into conformity with Article 12, paragraph 2, and Article 15 (c) of the Convention.

*Article 8 of the Convention.* At the end of the period under review 145 male and 10 female inspectors were attached to the General Labour Inspectorate.

*Article 9.* Over the same period the General Labour Inspectorate comprised 76 qualified specialists and technicians as follows : 4 doctors, 10 civil engineers, 1 agricultural scientist, 21 chemical engineers, 18 electrical engineers, 15 mechanical engineers, 6 mining engineers and 1 physicist.

*Article 10.* At the end of the period covered by the report the staff of the General Labour Inspectorate consisted of 155 persons, of whom 76 belonged to the higher grades, 53 to the intermediate grades and 26 to the lower grades.

Two observations were received from the Austrian Chamber of Workers regarding the

way in which the Convention is applied in practice and the measures taken to bring national legislation into conformity with the Convention. The Chamber stated that it was regrettable that the inspection department of the Central Mining Administration had no medical officer to take action against the silicosis hazard to which miners were exposed. The reply of the Central Mining Administration to this observation was that the medical examination of miners was carried out in accordance with the provisions of a special ordinance by the department which was responsible for countering the harmful effects of dust (silicosis). The chief medical officer of the medical section of this department, which works in close touch with the Central Administration, also works as a medical officer in the Central Labour Inspection Department of the Ministry of Social Affairs. The question will, however, be re-examined at the request of the Ministry of Social Affairs.

The second observation of the Chamber of Workers related to the need to lay down penalties for obstructing inspectors in the performance of their duties and for authorising labour inspectors themselves to apply penalties in the event of infringements of workers' protection legislation. The Central Inspectorate replied that penalties for obstructing inspectors were covered by section 22, paragraph 1, of the Labour Inspection Act, and that no case of such obstruction had yet been recorded. As regards the power to apply penalties for infringing labour legislation, that power belongs to the district authorities under section 27, paragraph 1, of the Labour Inspection Act. In the opinion of the Central Inspection Service such an arrangement was not contrary to the provisions of Article 18 of the Convention, which merely requires that penalties shall be laid down and allows the Member countries themselves to determine to what authority this power should be granted.

#### *Bulgaria.*

Regulations concerning labour inspectors.

Regulations concerning the reporting of employment accidents, published in *Izvestia* No. 86 of 26 October 1951.

Ordinance published in *Izvestia* No. 106 of 26 December 1952.

Decision of the Presidium of the National Assembly, published in *Izvestia* No. 15 of 19 February 1954.

*Article 6 of the Convention.* Under a decision taken by the Presidium of the National Assembly in 1954 labour inspectors are considered as organs of the public authority.



*Article 7.* The regulations concerning labour inspectors require the latter to have completed a course of higher or secondary education, or at least to have an adequate knowledge of the industry concerned. Normally, they are recruited among trade union activists with adequate experience in the labour protection field. Special advanced courses on technical and legal subjects are given to labour inspectors during their career.

*Article 8.* No distinction is made on grounds of sex.

*Article 9.* Attached to the Central Council of Trade Unions is a scientific research institute for labour protection. Moreover, labour protection committees attached to regional trade union committees are entitled to expert assistance as needed. Close co-operation has been established, in particular, with the epidemics control service.

*Article 10.* In 1954 the inspection staffs attached to central and regional trade union committees numbered 197 persons. During the same year worker-inspectors and members of labour protection committees attached to undertakings and other organisations numbered 79,685.

*Article 11.* Appropriate office premises are provided for inspectors. Travel expenses and other ancillary expenses incurred by them in the performance of their duties are reimbursable under a special ordinance.

*Article 12.* Under sections 111 and 212 of the Labour Code and section 9 of the regulations concerning labour inspectors, the latter may require the posting of notices and remove samples of the materials used.

*Article 14.* Special regulations require employment accidents and occupational diseases to be reported to the labour inspectorate at quarterly intervals. Serious or fatal accidents must be reported immediately.

*Article 15.* Inspectors are forbidden, under threat of penal sanctions, from revealing any establishment secrets of which they may have obtained knowledge in the performance of their duties.

*Article 19.* Reports concerning the activities of the inspectorate and the state of labour protection are submitted periodically to the central trade union committees and the Central Council of Trade Unions. They are discussed at meetings of the competent trade union bodies and also at joint meetings of the Administration and the trade unions.

In 1954 penalties for breaches of the legal provisions concerning labour protection were applied in 1,410 cases.

#### *Cuba (First Report).*

Act No. 91 of 1935 respecting the organisation of the Ministry of Labour.

Decree No. 2912 of 3 November 1936 to issue regulations respecting the organisation of the provincial labour offices.

Resolution No. 87 of 1937.

*Articles 1 and 2 of the Convention.* An inspection service is maintained which applies to all

workplaces including industrial workplaces. No distinction based on the type of activity is made.

*Article 3.* This is applied by the relevant legal provisions in force.

*Article 4.* The central authority is the Ministry of Labour and the Directorate-General of the National Labour Inspectorate. The local labour offices come under the control of the Ministry.

*Article 5.* The Ministry of Labour co-operates generally with the occupational organisations and with those organisations engaged in inspection activities.

*Article 6.* Labour inspectors have the status of public officials and are protected by the Civil Service Law and similar legal provisions. This status is accorded by virtue of article 105 and subsequent articles of the Constitution.

*Article 7.* Every public official must, on entering the service, undergo an examination to prove his aptitude for the post in question. The Directorate-General of the Inspectorate provides further training to inspectors; there is no specific curriculum for such training.

*Article 8.* The National Labour Office for Women and Young Persons includes women inspectors.

*Article 9.* The Directorate-General of Hygiene and Social Welfare includes specialised technical inspectors.

*Article 10.* The number of inspectors depends on the budgets.

*Article 11.* Inspectors receive daily allowances and travel expenses to cover their special expenses.

*Article 12.* Reference is made to Act No. 91 of 1935, as well as to section 575 of the Social Defence Code.

*Article 13.* This is applied by the Directorate of Hygiene and Social Welfare in accordance with the appropriate regulations.

*Article 14.* Reference is made to the legal provisions in force concerning compensation for industrial accidents and occupational diseases.

*Article 15.* Reference is made to Act No. 91 of 1935.

*Article 16.* Inspections are made periodically, as routine visits and also in consequence of complaints.

*Article 17.* Section 575 of the Social Defence Code is applied without previous warning.

*Article 18.* Reference is made to section 575 of the Social Defence Code and to Act No. 91 of 1935.

*Article 19.* Reports are made monthly by the provincial labour offices and the inspectors posted in the different centres. These reports are summarised every six months with a view to the preparation of the Presidential Message at the opening of Parliament.

*Article 20.* As publication of the Labour Ministry Review has been suspended, it is intended to make known the results of inspection through the Office of Labour Statistics.

*Article 21.* In many cases, the justices of the peace do not report the penalties imposed. No statistics of occupational diseases are given.

*Article 22.* Inspection covers all types of establishments, including commercial establishments.

*Article 23.* No distinction is made between industry and commerce, as all workplaces are equally subject to inspection.

*Article 25.* Inspection takes place in the whole of the territory.

No decisions have been given by courts of law.

Copies of the legislation are appended to the report.

#### *Dominican Republic.*

In reply to the observations made in 1956 by the Committee of Experts, the report makes the following statements :

*Article 12, paragraph 1 (c) (iv).* The object of this provision of the Convention is to prevent occupational accidents and diseases. This is likewise the object of section 401, paragraph 2, of the Labour Code, which permits labour inspectors to carry out any examination, test or investigation they consider necessary to convince themselves that the legal provisions relating to labour and to social insurance are observed. Moreover, the Occupational Safety and Hygiene Section of the Labour Department is responsible, under the Basic Regulations of the Ministry of Justice and Labour, for preventing occupational diseases and carrying out special studies of the causes of industrial accidents.

*Article 13.* Inspectors are empowered by the aforementioned legal provisions and regulations to take measures in cases constituting an immediate threat to the health or safety of workers. In addition, general studies of industrial safety and hygiene are being carried out and these will result in strengthening the powers of inspectors now provided for by section 401, paragraph 2, of the Labour Code.

*Article 14.* The Labour Inspectorate is notified of industrial accidents and cases of occupational diseases since the Social Insurance Fund informs the Labour Department of all such cases.

*Article 20.* A report on the work of inspectors has been published regularly as part of the annual report of the Ministry of Justice and Labour. A separate report on the work of the inspection services will be sent to the I.L.O. in due course.

#### *Finland.*

Decision of the Council of Ministers No. 329 of 1956 respecting the building industry.

*Article 5 of the Convention.* During the period under review the new legislation with regard to construction and inspection of boilers and pressure containers has resulted in better co-operation between the experts and technicians on the question and the labour inspection services. The Labour Inspectorate is responsible for the prior supervision of the calculations of

resistance, the materials and the plans for construction. The inspection during the construction is entrusted to experts, who numbered 34 on 30 June 1956. In the building industry also, under the decision of the Council of Ministers No. 329 of 1956, co-operation is ensured between the experts and the labour inspectors, especially as regards the technical inspection of scaffolding.

*Article 7.* Two seminars were organised to improve the training of labour inspectors in labour legislation and safety questions and also in administrative techniques.

*Article 14.* The compilation of statistics with regard to employment injuries and occupational diseases is entrusted to the Office of Social Research. During the period under review the labour inspectors have, however, been called upon to report serious and fatal accidents to the Ministry of Social Affairs.

#### *France.*

Statistical information, covering the period 1953-54, is supplied concerning the various subjects enumerated in Article 21 of the Convention.

#### *Guatemala (First Report).*

Constitution of 11 March 1945.  
Decree of 1946 respecting social security (L.S. 1946—Guat. 2).  
Labour Code of 1947 (L.S. 1947—Guat. 1).

*Article 1 of the Convention.* Section 276 of the Labour Code provides for a General Labour Inspectorate as a department of the Ministry of Labour and Social Welfare.

*Article 2.* Under section 278 of the Code the duty of the Inspectorate is to see that all legal provisions concerning labour and social welfare are applied.

*Article 3.* Section 279 of the Code requires the Inspectorate to act as a legal advice department to the Ministry. Decisions taken by the authorities as to the application of the legal provisions must be published whenever the Labour Inspectorate deems it advisable. Other functions of the Inspectorate are to intervene in order to prevent labour disputes or to bring about a reconciliation, and to collaborate with the judicial labour authorities and also with the Ministry of Education with a view to promoting the cultural and social education of the workers.

*Article 4.* Labour inspection is placed under the authority of the Ministry of Labour and Social Welfare.

*Article 5.* Under sections 274 and 278 of the Labour Code this Ministry and the Institute of Social Security must collaborate and co-ordinate their activities.

*Articles 6 and 7.* Article 70 of the Constitution provides that the law shall establish the statute of public employees on the principle that they are servants of the nation and not of any political party, and section 193 of the Labour Code repeats this principle. The Constitution also requires the conditions of entry into public employment to be laid down by

legislation. In the appointment of labour inspectors university students are given preference; if the candidates do not have this qualification they must take an examination organised by the General Labour Inspectorate. Inspectors may be required to attend courses on labour matters.

*Article 8.* Women over 18 years of age who can read and write are eligible, by virtue of their citizenship under article 9 of the Constitution, to be appointed to public employment.

*Article 9.* The collaboration required in this Article is sought with the technicians of the Guatemalan Institute of Social Security, Public Health or General Hospital Services, or the Guatemala College of Engineers. However, no specific legislative provision ensures such a collaboration.

*Article 10.* The Republic is divided into 14 economic zones, each with a zonal inspector. The capital comprises, for inspection purposes, 18 sections for which there are 18 inspectors. There are also three social workers (women) and the necessary administrative personnel. Finally there are seven conciliation inspectors dealing with labour disputes.

*Article 11.* Each zonal inspector's service is provided with a properly equipped office. Where appropriate, transport vehicles are available for use by inspectors; railway transport may also be freely used by them and they receive special allowances to cover their expenses.

*Article 12.* The report quotes sections 61 and 281 of the Labour Code which define the power of inspectors. Inspectors usually notify employers of their presence.

*Article 13.* The report refers to sections 197 and 281 of the Labour Code.

*Article 14.* The legislation does not require notification of industrial accidents and cases of occupational disease to the Labour Inspectorate.

*Article 15.* Workers have the right under section 320 of the Code to reject any inspector without stating their reasons, but the legislation does not expressly prohibit an inspector's interest in an enterprise. Labour inspectors guilty of a grave breach of duty, including the divulgence of confidential information, shall be immediately suspended, notwithstanding any other civil or criminal prosecution. The Labour Code does not provide for the confidential character of the source of complaints brought to the notice of the inspectors; in practice, however, the latter do not betray their sources of information.

*Article 16.* Inspectors revisit establishments to see if abuses which they have remarked on the first occasion have been remedied. The number of such check-up visits depends upon the nature of the abuses; the interval between visits may vary from a week to two months.

*Articles 17 and 18.* Sections 269, 272, 415, 416 and 422 of the Code deal with legal proceedings and penalties in the case of breaches of its provisions.

*Articles 19 and 20.* The inspectors in the capital report on their activities every week, zonal inspectors monthly, and the Inspector-General reports monthly to the Ministry of Economics and Labour. An account of the

year's work of the General Labour Inspectorate is included in the annual report presented by the Executive to the Legislature.

*Article 21.* A copy of the report to be published by the Labour Inspectorate on the matters enumerated in this Article will be transmitted to the I.L.O. in due course.

*Articles 22 to 24.* The Labour Inspectorate supervises the whole of the legislation relating to labour and social welfare.

*Articles 26 and 27.* Section 283 of the Code provides for labour disputes to be referred to the labour and social welfare courts. Sections 49 and 397 give the force of law to collective agreements and arbitration awards.

*Article 29.* No region is exempted from the application of the provisions of the Convention.

No decisions were given by courts of law. Information on the practical application of the Convention will be forwarded in the next report.

### *Haiti.*

Act of 9 October 1946 to establish in the Department of Labour an administrative and technical body called "the Labour Office" (L.S. 1946—Hai. 1).  
Act of 13 September 1947 respecting the protection of workers (L.S. 1947—Hai. 4).

Act of 3 November 1950 to organise the Department of Labour.

*Article 3 of the Convention.* The General Labour Inspectorate is responsible for visiting centres of employment and places where there is reason to believe that persons are employed for remuneration.

*Article 6.* In reply to a question raised by the Committee of Experts the report states that inspectors have the status of public officials and enjoy guarantees of stability in employment such as to make them independent of external influences and to ensure their impartiality and independence.

*Article 7.* The labour inspectors are recruited by means of competitive examinations bearing on the principles and legislation relating to employment. Before taking up his duties, the labour inspector undergoes a period of theoretical and practical training of at least one month.

*Article 8.* The inspection service includes six women inspectors.

*Article 10.* The inspection service comprises a total of 34 inspectors.

*Article 11.* In reply to an observation made by the Committee of Experts, the report states that labour inspectors are supplied with adequately furnished offices, appropriately located. They receive all necessary supplies, means of transport and travel expenses.

*Article 12.* Inspectors enjoy the rights mentioned in this Article. When entering the premises of an establishment for the purposes of inspection, the inspectors must immediately introduce themselves in a courteous manner to the employer or his representative, produce the documents attesting their powers and duties, and intimate the purpose of their visit.

*Article 14.* In the case of an industrial accident the employer must fill in a form of report supplied free by the Labour Inspectorate.

*Article 16.* Establishments shall be inspected as often as required to ensure the effective application of the labour legislation. Each inspector keeps a register of the establishments in his field; the Labour Inspectorate has a special file for every establishment. Visits are carried out by routine or on complaint.

*Article 17.* Any contravention of the laws respecting employment shall, on receipt of a report from the labour inspector, be tried without delay, all other business being suspended. The judgment shall be executory as soon as it is entered, regardless of any appeal to or order forbidding execution made by a court of appeal, or any appeal to the Supreme Court of Appeal.

*Article 19.* Beside his reports on his daily visits every labour inspector must submit monthly an over-all report on his activity.

*Articles 20 and 21.* In reply to an observation of the Committee of Experts, the report states that information on inspection will be included in the report made each year by the Director-General of the Labour Office. Up to now the annual report of the Labour Office has not included information on all the subjects listed in Article 21, but measures will be taken to do so in accordance with the Convention.

The report adds that in the period 1954-55 a total of 2,574 inspection visits were made in virtue of complaints, in addition to routine visits of inspection. In the Port-au-Prince region a conciliation service has been set up in the Labour Office. Thus inspectors have been relieved of their responsibilities for conciliation of labour disputes, and have been able to devote more of their time to actual inspection. Inspectors have been instructed to emphasise their advisory functions rather than to act as police officers looking for contraventions in order to apply penalties. A marked improvement has been observed among both employers and workers as regards the interpretation and application of the legislation, and this has considerably facilitated the work of inspectors.

#### *India.*

*Article 5 of the Convention.* Action is being taken to form tripartite committees in some organised industries to ensure higher standards of compliance with the provisions of the Factories Act concerning safety, health and welfare and the improvement of working conditions.

*Article 9.* Comprehensive surveys were conducted in a programme dealing with the problems of industrial health and occupational diseases and reports were published on silicosis in mica mining, on health hazards in mica processing and on silicosis in metal grinding. Copies of these documents are appended to the report.

*Article 25.* Twenty-two State Governments have enacted some legislation for regulating the conditions of work in shops, commercial establishments, etc. The Government of India has forwarded a draft Bill to the State Governments, requesting them to revise their legislation on the subject in accordance with the standards laid down therein. State Govern-

ments which have no relevant legislation have been persuaded to enact legislation on the lines of this draft; those which have enacted legislation in respect of shops, etc., have made provision for the appointment of inspectors.

#### *Iraq.*

*Article 9 of the Convention.* A specialised engineer has recently been attached to the Labour Inspectorate. He co-operates closely with the inspection staff and carries out inspections as required by law.

*Article 18.* The number of contraventions of labour laws reported to the Labour Court during the period under review was 168.

#### *Ireland.*

*Article 9 of the Convention.* One additional engineer with recognised qualifications in technical, mechanical and civil engineering was appointed to the inspection staff.

#### *Italy.*

Seventy industrial inspectors were engaged through competitive examination and took up their duties in 1956 after a suitable training period. For office duties in the inspection service a further 67 employees were also engaged through competitive examination. Provisions are now being studied with a view to putting the personnel on a permanent footing and to increasing the number of inspection offices from the present 75 to the 92 (one for each province) laid down in the Decree of 19 March 1955.

With regard to the request of the Committee of Experts, the published report on the work of the inspection service during 1954 shows the number of workers employed in the undertakings inspected. It is intended to publish the report for 1955 within the period prescribed in Article 20 of the Convention. Future reports will include statistics of industrial accidents and occupational diseases (Article 21 (f) and (g)).

#### *Japan.*

*Article 10 of the Convention.* On 30 June 1956 the total number of labour standards inspectors was 2,349 and that of mine inspectors 206.

In reply to the points raised by the Committee of Experts the Government supplied the following information:

*Article 9.* The Labour Inspectorate includes 571 technical experts and specialists, 325 of whom are engineering experts, 72 electrical experts, 50 chemistry experts and 13 medical experts.

*Article 12.* Under section 101 of the Labour Standards Law inspectors are empowered to enter any workplace for inspection at any hour of the day or night. The same is true of mine inspectors under section 35 of the Mine Safety Law. Mine inspectors are empowered under sections 25 and 36 of this Law to enforce the posting of notices.

*Article 20.* The publication of the most recent annual general report on the work of

the inspection services has been delayed for administrative reasons. This document was due to be published in the autumn of 1956.

#### Netherlands.

*Article 10 of the Convention.* In December 1955 the labour inspection service had a staff of 447 officials, or 19 more than in the previous year. Of this number 108 officials were attached to the central service, 315 to district offices and 24 to the harbour inspection service.

*Article 16.* In 1955 the labour inspectors carried out 168,875 visits to undertakings. In addition, 112,009 visits of supervision were made by the national police and 63,195 by the municipal police.

*Article 21.* The Government hopes to ensure that the report of the Labour Inspectorate for 1956 shall be supplemented by statistics of establishments subject to inspection and the number of workers employed in them.

The report states that in 1955 the Labour Inspectorate received 2,930 complaints regarding the observance of the various laws and regulations. The report also gives a detailed table of the cases which were dealt with.

#### Pakistan.

The Government has taken into consideration the observations made by the Committee of Experts in 1956, and amendments to the Factories Act, 1934, and the Mines Act, 1923, are being considered with a view to bringing the two Acts into agreement with Article 12, paragraph 1 (a) of the Convention.

Further, a draft amendment to the Factories Act, 1934 (text appended to the report) gives effect to Article 12, paragraph 1 (c) (iii) and (iv). and to Article 15 (b) and (c) of the Convention.

The Government is proposing to take the necessary steps to bring the Mines Act, 1923, into agreement with those provisions of the Convention which were mentioned in the observations of the Committee of Experts.

#### Sweden.

Notification No. 688 of 16 December 1955.

The Notification of 30 June 1938 concerning the special inspectors responsible for supervising loading and unloading of vessels has been replaced, in connection with the establishment of the Maritime Directorate, by Notification No. 688 of 16 December 1955.

#### Switzerland.

*Article 7 of the Convention.* A refresher course on radioactive substances and X-ray apparatus in industry was held in September 1955 for the staff of the federal Factories Inspectorate.

*Article 21.* The report draws attention to the offprint of *La Vie économique* of January 1956 and the passages of the report of the Swiss National Accident Insurance Fund for 1955, which include some of the details which are to be included in the annual report of the central inspection authority. Copies of these publications are appended to the report.

#### Turkey.

The draft public administrative regulations are still being examined. The Minister of Labour is continuing his efforts to improve the training of labour inspectors. In this connection it should be noted that the labour inspectors took a refresher course at the Labour Institute of Istanbul; further, the publication of the I.L.O., *Guide for Labour Inspectors*, has been translated into Turkish and distributed to the inspectors.

#### United Kingdom.

Mines and Quarries Act, 1954 (not yet in operation).  
Civil Service Commission Regulations (Revised) concerning competitions for appointment of inspectors of mines and quarries.

With regard to factories and other workplaces, and with a view to developing the factory labour inspection staff, a special one-year course was started in 1954 at Leicester Training College to give the necessary technical training to 12 junior factory inspectors. In addition, the Ministry of Labour and National Service has revised its "career" pamphlet to attract suitable applicants to the inspection service. The actual strength of the Factory Inspectorate at 30 June 1956 was 368 inspectors covering 96 districts; the authorised strength is 383 inspectors including 18 medical, 18 engineering and chemical, 14 electrical and 5 textile industry inspectors. The total number of wage inspectors (Wages Councils Acts and Catering Wages Act) as at 31 December 1955 was 200, including 52 women.

In respect of mines and quarries, the Government states that the Mines and Quarries Act, 1954, is now on the Statute Book, but that much work has to be done before it can be brought into operation. The authorised strength of the Mines and Quarries Inspectorate is 191 including 19 inspectors in the headquarters service in London. The Headquarters Mines and Quarries Inspection Service is under a Chief Inspector assisted by three Deputy Chief Inspectors and various specialised technical inspectors. For inspections outside London, the country is divided into eight divisions and each division into three or four districts. The number of inspectors at present in the service is below the authorised strength owing to the difficulty of recruiting suitable staff; as a means of solving this problem the salaries of inspectors have recently been raised and a new competition under the revised regulations is in progress. Owing to pressure of work in connection with the passage through Parliament of the new Act, the publication of the 1955 annual reports of the Chief Inspector of Mines has been delayed.

With regard to Part II of the Convention (Labour Inspection in Commerce) which was excluded on ratification, under Article 25, the Government states that it intends to introduce, as soon as parliamentary time can be found for it, legislation requiring proper working conditions to be provided in a wide range of non-industrial workplaces in Great Britain.

The report from Norway refers to the information previously supplied.

82. Social Policy (Non-Metropolitan Territories) Convention, 1947

*This Convention came into force on 19 June 1955*

Countries	Date of registration of ratification
Belgium . . . . .	27. 1.1955
France <sup>1</sup> . . . . .	26. 7.1954
New Zealand <sup>1</sup> . . . . .	19. 6.1954
United Kingdom <sup>1</sup> . . . . .	27. 3.1950

<sup>1</sup> See below the summary of reports on the application of ratified Conventions in non-metropolitan territories (article 35 of the Constitution).

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 <sup>1</sup> . . . . .	26. 7.1954
New Zealand <sup>1</sup> . . . . .	1. 7.1952
United Kingdom <sup>1</sup> . . . . .	27. 3.1950

<sup>1</sup> See below the summary of reports on the application of ratified Conventions in non-metropolitan territories (article 35 of the Constitution).

85. Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947

*This Convention came into force on 26 July 1955*

Countries	Date of registration of ratification
Australia <sup>1</sup> . . . . .	30. 9.1954
Belgium . . . . .	27. 1.1955
France <sup>1</sup> . . . . .	26. 7.1954
United Kingdom <sup>1</sup> . . . . .	27. 3.1950

<sup>1</sup> See below the summary of 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 the summary of reports on the application of ratified Conventions in non-metropolitan territories (article 35 of the Constitution).

Gualamala (First Report).

There are no laws or regulations on this

question. The Constitution of the Republic of Guatemala does not give the Convention a legislative character and, in order to obtain this, it must be approved by the National Congress.

The absence of any provisions on the question is due to the fact that Guatemala has no non-metropolitan territories. In ratifying the Convention the Government took into consideration only the advanced principles of social progress on which it is based.

## 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
Byelorussia. . . . .	6.11.1956
Cuba. . . . .	25. 6.1952
Denmark. . . . .	13. 6.1951
Dominican Republic. . . . .	5.12.1956
Finland. . . . .	20. 1.1950
France. . . . .	28. 6.1951
Federal Republic of Germany. . . . .	20. 3.1957
Guatemala. . . . .	13. 2.1952
Honduras. . . . .	27. 6.1956
Iceland. . . . .	19. 8.1950
Ireland. . . . .	4. 6.1955
Israel. . . . .	28. 1.1957
Mexico. . . . .	1. 4.1950
Netherlands. . . . .	7. 3.1950
Norway. . . . .	4. 7.1949
Pakistan. . . . .	14. 2.1951
Philippines. . . . .	29.12.1953
Poland. . . . .	25. 2.1957
Sweden. . . . .	25.11.1949
Ukraine. . . . .	14. 9.1956
United Kingdom <sup>1</sup> . . . . .	27. 6.1949
U.S.S.R. . . . .	10. 8.1956
Uruguay. . . . .	18. 3.1954

<sup>1</sup> In respect of Great Britain.

#### *Belgium.*

Royal Order of 21 February 1956.

The above Order fixes the conditions under which the trade union organisations of public servants may carry out their work in the offices of the judicial police officials of the Public Prosecutor's Department, and the safeguards provided for carrying out this work. The Order extends the benefits of the trade union rules to these officials and to the trade union organisations of which they are members.

By letter of 27 August 1956 the Government communicated to the Director-General of the International Labour Office the observations of a trade union organisation on the way in which the Convention is applied in Belgium. The organisation in question states: "the liberal trade unions still have to complain of their non-recognition by the Government in so far as concerns their representation on all the joint committees".

#### *Cuba.*

The Government submits the following explanations with regard to the observations made by the Committee of Experts:

(1) The Government has no power to make laws, this being within the exclusive jurisdiction of the Senate and of the House of Representatives. Public servants have their own organisation, which has just held a national congress. Public servants have not asked to be deprived of the special status provided for in articles 105 and following of the Constitution. According to the Government the Committee of Experts confused the formation of unions, that is the formation of class groups for the purposes of labour-management conflict, with the right of freedom of association. To amend the legislation it would be necessary for the Executive Power to apply to Congress to approve the reforms.

(2) There are no features either of Cuban law or of practice that are contrary to Article 3 of the Convention. Statutes of trade unions are drawn up in full freedom. Decree No. 2605 of 1933 merely provides that unions are not political parties subject to changing electoral considerations but permanent bodies that must, within the field of class conflict, promote the welfare of their members irrespective of the results of political election campaigns. It would seem absurd, for example, that these statutes should mention the support of a union for a particular candidate or political tendency. Every member of a union freely exercises his right to vote and to take part in political activities, and it is unnecessary for such matters to be mentioned in trade union statutes. The Government considers that the Committee of Experts should give a more precise indication of the discrepancy between the relevant section of Decree No. 2605 of 1933 and Article 3 of the Convention, since trade unions are fully entitled to draw up their statutes in full freedom, to elect their representatives, to organise their administration and activities and to formulate their programmes. Moreover, there have been no cases in which the public authorities have impeded the exercise of these rights. As in the previous case, if it were necessary to amend Decree No. 2605 it would be necessary for the Executive Power to apply to Congress.

The appointment of an inspector, who does no more than supervise, is always the result of a request by the workers' organisation concerned; there is no legal or practical drawback to doing without such an inspector's services or to engaging a notary instead.

In addition the appointment of an inspector is an optional act on the Government's part and it does not occur unless a request has been made by the employers' or workers' organisation concerned. Contrary to the assumption of the



Committee of Experts, the aim is not to limit the right to organise but to guide proceedings. In no case could an inspector coerce a large assembly. The amendment of this provision could be carried out by the Executive Power directly.

As regards the other points on which the Committee of Experts asked for information the Government replies as follows:

(a) The provisions applied in the elections of trade union leaders are sections VII and VIII of Decree No. 2605 of 1933, according to which the rules must specify how the executive committees are to be appointed; (b) freedom of meeting is guaranteed by article 37 of the Constitution of Cuba; (c) there are no specific provisions relating to international federations and confederations apart from section 13 (d) of Decree No. 1123 of 1943, which reads as follows: "the maintenance of the necessary relations with other national and international organisations that further the development of their affiliates in the intellectual and cultural fields, etc. . .".

#### ✓ *Denmark.*

Act No. 301 of 6 July 1946.

The report supplements the information given in writing to the Conference in 1956. It states that one of the judges of the arbitration court is a judge of the Supreme Court who acts as chairman. The report adds that when a case is brought before the arbitration court, the court is joined by a member appointed by the Government Department concerned and a member appointed by the organisation concerned.

#### ✓ *France.*

Act No. 56-416 of 27 April 1956 to ensure freedom of association and protection of the right to organise.

The object of the above-mentioned Act is to put an end to the attacks on the free exercise of the right to organise which have been made in certain occupations and, in particular, against the press. The Act includes the following provisions:

(1) Employers are prohibited from (a) taking into consideration the membership of a trade union or the exercise of any trade union activity in making their decisions with regard to engagement of staff, the carrying out and apportionment of the work, vocational training, promotion, remuneration and the grant of social benefits, disciplinary measures and dismissal; (b) deducting the trade union contributions from the wages of their staff and paying them instead of their being paid by the workers.

(2) The Act declares null and void any agreement which obliges the employer to engage or retain in his service only members of the trade union holding the trade union mark or label.

(3) The Act provides for the following penalties for persons who contravene the preceding provisions: a fine of from 4,000 to 24,000 francs inflicted by the police court magistrate for a first offence; a fine of from 24,000 to 240,000

francs inflicted by the court of summary jurisdiction for a second and further offences, these fines to be inflicted as many times as there are persons concerned.

#### ✓ *Guatemala (First Report).*

Labour Code (L.S. 1947—Guat. 1).

No provision of the Constitution of Guatemala gives legal force to treaties, which therefore have to be approved by the National Congress.

*Article 2 of the Convention.* Section 209 of the Labour Code recognises that all employees or employers or persons carrying on an occupation or trade on their own account have the right to form industrial associations freely. Non-Guatemalan workers may join such associations, but they may not be members of the executive committees (section 223 (b)).

To begin their activities industrial associations must procure an authorisation from the Executive, which must be granted, together with the status of body corporate, through an order of the Ministry of Economic Affairs and Labour. This order is to provide for the registration of the association. For the purpose of obtaining an authorisation an application must be submitted to the Administrative Labour Department, together with copies of the constitution and rules. The head of the department reports on the application to the Ministry of Economic Affairs, which issues the necessary order.

*Article 3.* The right to draw up the rules in full freedom is implicit in the second paragraph of section 218 (which states that the application must be accompanied by copies of the rules). Section 221 (h) provides that the rules must state the amount of the ordinary and extraordinary contributions, the number of times in each year when such contributions may be levied and the amount which may be demanded, and other provisions of a financial nature. According to section 222 (a) the election of the members of the executive committee or advisory board shall be reserved exclusively to the general meeting.

According to section 222 the following rights and duties are to be reserved exclusively to the general meeting: the approval of collective agreements and other agreements generally applicable to the members of an association; the declaration of strikes; the approval of amalgamation with another association and the decision respecting the adhesion of the association to a federation; and a decision, by a two-thirds majority of the whole of the members of the association, to expel any members. According to section 222 (l) the general meeting is the supreme directive authority of the association.

*Article 4.* Guatemalan legislation does not provide for the case of suspension. Dissolution may be ordered by a judge or through administrative channels. In this second case the members of an association may apply to the Supreme Court of Justice for a writ of prohibition to allow the measure to be reconsidered.



*Article 5.* Section 233 of the Code provides that two or more industrial associations of employees or three or more industrial associations of employers may form a federation, and that federations of such associations may form confederations, which may be national or regional or formed for specified branches of production.

The law makes no specific provision for the right to join international organisations, this right being exercised in practice in accordance with the principle that no person may be prevented from doing anything that is not expressly prohibited.

*Article 6.* Federations and confederations are governed by the provisions applicable to industrial associations (section 233).

*Article 7.* In order to operate lawfully workers' and employers' organisations must acquire the status of bodies corporate. The acquisition of such status is not subject to conditions that limit the rights referred to in Articles 2, 3 and 4 of the Convention.

*Article 8.* In Guatemala the laws are generally applicable once they have been published in the official gazette. The legislation is applied to individuals and corporate bodies without distinction, so that general provisions are applicable to trade unions.

*Article 9.* Freedom of association does not apply to the armed forces or the police.

*Article 10.* According to the Guatemalan legislation a trade union is any "permanent association of employees or employers constituted exclusively for the study, advancement and defence of their common economic and social interests".

*Article 11.* Section 211 of the Code provides that the Executive, through the Ministry of Labour and subject to the responsibility of the Ministry of Labour, shall be bound to define a national policy for the protection and development of the industrial association movement.

No decisions of courts of law have been given with regard to the application of the principles of the Convention.

No observations have been received from the workers' and employers' organisations.

#### Mexico.

*Article 8 of the Convention.* The right to organise is regulated by the National Constitution and by the Federal Labour Law. Trade union officials are subject to the provisions of these texts and may be punished if they contravene them. Under section 684 of the Federal Labour Law the authorities empowered to impose penalties, each within its respective sphere of jurisdiction, are the governments of the states and territories, the Chief of the Federal District Department, the Secretary of Labour and Social Welfare, and the Secretary of Public Education.

#### Norway.

In reply to the request of the Committee of Experts the Government states that employees in government services can be divided into

two main groups. One of the groups comprises employees who are paid out of public funds and who are not covered by the Act of 5 May 1927 concerning labour disputes. As regards organisations in this group, the right to organise and to negotiate on questions of pay and conditions of work is laid down in the Act of 6 July 1933, concerning the right to negotiate for civil servants. The Act does not limit the right of civil servants to acquire membership in organisations for such employees. It does, however, for various reasons, contain certain conditions to be complied with by an organisation before it can demand the opening of formal negotiations with the government administration on general matters of pay and conditions of work. The organisation must not take on as members persons other than present or previous civil servants in the branch or group concerned, and it must represent mainly salaried employees in that branch or group. The report indicates that the conditions stipulated do not involve any limitation of the right of civil servants to form organisations and that the Act of 1933 was the outcome of an agreement between the Government and the employees' organisations concerned.

As regards employees in the public sector not covered by the Act of 1933, they may form associations subject to the same conditions as workers in the private sector, i.e. they are entirely free to form organisations of their choice and to become members of them.

Only persons in government service who are paid out of public funds may join the organisations covered by the Act of 1933.

Organisations which comprise both government employees and persons employed in the private sector are therefore not recognised as having the right to bargain collectively. Such organisations have, as a rule, formed special sections for civil servants which according to the Act of 1933 may be recognised as having the right to negotiate if the other conditions are complied with.

Under article 75 (d) of the Constitution the national budget is voted by the Storting. Therefore, any measures relating to the remuneration and other conditions of employment of civil servants which have budgetary repercussions call for a decision by the Storting. Prior to any such decision, however, consultations and negotiations take place between representatives of the Government and representatives of civil servants' organisations.

In the case of workers covered by the Act of 1933, it has been decided that the total number of civil servants' representatives at a group or organisation negotiation should not exceed five. If the negotiations are carried out by a central federation, the number should not exceed ten, and if more central federations participate, the number should not exceed 20. Apart from this provision, no formal conditions have been laid down for the participation of organisations in negotiations relating to matters of pay or conditions of work.

In practice, negotiations concerning general questions relating to pay are conducted in the first instance between representatives of the Government and of the three central civil servants' federations. If the negotiations are

successful, the small independent organisations are given an opportunity to state their views on the outcome. In principle, minor organisations enjoy the same privileges under the Act of 1933 as central federations.

As regards labour questions of general interest, the public authorities generally contact the Norwegian Employers' Federation and the General Federation of Trade Unions before taking a decision. The other organisations are consulted on all matters of direct concern to them or of particularly far-reaching consequences.

For employees in the public sector who are covered by the Labour Disputes Act of 1927 the same arrangements apply as in the private sector. Trade union organisations participate freely in negotiations concerning remuneration or other conditions of employment. In case of failure of the negotiations, the provisions of the Act of 1927 relating to conciliation (Chapter 3) apply.

The conditions of pay of most government employees are regulated by the pay regulations adopted by the Storting for government services. These regulations apply to all workers throughout the country who are covered by the Act of 1933. The regulations are in principle valid for an indefinite period and may be altered only by the Storting itself. As regards government employees covered by the Act of 1927, collective agreements valid for a limited period have been concluded in the same way as in the private sector.

Compulsory conciliation and arbitration have not thus far been applied to civil servants covered by the Act of 1933.

No studies of principle concerning the question of strikes or lockouts in the public sector have thus far been undertaken. The legal department of the Ministry of Justice examined the question some time ago and expressed the opinion that, normally, public officials should not enjoy the right to strike.

Civil servants covered by the Act of 15 February 1918 enjoy the right to strike. This Act, however, provides that advance notice must be given of any work stoppage contemplated by civil servants, and where such stoppage is likely to prejudice important interests of the community, the civil servants may be ordered to continue in service for up to three months after the expiry of the period of notice (section 27). In this case the service is of a compulsory nature.

Civil servants covered by the Act of 1927 are placed on an equal footing with workers in the private sector as regards work stoppages.

#### *Pakistan.*

The report gives the following information with respect to a number of cases involving questions of principle relating to the application of the Convention:

(a) With regard to the Pakistan Telegraph Association, East Bengal, the appeal filed by the Posts and Telegraph authorities in the High Court against the decision of the Assistant Session Judge, Dacca, exonerating all the accused persons from all the charges framed

against them, was rejected and the persons concerned were honourably acquitted by the Court.

(b) In the case of the Karachi Airport Workers' Union, on subsequent inquiry from the Labour Ministry it was revealed that the persons in question were discharged and punished by the authorities concerned, for violation of the conditions of their service and for insubordination and inefficiency, and not because they were members of the union. As the facts in support of discharging and punishing the workers were convincing, the question of their reinstatement does not arise. It may be added for the information of the Committee that the Government has already issued strict instructions to authorities concerned not to allow penalisation of persons for their genuine trade union activities.

(c) With respect to the N.W.R. Workers' Trade Union, this case was included erroneously as no complaint regarding victimisation of workers was ever received from this union.

In the case of the Lever Brothers and Associated Companies Employees' Union an employee was dismissed from service on account of his having led a deputation and collected donations from a stockist of the company. As this action of the employee was against the disciplinary orders of the management the action taken against the employee did not amount to victimisation.

In the case of the Pakistan M.E.S. Workers' Union, Peshawar, more than 100 workers were discharged. On behalf of the workers it was represented that this action of the M.E.S. authorities was not legal as the employees were not served with any notice to this effect. It was therefore demanded that the discharged personnel be reinstated. On an inquiry it was found that the discharge was effected on written orders by the authorities and not on account of their trade union activities but due to certain administrative considerations.

The case of the Pakistan M.E.S. Workers' Union, Karachi, was erroneously reported. There was no victimisation ever complained of by the union.

(d) With regard to the Karachi Airport Workers' Union, agreement has since been reached between the parties and the dispute resolved amicably.

The workers of the C.O.D. Workers' Union, Rawalpindi, were arrested not because of their trade union activities but for contravention of the provisions of the Essential Services (Maintenance) Act. They were, however, released on bail but they persisted with their illegal activities even after their release. They were therefore rearrested and prosecuted by the district authorities under the Punjab Public Safety Act. Later on the persons accused were acquitted by the Court and the authorities concerned were asked to reinstate them in service and stated that normal departmental action had been initiated against the workers individually. They were properly charge-sheeted and afforded adequate opportunity to defend themselves; when found guilty, they were given "Show Cause" notice under section 240 (3) of the Government of India Act. Those whose explanations were not satisfactory were dis-

charged from service and others were reinstated. No appeal was received within the prescribed period from the discharged persons, and as such the question of their reinstatement does not arise.

In the case of the C.O.D. Workers' Union, Drigh Road, the central conciliation machinery was instrumental in bringing about a settlement. Since then, no complaint has been received from the union and as a result of this it can safely be stated that the matter had been settled to the satisfaction of the workers.

With respect to the other matters on which information was requested by the Committee, the following information is given:

Government employees are divided into two categories: industrial and non-industrial. Non-industrial employees or the civil servants are not allowed to form trade unions, nor can they affiliate their associations with associations of trade unions as their conditions of service are different from those of other workers. They are, however, allowed to form service associations provided that such associations comply with the conditions laid down in the Cabinet Secretariat's Notification of 30 August 1948, a copy of which is appended to the report. In particular, in order to be recognised according to the Notification, each association of government non-industrial employees must consist of a distinct class of employees and confine its membership and its office-holders to such class, with the exception that an association of Class IV employees—the lowest class—may choose office-holders from among the members of a recognised association of a higher class. The recognised association may submit representations only on matters of common interest to the class of workers whom it represents, but the departmental head concerned has discretion whether or not to receive a deputation from any association. Recognition may be withdrawn if an association seeks to put forward its representations through the press or by giving publicity to them, and may be refused or withdrawn if an association is connected with any political party or organisation, or engages in any subversive activity or indulges in criticism considered detrimental to the interests of the State. Annual leave will be granted, when possible, to employees who are representatives of a recognised association, in order to enable them to attend its duly constituted meetings, but this is subject to exigencies of service of which the official empowered to grant leave is the sole judge.

So far as the activities of unrecognised trade unions of industrial workers of the Government are concerned, no restrictions are imposed on their activities and their grievances and demands are duly looked into by the official conciliation machinery and efforts made by it to secure redress of their grievances.

As regards the election of trade union leaders and dissolutions of industrial workers' organisations, provisions are already there in the Trade Union Act, 1926 (see section 6, read with section 27) which, *inter alia*, provides for (a) the manner in which the members of the executive and the other officers of the trade union shall be appointed and removed, and (b) the manner

in which the trade union may be dissolved. No such provision in national legislation exists for associations of civil servants.

### *Philippines.*

Act No. 875 of 17 June 1953 to promote industrial peace and for other purposes.

Workers' organisations may be formed under the constitutional guarantee without regard to the provisions of any special law, or under the Corporation Law for the purpose of acquiring a legal personality and limiting the liability of their members for the acts of the association.

Unregistered workers' organisations are not subject to any regulation concerning internal administration; they have the right to lay down the conditions for membership, to elect their officers and representatives in full freedom and to organise their programmes and activities and give publicity thereto without restraints specially imposed on them.

The refusal or cancellation of the registration of a workers' organisation does not amount in law to a dissolution or suspension, and the organisation concerned may continue legally to exist and to deal with employers willing to negotiate with it. The dissolution of a non-registered union, like its operation, is an internal affair and the Department of Labour has no authority over it.

A labour organisation that has not registered with the Department of Labour has no legal personality as such under Act No. 875 (the Magna Carta of Labour) and therefore acquires no rights under the said law.

By registration a labour union acquires legal personality and the rights and privileges of legitimate labour organisations, which include the right to bargain collectively on behalf of its members and the right to be certified as the exclusive representative of the employees in an appropriate collective bargaining when so designated by majority of the workers. However, there is no provision in Act No. 875 preventing unregistered labour organisations from concluding collective agreements with employers willing to deal with them, although they have no legal personality, or appearing in proceedings connected with the exercise of the right to organise or to bargain collectively.

*Articles 5 and 6 of the Convention.* There is no special provision in the law concerning the right of workers' organisations to form, join or affiliate with larger national or international organisations, but the right is recognised in practice.

*Article 8.* There is no provision in Act No. 875 which may be considered as giving effect to this Article.

Section 11 of Act No. 875, which gives the employees of the Government the right to belong to a labour organisation which does not impose the obligation to strike or to join in strike, applies to the members of the armed forces and the police. Being employed in government agencies performing governmental functions they are prohibited from striking, unlike those employed in agencies having proprietary functions of the Government who may strike just like other employees in private firms.

Sweden.

The Government's report contains a number of decisions of courts of law and other decisions relating to the matters dealt with in the Convention.

Uruguay (First Report).

Constitution of 26 October 1951 (articles 39 and 57). Act No. 12030 of 27 November 1953 respecting the ratification of international labour Convention No. 87.

The right to form trade unions is guaranteed by article 39 and the first paragraph of article 57 of the Constitution of the Republic (freedom of association). The legislation must promote the organisation of trade unions, grant them tax exemptions, and lay down rules for granting them recognition as bodies corporate. The Act to implement this constitutional right has not yet been adopted, neither has the Ordinance to apply Convention No. 87, which is, however, under study by an official committee.

The lack of implementing legislation does not prevent the exercise of guaranteed constitutional rights, since under article 332 of the Constitution the lack of legislation providing for the implementation of a right may not limit or impede the exercise of such a right.

*Articles 1 to 7 of the Convention.* There is no legislation, and therefore the Convention itself applies.

Some of the existing unions have obtained corporate status, but those not having such status operate just as effectively. Act No. 10449 of 12 November 1943 respecting wages boards authorises the Government to recognise workers' organisations without corporate status in order that they may exercise the right of petition-

ing for the establishment of a wage board. They must produce a copy of the organisation's rules, a document certifying the appointment of office-bearers, a memorandum stating how long the organisation has been in existence and its objectives, and any other information that may be of use in showing what kind of organisation it is. The Government takes the following circumstances into account in connection with the issue of the necessary orders: age of the organisation; number of members; number of due-paying members; contents of the rules; and number of persons employed in the trade.

The Government has also set up five special tribunals within the Ministry of Industry and Labour to examine cases of discharge which may effect freedom of association and may consequently give rise to disputes. Act No. 10913 of 25 June 1947 respecting joint committees in public services prohibits the discharge of trade union leaders and ordinary trade unionists so long as they are performing their duties. A recent award of the Appeal Court has recognised the right of discharged workers to compensation for termination of employment on account of their trade union activities and during a strike.

The Government and its agencies grant full recognition to employers' and workers' organisations; they consult these organisations and call on their members to sit on advisory committees.

*Article 9.* The armed forces and the police are not covered.

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

*Austria, Finland, Iceland, Netherlands, United Kingdom.*

88. Employment Service Convention, 1948

*This Convention came into force on 10 August 1950*

Countries	Date of registration of ratification
Argentina . . . . .	24. 9. 1956
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 120 district employment offices, and there are 352 part-time offices and agents. The number of new applications for employment received during the year was 576,958. A total of 445,253 persons were referred to employers, while 312,105 were placed in employment (these figures include 15,869 migrants placed in their first employment after entry into the country). The number of vacancies notified to the Service during the year was 434,347.

Subjects upon which the Ministry of Labour Advisory Council made recommendations during the year included the employment of aged workers the employment of physically handicapped workers and seasonal employment problems.

Belgium.

Ministerial Order of 3 November 1955 to establish a National Specialised Advisory Board for Agri-

culture, attached to the National Placement and Unemployment Office.

Royal Order of 21 November 1955 to amend the Regent's Order of 26 May 1945 setting up the National Placement and Unemployment Office (L.S. 1955—Bel. 2 D).

Order of 21 February 1956 to amend the Royal Order of 31 March 1936 supplementing and consolidating the provisions with regard to the employment of foreign labour.

*Article 6 (b) (iv) of the Convention.* The Royal Order of 21 February 1956, which dispenses with a labour permit for Luxembourg nationals employed in Belgium, made labour more mobile at the international level. Until the coming into force of the Labour Treaty, signed on 7 June 1956 by the Benelux countries, the protocol which is at present being drawn up will also dispense with the compulsory labour permit for Netherlands workers employed in Belgium.

*Articles 4 and 7.* The Ministerial Order of 1955 established a national advisory board for agriculture, attached to the National Placement and Unemployment Office and composed of delegates from the most representative organisations of workers and employers, with chairmen independent of those organisations.

*Article 9.* In reply to the question raised by the Committee of Experts with regard to the status and stability of employment of the staff of the National Placement and Unemployment Office, the report states that the staff of that Office, although not governed by the statute for government servants, has a status and conditions of employment which are in conformity with those provided by the Convention. The staff in question is governed by provisional rules established by regulations after consultation with the representative trade union organisations. The Crown fixes the grades and the financial and administrative rules on the advice of a committee of management on which the employers and workers are represented.

*Article 10.* In order to promote the use of the employment service and to make the public aware of what has been accomplished with regard to occupational rehabilitation and apprenticeship, the National Placement and Unemployment Office and the City of Antwerp organised an exhibition on occupational rehabilitation, which was held in Antwerp from 26 May to 3 June 1956.

An appendix to the report contains the observations submitted by the General Union of Liberal Trade Unions in Belgium on the question of its representation on the National Committee for Placing and Occupational Protection of young workers and also on the advisory boards.

#### *Bulgaria.*

Decree No. 199 of 3 March 1952 respecting the administration of manpower reserves.

The administration set up by the above Decree is responsible for the planned recruitment of manpower. An inspection service has been set up within this administration to check on the appropriate utilisation of manpower.

See also under Convention No. 2.

#### *Canada.*

Unemployment Insurance Act of 11 July 1955 (L.S. 1955—Can. 2).

Unemployment Insurance Regulations of 26 September 1955, as amended 1 January 1956.

The above two instruments, which replace respectively the Unemployment Insurance Act, 1940, and the National Employment Service Regulations, 1949, apply the provisions of the Convention. In so far as the National Employment Service is concerned, they introduce no change in the principles and policies previously enunciated. However, many of the terms of the Convention, which were previously put into effect merely by administrative instructions and common practice, are now stated explicitly in the Act and new Regulations thereunder.

The *Labour Gazette*, official publication of the Department of Labour of Canada regularly supplied to the I.L.O., publishes monthly statistical information concerning the activities of the National Employment Service.

#### *Cuba.*

Consideration is now being given to the possibility of establishing a directorate for the Employment Service and a system more in accordance with the Convention when technical assistance on the subject has been given by the I.L.O.

Reports from various employment exchanges are appended to the report.

#### *Czechoslovakia.*

The Government replies to the points raised in the observations made by the Committee in 1956 as follows :

(1) With regard to questions of manpower policy and placement procedure there is consultation by the Ministry of Manpower, at the national level and the manpower departments locally, of the administrations of undertakings as well as of the trade union movement (Articles 4 and 5 of the Convention).

(2) In addition to other activities the manpower departments supply the more important branches of the national economy—by means of organised recruitment—with the manpower they require. They also balance the supply and demand for labour in general, on the basis of information concerning vacancies and applications for employment. This is done at the local, regional and national level.

(3) The staff of the manpower departments are State officials; they must possess the qualifications required for their posts and they are given special training to enable them to accomplish their tasks. Their employment status is regulated by legal provisions and cannot be revoked on other than legal grounds.

#### *Dominican Republic.*

Decree No. 1179 of 27 September 1955 to establish an official provincial register of unemployed persons.

Regulations No. 1480 of 9 February 1956 respecting the official provincial register of unemployed persons and the Employment Service.

The Government forwards the following information in reply to the observations made by the Committee of Experts in 1956 :

(1) A plan is now in preparation for the reorganisation of the Employment Service with a view to the introduction of a system more in keeping with local requirements and the spirit of the Convention.

(2) The Regulations of 1956 provide in section 4, paragraph (c), that those responsible for the keeping of the official provincial registers of unemployed persons must "assist and facilitate as may be required the movement of workers from one part of the country to another in accordance with their qualifications and the supply and demand of manpower". In order to attain this objective of matching applications for employment with the vacancies available, the officials in charge of the above-mentioned registers are in constant contact with the Central Employment Office.

(3) The Employment Service has contributed whenever necessary to the geographical and occupational mobility of labour, especially with a view to the establishment of new industries.

(4) The engagement of Haitian workers for the sugar plantations is regulated by a Convention between the Dominican Republic and Haiti.

(5) Section 411 of the Labour Code requires the Employment Office to provide information on employment to employers and workers, and section 417 provides that the registers of unemployed persons and the registers of vacancies must be available to the public for inspection.

(6) The Central Employment Office will co-operate with the social security and social welfare agencies in order to give the unemployed all possible assistance.

(7) The Central Employment Office is prepared to co-operate with other public bodies in preparing economic and social plans designed to improve the position of the unemployed.

(8) Section 25 of the above-mentioned Regulations provides that the criterion that the employment office will apply in placing physically handicapped workers will be the working ability of the person concerned, whatever the origin of his disability may be.

(9) The Regulations also state that technical assistance to workers with a view to vocational guidance is one of the functions of the Employment Service, which assistance is extended to persons under 18 years of age. The Employment Office also maintains liaison with various institutions run by the Department of Education in order to obtain information on the young people under 18 years of age receiving training in those institutions.

The staff of the Employment Service is recruited on the basis of ability, priority being given to persons with experience of labour affairs.

The report adds that during the period under review 9,619 applications for employment were received, 1,565 vacancies were notified, and 3,125 workers were placed in employment.

## France.

Decree No. 54-1212 of 6 December 1954 to determine, in so far as manpower is concerned, the conditions for implementing Decree No. 54-951 of 14 September 1954 to facilitate the adaptation of industry, the reclassification of manpower and industrial decentralisation.

Decree No. 55-205 of 3 February 1955 to establish in the Ministry of Labour and Social Security a Study and Research Centre with regard to employment and working conditions of young persons.

Order of 18 December 1955 to appoint the members of the Scientific and Technical Committee of the above-mentioned Study and Research Centre.

The report notes the provisions of the two Decrees and the Order mentioned above, which supplement the information given in previous reports with regard to Articles 6 and 8 of the Convention.

*Article 6 of the Convention.* Measures for vocational retraining and reclassification of manpower were enacted by the Decree of 1954 in order to facilitate, on the one hand, the geographical mobility of manpower, by making the State responsible for the costs involved in a change of domicile and, on the other hand, occupational mobility, by giving financial support to promote measures for the vocational retraining which changes in work and development of techniques in undertakings make inevitable. An important role falls to the manpower services, which are mainly responsible for determining whether the applicants are unable to take up posts again at the local level.

*Article 8.* A Study and Research Centre, attached to the Ministry of Labour and Social Security, was set up by the Decree of 3 February 1955 to study employment and working conditions of young persons, with a scientific and technical committee at its head, the composition of which was laid down by the Order of 18 December 1955. The committee selects the kinds of work, research and inquiries to be undertaken by the centre, and assesses the value of its work.

The business of this new body is to undertake any study susceptible of assisting young persons to adapt themselves to occupational life by determining the incidence of the various factors which govern the openings offered to the young population, and to promote the necessary measures for improving the position of the young persons in question.

## Federal Republic of Germany (First Report).

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

Act of 12 October 1929 to amend the Act respecting employment exchanges and unemployment insurance (L.S. 1929—Ger. 5 A).

Act of 5 November 1935 respecting employment exchanges, vocational guidance and the placing of apprentices (L.S. 1935—Ger. 11 A).

Directives for placement operations to be used by local employment offices (December 1950).

Act of 29 November 1951 respecting the location of the Federal Institution for Placement and Unemployment Insurance.

Act of 10 March 1952 respecting the establishment of a Federal Institution for Placement and Unemployment Insurance (L.S. 1952—Ger. F. R. 3). Administrative Regulations No. I, issued under the Act of 10 March 1952 respecting the establishment of a Federal Institution for Placement and Unemployment Insurance.



Act of 30 April 1952 to apply in the *Land* Berlin the Act respecting the establishment of a Federal Institution for Placement and Unemployment Insurance.

Statutes of 24 June 1953 of the Federal Institution for Placement and Unemployment Insurance, as amended 9 December 1955.

Act of 12 April 1954 to apply in the *Land* Berlin the Act respecting the headquarters of the Federal Institution for Placement and Unemployment Insurance.

Directives of 9 May 1955 of the Executive Board on the management of the Federal Institution for Placement and Unemployment Insurance.

The above legislation and administrative regulations, which give effect to Convention No. 88 in the Federal Republic of Germany, were neither enacted with a view to ratification of the Convention nor modified as a result thereof.

A comprehensive system of free public employment offices under central control had first been set up under the Act of 16 July 1927 respecting employment exchanges and unemployment insurance.

Following the collapse of the Reich in 1945, the functions of the central agency, i.e. the Reich Institution for Placement and Unemployment Insurance, were delegated to the regional employment offices. These latter offices carried on their additional duties as part of the administration of the *Länder* until the Federal Institution for Placement and Unemployment Insurance was established under the Act of 10 March 1952, and reassumed the functions of the former Reich Institution.

The Federal Institution for Placement and Unemployment Insurance, hereinafter referred to as "the Federal Institution" is the national authority responsible for the direction of the employment service within the meaning of Article 2 of the Convention. Its headquarters are at Nuremberg and, under the direction of its president, it exercises direct technical and operational supervision over the existing 12 regional employment offices and 208 local employment offices. The powers and duties of the president of the Federal Institution are set out in detail in the Act of 10 March 1952 and in the Statutes of the Federal Institution. These provisions are supplemented by directives issued by the Executive Board of the Federal Institution under the Act of 10 March 1952 in accordance with which the president directs the Institution's work.

The legal supervision of the Federal Institution is vested in the Federal Minister of Labour. It extends to ensuring observance of the Act and the Statutes. The Federal Government has the right to nominate one representative of the public bodies on the executive board and five representatives of the public bodies on the governing body of the Federal Institution. Further, it approves the over-all budget of the Federal Institution and is consulted in the appointment of the president of the Federal Institution and his permanent deputy and the chairmen of the regional employment offices as well as their permanent deputies.

The responsible co-operation of representatives of employers, workers and the public bodies in the organisation and operation of the employment service is ensured by provisions giving them joint responsibility for the administration of the Federal Institution under the

terms of the Act of 10 March 1952. Pursuant to these provisions an executive board (composed of nine titular and nine deputy members) and a governing body (composed of 39 titular and 39 deputy members) have been constituted at the head office level to act as the central authorities. A managing committee is attached to each regional and local employment office, i.e. a total of 12 regional and 208 local managing committees.

Each one of these organs (executive board, governing body and managing committees) is composed of an equal number of representatives of employers, workers and the public bodies, who elect their chairman and vice-chairman from among the employers' and workers' representatives. The latter are nominated by the most representative employers' and workers' organisations in the respective area. The representatives of the public bodies are designated by the competent authorities and represent the communal corporations, the *Land* governments and the Federal Government. Their presence as equal partners in the work of the autonomous administrative organs of the Federal Institution is recognition of the fact that a substantial part of the duties incumbent upon the employment service are closely connected with other duties of the public administration. However, representatives of the public bodies have no say in matters relating to unemployment insurance.

Arrangements pursuant to section 7, paragraph 1, and section 2, paragraph 2, of the Act of 10 March 1952 and to section 2 of the statutes ensure that the system of local and regional employment offices is adjusted when necessary.

Special directives for the placement operations carried out by the local employment offices have been issued in the form of uniform and binding instructions, which were last revised in December 1950. A copy of these directives is appended to the report. The specialisation of placement activities by occupations and by industries has been ensured through the establishment of special services for certain branches of industry or categories of workers, e.g. for agriculture, the building trades, the metal trades, office workers, etc. Special services have also been set up for particular categories of applicants for employment, such as severely disabled persons. A specialised central placement office caters, *inter alia*, for the particular requirements of the professions and technical and scientific personnel. This office also acts as a national clearing house for all occupations and is responsible for the recruitment and placement of workers abroad.

In all agencies of the Federal Institution special arrangements are made for the vocational counselling and placement of juveniles. The nature of such arrangements is determined according to local conditions and needs.

The staff of the Federal Institution includes employees appointed under contracts of employment governed by private law and a limited number of officials who possess indirect federal civil service status. Both categories must be fully qualified for their employment and the only condition for their appointment or dismissal is personal and professional aptitude without regard to origin, sex, religion, or political or trade union

activities or opinions. Continuing staff training courses are specially organised. Training supervisors have been appointed at all employment offices to organise the technical training of the staff on a uniform and systematic basis. A resident staff training school which will operate under the direct authority of the central agency is nearing completion. There is no compulsion to use the facilities of the public employment service. However, through a permanent and comprehensive public relations service both employers and workers are continuously encouraged to make extensive use of the placement, counselling and vocational guidance facilities made available to serve their interests.

Agencies and organisations which are authorised to carry on non-profit-making placement activities under the Act of 5 November 1935 respecting employment exchanges, vocational guidance and the placing of apprentices come under the control of the Federal Institution, thus enabling close co-operation to be achieved.

The Convention is applied in a uniform manner in the whole territory of the Federal Republic and in West Berlin.

The Federal Institution has its own inspection department to supervise the administrative management and working of its agencies. Inspection of the subordinate offices extends to all branches of the work done and covers all aspects of regional and local office organisation and operation. In addition, supervisory functions are also carried out by the Federal Audit Office in the field of financial planning and the administration of the Federal Institution.

The following statistical information on the activities of the Federal Institution and its employment agencies is supplied in the report: on 30 June 1956, 31,516 registered unemployed persons were temporarily assigned to relief projects specially organised for them and carried out with the financial assistance of the Federal Institution. On 15 June 1956, 415,646 persons were in receipt of unemployment benefit from the employment offices, 198,032 of whom were covered under the unemployment insurance scheme and 217,614 under the unemployment assistance scheme.

During the month of June 1956, 322,561 new applications for employment were registered.

Following the communication of the report to the representative organisations of employers and workers the German Federation of Trade Unions sent to the Government a communication (the text of which was appended to the report) stating that it was necessary to point out in an observation that the Federal Institution as such could not be considered as the "employment service" and stressing the limited scope of the functions of the Institution as regards the organisation of the employment market. In its view, an employment service has wider functions to fulfil—some of which are of a political character—than those carried out by the Federal Institution. It is the task of the Federal Institution to carry on placement and vocational guidance work on a voluntary basis and in accordance with the law, and to grant benefits in case of unemployment. The Federation concludes by saying that the organisation of the employment market is not the task of the

Federal Institution in its capacity as a self-governing corporate body.

In commenting on this observation the Federal Government states that it does not consider itself bound to make in its report the observation on this point to which the Federation refers. The Federal Institution set up as an autonomous corporate body of the public law represents the "employment service" in the meaning of the Convention. Its duties and functions follow clearly from the Act of 10 March 1952 and are listed in the Government's report. They do not include responsibility for the carrying out of employment market policy or other related tasks of a political character connected with the employment market or its organisation. Such matters come under the competence of the Federal Government.

The Government further points out that the observation made by the Federation of Trade Unions apparently has been influenced by the use in the official German text of the term *Arbeitsmarktverwaltung* (labour market organisation) to translate the English term "employment service". While the wider interpretation given in the above observation to the term used in the German text is not disputed, the Government makes it clear that in its report this term is used in the same meaning as the term "employment service" in the official English version of the Convention.

See also under Convention No. 2.

#### *Iraq.*

The number of workers registered at the six public employment offices during the period under review was 2,015: of this total, three-quarters consisted of unskilled workers, few of whom were placed in employment; the remaining quarter consisted of semi-skilled workers, a greater number of whom were placed.

#### *Japan.*

With regard to the observations made by the Committee of Experts at its 26th Session, the Government refers to the information it submitted during the 39th session of the Conference indicating that measures had been taken to facilitate occupational mobility by requiring prefectural governors to establish and operate Public Vocational Training Centres in accordance with standards laid down by the Ministry of Labour. With regard to specialisation, no employment offices specialising by occupation or industry have been set up, but some offices have a system whereby each member of the staff is in charge of a group of occupations and some offices in larger cities have branch offices specialising in referrals to casual or short-term jobs.

The Government appends to its report a statistical table showing that during the year under review the Employment Service was notified of 2,836,544 vacancies; job applications were received from 4,868,586 persons; 3,974,053 referrals were made; and 2,121,974 persons were placed in employment. For casual workers the corresponding figures, in man-days, are as follows: vacancies notified, 98,644,719;



applications received, 116,752,967; referrals made, 98,572,619; persons placed, 95,175,501.

#### *Netherlands.*

See under Convention No. 2.

#### *New Zealand.*

The great majority of persons seeking employment during the period were placed immediately upon enrolment; in June 1956 only 281 males and 19 females were registered for employment at the employment offices. The number of placements made by the exchanges during the period under review totalled 10,475 males and 4,893 females, while vacancies notified to exchanges and unfilled in June 1956 numbered 8,835 for males and 4,145 for females.

#### *Norway.*

Act of 29 June 1956 to amend the Unemployment Insurance Act of 24 June 1938.  
Decree of the Crown Prince Regent of 13 July 1956.

Four more joint placement offices have been opened. There are now 673 local placement offices, 62 of which are employment offices. In 562 municipalities the employment service is attached to the social insurance office, and in 49 municipalities special employment exchange officials have been appointed.

As a result of the extension of the scope of the compulsory health insurance scheme, current employment market statistics will as from the end of October 1956 include self-employed persons and independent workers, in addition to wage earners (with the exception of about 35,000 seamen serving in foreign trade, about 20,000 permanent employees of the Norwegian State Railways, and about 65,000 fishermen with fishing as their primary occupation).

Information is given concerning the use or loan of unemployment insurance funds to finance measures designed to relieve or counteract unemployment or to increase permanent employment opportunities in areas suffering from underemployment.

In order to assist the employment service to meet the needs of disabled persons, the Central Council for the Disabled publishes a roneoed paper "Rehabilitation", which is sent to the county employment offices. A booklet issued by the Labour Directorate urges employers to employ disabled persons.

A co-ordinating committee for vocational guidance, consisting of four representatives of the educational system and three representatives of the employment service, was set up on 15 December 1955 by the Ministry of Labour and Local Government. The task of this committee is to act as technical adviser to the Ministry for the purpose of improving vocational guidance in schools, to ensure a proper division of work and co-operation between schools and the employment service, to put forward proposals for the planning of courses in vocational guidance for teachers and students at teachers' colleges, and to act in an advisory capacity for the Ministry in questions concerning the young people's choice of education and occupation in general.

Two new posts for vocational guidance officers have been instituted since the last annual

report. There are now 30 vocational guidance officers.

In addition to annual staff meetings and training courses, a special course was held for principals of the county employment offices.

During the period under review the public employment offices registered 266,579 applicants and 221,051 vacancies, and placed 176,210 persons in employment.

#### *Philippines.*

The Government of the Philippines submits the following explanations in reply to the questions raised by the Committee of Experts last year:

(1) and (2). The ten local offices which were established and strategically located in major market areas of the country were not sufficient to serve the geographical areas proposed to be served by them but, under budgetary limitations, they were the most that could be established.

On 1 July 1955, owing to reduced appropriations, nine local offices were closed down and only the Manila local office was retained. This office serves the City of Manila and the neighbouring provinces of Rizal, Cavite, Bulacan, Batangas and Laguna. The budget proposals for 1957-58 contain recommendations for the establishment of local offices and the creation of ten regional offices throughout the country. Approval of these recommendations rests with the Congress of the Philippines, which meets in regular session once a year.

(3) Measures to appraise the operation of the Manila local office have been taken and changes have been effected from time to time to meet the operational needs of this Office.

(4) The National Employment Service Advisory Committee, created at the inception of the Service in 1953, was abolished on 1 July 1955 owing to lack of funds. No other advisory committee has been created since then.

(5) The present Employment Service is composed of a headquarters office and a local office in Manila. The headquarters office has administrative and supervisory functions. It is also the policy-making body, staffed with technical men who assist in the development of standard operating procedures as aids to employment service operations. The local office registers job applicants, conducts employer visits and carries out selection, placement and verification. It also conducts employment counselling and guidance and testing.

An Employer Relations Programme established in 1951 under the old Placement Bureau was merged with the Industrial Services Programme inaugurated in the local office.

The National Employment Service is currently engaged in a programme of Labour Market Information, making use, *inter alia*, of data furnished by government and private agencies. The programme includes forecasts on the area and over-all employment situation which have been useful in developing a national employment programme.

(6) Because of limited facilities the National Employment Service does not undertake specialised programmes for the handicapped or any of the special groups of applicants like

the aged, juveniles and others. As soon as funds become available a programme for the specialised group will be started in collaboration with other entities which are also engaged in similar activities.

(7) The staff of the Service is selected generally on the basis of civil service rules and regulations. Last year an examination for employment service officers was held to fill vacancies in the service. A programme of specialised training abroad has been worked out with the United States Government and non-governmental bodies. In addition, a general in-service training is required of new appointees and a specialised in-service training is given to those already in the service.

(8) The National Employment Service has conducted a series of conferences to which representatives of the employers and workers were invited. In these conferences, plans for co-ordinating the placement activities of these groups with those of the Service were laid out. It is hoped that the Employment Service's role in social and economic development will soon be recognised by government and private agencies and the public.

(9) A few non-profit private employment agencies are operating in Manila, mostly in universities and colleges, serving principally their own graduates and students. The Service has co-operated with them and, when requested, has assisted the agencies in their placement work.

Sweden.

The Public Establishment Advisory Board has during the period under review completed its investigation with regard to the actual organisation of the employment service. No final decision has been taken up to now by the Royal Labour Board on the basis of this inquiry.

Statistical information concerning the public employment service is contained in the annual report for 1955 of the Royal Labour Board.

Switzerland.

All the cantons, with the exception of Fribourg, have issued regulations to implement the

Federal Employment Service Act of 22 June 1951. However, the report states that the federal legislation may at present be enforced directly in that canton without it appearing necessary to establish cantonal provisions for enforcement.

*Article 7 of the Convention.* Special public utility institutions have been set up in various places (Berne, Zürich, Lausanne, Basle) for the placing and occupational reintegration of disabled persons by means of aid and mutual aid associations. The cantons concerned assist in financing them and the Confederation also contributes. As a general rule these institutions are responsible for the placing and reintegration in occupational life of persons in their district who are seriously or partially handicapped, with the help of the labour offices. This procedure has proved to be appropriate for the special conditions of the country.

During the period under review the employment service offices registered 84,367 applications for employment and 110,454 vacancies, and placed 38,724 persons.

Turkey.

*Article 3 of the Convention.* The number of regional employment offices rose from 11 to 12, and the number of employment bureaux from 30 to 34. In addition there are 12 employment agencies.

*Article 6 (c).* Methods employed in compiling employment statistics have been revised, taking into account the recommendations made by an I.L.O. expert on statistics.

*Article 7.* Work on the rehabilitation of the disabled is under consideration and it is hoped that it will be taken up actively next year.

United Kingdom.

In Great Britain the average number of employed applicants registered at employment exchanges during the period was 32,420; out of the over-all number of persons placed in employment during the period, 102,384 were already in other employment.

See also under Convention No. 2.

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

Countries	Date of registration of ratification
Philippines . . . . .	29.12.1953
Switzerland . . . . .	6. 5.1950
Syria . . . . .	1.12.1949
Union of South Africa . . . . .	2. 3.1950
Uruguay . . . . .	18. 3.1954
Yugoslavia . . . . .	20. 6.1956

Austria.

With regard to the observations made by the Committee of Experts, the report refers to

the information given in writing to the Conference Committee in 1956, and supplemented by the statements of an Austrian Government representative and workers' representative.

The Congress of the Chambers of Labour indicated that it supported the explanations given by the Government representative to the Conference Committee in reply to the observations of the Committee of Experts in 1956, but that it was doing its utmost to take all the necessary steps to ensure that the Austrian National Council should take a decision as quickly as possible on the Hours of Work Bill, which had been laid before it by the Government a long time ago.

In 1955 the Labour Inspectorate reported 230 infringements of the regulations regarding the nightly rest period for women and children in various branches of activity enumerated in the report.

#### *Belgium.*

Royal Order of 17 April 1956 respecting the nightly rest of women employed in the ceramics industry in the district of Verviers.

For women over 18 years of age covered by the above-mentioned Order the interval from 10.30 p.m. to 5.30 a.m. may be substituted for the interval from 10 p.m. to 5 a.m. fixed by section 8 of the Act respecting the employment of women and young persons.

In conformity with the wish expressed by the Committee of Experts, the provisions relating to consultation of the employers' and workers' organisations concerned before authorising the suspension of the prohibition of night work for women will be incorporated in the national legislation when it is revised; this revision is at present being examined.

The total number of women employed in the 18,032 industrial establishments visited by the labour inspectors during the period under review was 73,177. Five infringements were reported; one legal decision was given.

#### *Czechoslovakia.*

In reply to the observations made by the Committee of Experts in 1956, and to supplement the information supplied orally to the Conference Committee by a Government representative, the Government communicates the following information:

Although Czech legislation with regard to daily hours of work is drafted somewhat differently from the terms of the Convention, it nevertheless ensures, by its content and aims, the complete application of the provisions of the Convention. The legislation does not contain any special provision to restrict the nightly rest period to eight hours only. It provides that breaks between shifts shall include a period of eight hours during the night. Thus, although expressed in a different way, this provision goes even further than the Convention, since in fact it ensures for the workers a rest period of 16 hours between two shifts. The need for securing complete harmony between the terms of the legislation and the provisions of the Convention will be taken into account in all

later legislation on the subject. With the reduction of weekly hours of work to 46 for adults and 36 for young persons under 16 years of age, which will become effective as from 1 October 1956, the rest period between two shifts will be even longer. In the course of the second Five-Year Plan the working day will be reduced by stages to seven hours.

With regard to Order No. 19 of 1951, the Government refers to its report on Convention No. 4.

#### *Dominican Republic.*

In reply to the observations made by the Committee of Experts in 1956, the Government states that although section 219 of the Labour Code prohibits the employment of women in any kind of work after 10 p.m. and before 6 a.m., that does not mean that they are only given a rest period of eight hours. According to section 137 of the Code, women may not work more than eight hours a day and 48 hours a week; further, they may not begin work before 6 a.m. or end it after 10 p.m. The result of this is that the woman worker enjoys a rest period of more than 11 hours, including an interval of not less than eight hours.

In spite of the apparently wide scope of the exception provided by section 219 (6) of the Labour Code, the Ministry of Justice and Labour has not up till now authorised any exemption under these provisions. This shows that the phrase "generally authorised for special reasons" used in the paragraph in question only refers as a matter of fact to particularly serious cases endangering the national interest.

#### *France.*

Referring to the observation made by the Committee of Experts in 1956 on the question of the existing divergence between Article 5 of the Convention and section 22 (a) of Book II of the Labour Code, which does not provide for prior consultation with the employers' and workers' organisations when exceptions are authorised to the prohibition of night work for women in occupations connected with the national defence and in which the work is organised in shifts, the Government communicates the following information: section 22 (a) was added to Book II of the Labour Code by section 7 of the Legislative Decree of 21 April 1939, issued under the Act of 19 March 1939. The Act in question authorised the Government to take the necessary measures for the defence of the country, up to 30 November 1939, by Decree discussed by the Council of Ministers. The section is therefore, by its origin, an exceptional measure only justified by a state of war or at least of marked international tension. It is not being enforced at the present time and, if circumstances led to it being put into use, it goes without saying that the employers' and workers' organisations concerned would be consulted, as is indeed the usual custom.

An inquiry carried out by the Labour Inspectorate shows that the Convention is in general satisfactorily applied.

*Guatemala* (First Report).

Constitution of 11 March 1945.

Labour Code of 8 February 1947 (L.S. 1947—Guat. 1).

*Article 1 of the Convention.* Guatemalan legislation does not define the line of division which separates industry from agriculture, commerce and other non-industrial occupations, but merely gives definitions of different categories of workers: agricultural workers (section 138 of the Labour Code), homeworkers (section 156), domestic workers (section 161), transport workers (section 167) and workers at sea and on navigable waterways (section 175).

*Article 2.* Under the fifth paragraph of section 116 of the Labour Code, "night work shall be deemed to mean work which is performed between 8 p.m. on the one day and 5 a.m. on the next following day".

*Article 3.* Under section 148 (b) of the Labour Code, the employment of women at night is prohibited with the exception of sick nurses, domestic servants and other cases to be specified in the regulations or in default thereof by the General Labour Inspectorate. The said regulations shall be issued by the Executive, by an Order issued after hearing employers and employees, with the exclusive purpose of ascertaining to what extent the said prohibition can be applied with protective effect without injuring the harmonious development of the national economy.

Under section 272 of the Labour Code any contravention of a prohibitory provision shall entail a fine of not less than 100 and not more than 1,000 quetzals, except where expressly provided to the contrary or where the ordinary courts have power to impose separate penalties on account of the nature of the contravention.

*Article 4, clauses (a) and (b).* Under section 122 of the Labour Code the total hours of work, including overtime, shall not exceed 12 in the day, except in the event of a catastrophe or of imminent danger and provided that it is impossible without manifest risk of loss to replace the employees concerned by others or to suspend the work of those who are employed.

The use of the exception laid down in this provision is subject to the employers' obtaining a special authorisation in advance from the General Labour Inspectorate.

*Article 5.* The last paragraph of section 122 of the Labour Code stipulates that "in the event of a public disaster, the exception laid down in the first paragraph of this section shall apply provided that the overtime is necessary in order to avert the disaster or attenuate the results thereof".

*Article 6.* Since the exception provided in this Article is not applicable to Guatemala it has not given rise to any laws or regulations.

*Article 7.* No use has been made of this exception.

*Article 8, clause (a).* Under section 124 of the Labour Code the limitation of hours of work shall not apply to representatives of the employer and employees who work without immediate supervision by a superior. The same section further provides that the limitation shall not apply to employees in posts of supervision

or posts which entail mere attendance, and employees who perform work outside the premises of the undertaking, such as agents paid on a commission basis who are deemed to be employees.

Clause (b). The report refers to section 148 (b), quoted under Article 3 of the Convention.

*Article 9.* The report refers to section 116 of the Labour Code, quoted under Article 2 of the Convention.

The General Labour Inspectorate is competent to enforce the legislation mentioned above and to supervise this enforcement.

In this connection, the report refers to the information supplied in the report on the application of Convention No. 81.

Up to the present time the workers' and employers' organisations concerned have not made any observations with regard to the practical application of the provisions of the Convention.

*India.*

The provisions of the Mines Act with regard to night work were in general applied during the period under review. One complaint only was recorded with regard to the enforcement of the provisions, and six infringements were noted in the course of inspection, one giving rise to proceedings.

*Ireland.*

During the period under review four breaches of the provisions of the Convention were recorded.

*Italy.*

With respect to infringements of the law, about 110 orders were issued and 200 penalties were imposed during the period 1954-55; the corresponding figures for the period 1955-56 were 300 and 250.

*Netherlands* (First Report).

Mines Act of 1904 (Mines Regulations of 1939).

Labour Act of 1919 (L.S. 1922—Neth. 1).

Stonemasons Act of 1921 (L.S. 1921—Neth. 3).

Stonemasons Decree of 1923 (L.S. 1923—Neth. 3).

Decree of 11 September 1930 promulgating the text of the Labour Act of 1919, as last amended by the Act of 14 June 1930 (L.S. 1930—Neth. 2 B).

Act of 9 May 1935 to amend the Labour Act of 1919 (L.S. 1935—Neth. 2).

Hours of Work Decree for Factories and Workplaces of 1936 (L.S. 1936—Neth. 2).

Act of 18 June 1953 to amend the Labour Act of 1919.

Decree of 29 October 1953 to amend the Hours of Work Decree for Factories and Workplaces of 1936 (L.S. 1953—Neth. 2).

Act of 19 January 1955 to amend the Labour Act of 1919.

*Article 1 of the Convention.* The line of division provided in the second paragraph of this Article is determined by the definitions in the Labour Act of 1919 (sections 1 to 6bis inclusive) at last amended.

*Article 2.* Netherlands legislation does not provide for any different intervals for different areas, industries, undertakings, or branches of industries or undertakings.

*Article 3.* Under section 30, paragraph (2), of the Labour Act of 1919, care must be taken

to see that the periods worked by a woman during two consecutive days are separated by a nightly uninterrupted rest period of not less than 11 consecutive hours, including the interval between 10 p.m. and 6 a.m.

The Mines Regulations of May 1939 prohibit the employment of women on both surface work and underground work (section 175, paragraph 1).

Under section 1, paragraph (1) (c) of the Labour Act of 1919, a woman may not be employed during the night in a factory or workshop unless she is the wife of the head or manager of the undertaking or is herself employed as head or manager.

*Article 4, clause (a).* Cases of *force majeure* are provided for in section 83, paragraph (7) of the Labour Act of 1919, and section 206 of the Mines Regulations.

*Clause (b).* Under section 25, paragraphs (1) (b) and (2) (a), of the Labour Act of 1919, the employment of women during the night may be authorised by public administrative regulations. This provision was utilised up to 1 January 1954 for employing women on spitting herrings (sections 50 and 56 of the Hours of Work Decree for Factories and Workplaces of 1936). Since these provisions have become progressively less necessary in practice, the relevant sections were repealed by Royal Decree of 29 September 1953.

*Articles 5 to 7.* No use has been made of the provisions of these Articles.

*Article 8.* Sections 75 to 77 of the Hours of Work Decree for Factories and Workplaces of 1936 lay down that the provisions concerning periods of work and rest periods do not apply to persons who are at the head of a factory or workshop, or of a section of a factory or workshop, and are responsible exclusively or in part for the management of a factory, a workshop, or a section of a factory or workshop. A similar provision was inserted in the Mines Regulations of 1939 (section 207).

The labour inspectors are responsible for supervising the application of the provisions of the Labour Act of 1919, and the Stonemasons Act. In addition, the persons appointed under section 141 of the Penal Code and the State and municipal police are entitled to search out breaches of the laws which refer to the Convention; supervision of the application of the legislation respecting mines is the duty of the State Mines Inspectorate.

During the year 1955 two official reports were drawn up as a result of work done by women between 10 p.m. and 6 a.m. They concerned eight women employed in an undertaking for hulling barley, a factory for the manufacture of oatmeal, and a hairdressing establishment.

#### *New Zealand.*

In March 1956 the number of women employed in all registered factories was 45,427.

#### *Pakistan.*

With regard to the observations made by the Committee of Experts in 1956, the Government refers to the information communicated

by letter of 7 November 1956 to the effect that efforts are being made to complete all the necessary formalities with a view to introducing the Mines (Amendment) Bill before the next session of the Assembly.

In 1954 the number of women employed in factories was 13,478 (7,152 in seasonal factories and 6,326 in perennial factories). There were only 12 women employed in mines covered by the Mines Act of 1923.

#### *Philippines.*

Regulations issued under Act No. 679 of 8 April 1952, as amended by Act No. 1131 of 16 June 1954.

With reference to the observations made by the Committee of Experts in 1956, the Government states that section 1 of the above-mentioned Regulations contains a definition of the term "industrial undertakings" and of the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

With regard to the length of the nightly rest period fixed by section 7 (b) (3) of Act No. 679, which prohibits the employment of women between 10 p.m. and 6 a.m., while the Convention prohibits their employment for 11 consecutive hours, the Government states that, although the period provided is for eight hours only, women workers are not deprived of their nightly rest because those assigned to work during the last shift (2 p.m. to 10 p.m.) are not required to work the following morning on the first shift.

The provision by which night work of women may be suspended "after consultation with the employers' and workers' organisations concerned" (Article 5 of the Convention) will be added to section 7 (b) (3) of Act No. 679 when the amendments to the Act are recommended to Congress during its next session.

#### *Switzerland.*

With regard to the scope of the Factories Act, the Federal Court, when giving a decision on an appeal on 29 March 1956, ruled that artisan repair shops are industrial in character and are therefore subject to the Factories Act as soon as they reach the required size.

The scope of the Act was slightly extended during the period under review, the number of factories having increased from 11,682 to 11,849 between 1 July 1955 and 30 June 1956. The number of factory workers rose, between mid-September 1954 and mid-September 1955, from 564,311 to 587,998. In all probability the staff covered by the Act respecting the employment of women and young persons in arts and crafts increased in the same proportion.

There were 20 convictions for breaches of the prohibition of night work by women. The penalties imposed consisted of fines of from five to 1,000 francs.

#### *Uruguay (First Report).*

See under Convention No. 58.

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

*Cuba, Syria, Union of South Africa.*

## 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
Argentina . . . . .	24. 9.1956
Byelorussia . . . . .	6.11.1956
Cuba . . . . .	29. 4.1952
Czechoslovakia . . . . .	12. 6.1950
Guatemala . . . . .	13. 2.1952
India . . . . .	27. 2.1950
Israel . . . . .	23.12.1953
Italy . . . . .	22.10.1952
Mexico . . . . .	20. 6.1956
Netherlands . . . . .	22.10.1954
Pakistan . . . . .	14. 2.1951
Philippines . . . . .	29.12.1953
Ukraine . . . . .	14. 9.1956
U.S.S.R. . . . .	10. 8.1956
Uruguay . . . . .	18. 3.1954
Yugoslavia . . . . .	20. 2.1957

#### *Cuba.*

During the period under review 11 breaches of the provisions of the Convention were recorded.

#### *Czechoslovakia.*

In reply to the observations made by the Committee of Experts in 1956, the Government refers to the information given orally to the Conference Committee by the Government representative, and states that night work is not authorised for any young person under 16 years of age, except in bakeries. These provisions are contained in paragraph 88 of Act No. 227 respecting industrial undertakings, and require such undertakings to keep the lists of staff prescribed by Article 6 of the Convention. As from 1 October 1956 young persons of under 16 years of age will only work six hours a day, which will allow of a stricter application of the Convention.

With regard to the observation made by the Committee of Experts on Article 3, paragraph 3, of the Convention, this is a question of a mistake in translation, for the exemptions allowed by Czechoslovak legislation do not apply to young students but to pupils in training centres for reserves of state labour.

With regard to the length of the nightly rest period the Government refers to its report on Convention No. 89.

#### *India.*

Referring to the observations made last year by the Committee of Experts concerning the discrepancy between the provisions of section 4 (a) of the Rules both for railways and major ports and those of Article 3, paragraph 2, of the Convention regarding the obligation to consult workers' and employers' organisations before approving exceptions to the prohibition of night work, the Government states that it will take action to amend the Rules at an early date. However, no schemes of apprentice-

ship or vocational training have so far been submitted to the Central Government for authorisation of exceptions with regard to night work.

According to the information received from the States Governments 7,023 young persons were covered by the Convention and 14 contraventions were reported. As regards the Mines Act, according to the information received from the Chief Inspector of Mines, only one contravention relating to the night work of young persons came to notice. The employers concerned were warned or prosecuted.

The report for 1953-54 on the working of the Employment of Children Act was published in the April 1956 issue of the *Indian Labour Gazette*.

#### *Israel.*

With reference to the observations of the Committee of Experts of 1956 the report states that no permit under section 25 (c) of the Youth Labour Law has been granted. The Minister of Labour has instructed the Chief Labour Inspector not to grant such a permit without prior consultation with the Working Youth Organisation and the employers' organisation. This would seem to satisfy the requirements of the Convention. Should, however, a Bill be submitted in future to amend the law on other points, an amendment concerning consultation in respect of such permits will be included.

There is practically no night work in industry of persons under 18 years of age. Some representatives of Working Youth have put forward the argument that the strict provisions of the law are jeopardising the employment of young persons, and have suggested relaxations for those between 16 and 18 years of age; this argument was, however, rejected by all concerned.

#### *Italy.*

The report for the period 1954-55 states that section 10 of Act No. 25 of 19 January 1955 to regulate apprenticeship provides that for apprentices the nightly rest period must in all cases include the period between 10 p.m. and 6 a.m., as laid down in Article 2, paragraph 2, of the Convention.

The report for the period 1955-56 refers to the report concerning Convention No. 79.

As regards the number of contraventions, the reports refer to the information supplied in connection with Convention No. 6.

#### *Netherlands (First Report).*

Mines Act of 1904 (Mines Regulations of 1939).  
Labour Act of 1919 (L.S. 1922—Neth. 1).  
Stonemasons Act of 1921 (L.S. 1921—Neth. 3).  
Stonemasons Decree of 1923 (L.S. 1923—Neth. 3).

Decree of 11 September 1930 promulgating the text of the Labour Act of 1919, as last amended by the Act of 14 June 1930 (L.S. 1930—Neth. 2 B).  
 Act of 1931 to amend the Stevedores Act and Decree to promulgate the amended text (L.S. 1931—Neth. 3 B).  
 Decree of 15 May 1933 to issue general service regulations for railways (L.S. 1933—Neth. 3 A).  
 Act of 9 May 1935 to amend the Labour Act of 1919 (L.S. 1935—Neth. 2).  
 Hours of Work Decree for Factories and Workplaces of 1936 (L.S. 1936—Neth. 2).  
 Act of 18 June 1953 to amend the Labour Act of 1919.  
 Royal Decree of 11 July 1953 to adapt to the Convention the service regulations issued under the Railways Act and the Act respecting light railways.  
 Decree of 29 October 1953 to amend the Hours of Work (Factories and Workplaces) Decree of 1936 (L.S. 1953—Neth. 2).  
 Decrees to amend the Tramways Regulations.

*Article 1 of the Convention.* The above-mentioned legislative texts give a clear definition of their scope. It has not been necessary to define the line of division provided by paragraph 2 of this Article.

No use has been made of the exemption provided by paragraph 3 of this Article.

*Article 2.* Under section 30 (2) of the Labour Act of 1919, and section 59 of the Hours of Work Decree for Factories and Workplaces, of 1936, the work of a young person on two consecutive days must be divided by a night's rest of not less than 11 consecutive hours. For young persons under 16 years of age this rest period must include the interval between 10 p.m. and 6 a.m., while for young persons of 16 years of age and over it must include an interval of seven hours between 10 p.m. and 7 a.m.

The exception allowed by paragraph 3 of this Article is not provided for in Netherlands legislation.

*Article 3.* The legislation does not include any provision allowing young persons of 16 years of age or more to be employed during the night.

No use has been made of the possibility allowed by paragraph 4 of this Article.

*Article 4.* Owing to the Netherlands climate there has been no need to make use of the exception provided by paragraph 1 of this Article.

Section 83 (6) of the Labour Act of 1919 lays down the conditions under which night work may be "justified by circumstances". The report also refers to section 206 of the Mines Regulations and section 20 (8) of the Stevedores Act.

*Article 5.* No use has been made of this exception.

The following bodies are responsible for supervising the enforcement of the laws relating to the Convention : (1) the Labour Inspec-

torate (Labour Act and Stonemasons Act); (2) the National Mines Supervisory Body (Mines Regulations); (3) the Dock Labour Inspectorate (Stevedores Act); (4) the National Inspectorate of Circulation (Railways Act Light Railways and Tramways Act).

In addition, the persons appointed under section 141 of the Code of Criminal Procedure and the national and municipal police are empowered to search out infringements of the Labour Act, the Stonemasons Act and the Stevedores Act.

In 1955, 16 official reports were drawn up against persons who had obliged young persons to work between 10 p.m. and 6 a.m.; the fines inflicted were from three to 20 florins. During the same period five breaches of the provisions of the Mines Regulations of 1939 were noted.

#### *Pakistan.*

The Government refers to the information communicated by letter of 7 November 1956 in which it stated that the observations of the Committee of Experts in 1956 on section 8 of the Employment of Children Rules of 1955 and Rule 13 of the Consolidated Mines Rules of 1952, have been noted for necessary action. The observations of the Committee concerning section 46 of the Mines Act have also been noted. In respect of the enactment of the Bill to amend the Factories Act of 1934, the position is the same as previously reported.

During 1954 there were 818 children employed in factories covered by the Factories Act (680 in perennial factories and 138 in seasonal factories). No child was employed in mines covered by the Mines Act.

#### *Philippines.*

A division of Women and Minors was created within the Department of Labour to deal with the employment of women and children. With this increased personnel the Department will be in a better position to effect enforcement of the Woman and Child Labour Law.

With reference to the observations made by the Committee of Experts in 1956, the Government states that the Department of Labour will endeavour to abolish the defect of section 5 (b) of Act No. 679 when it presents its recommendation for amendment of the Act to Congress next year, so as to bring the Act into agreement with the provisions of the Convention.

#### *Uruguay (First Report).*

See under Convention No. 58.



## THIRTY-SECOND SESSION (GENEVA, 1949)

### 92. Accommodation of Crews Convention, (Revised), 1949

*This Convention came into force on 29 January 1953*

Countries	Date of registration of ratification
Brazil . . . . .	8. 6.1954
Cuba . . . . .	29. 4.1952
Denmark . . . . .	30. 9.1950
Finland . . . . .	22. 12.1951
France . . . . .	26.10.1951
Ireland . . . . .	21. 7.1952
Norway . . . . .	29. 6.1950
Poland . . . . .	13. 4.1954
Portugal . . . . .	29. 7.1952
Sweden . . . . .	18. 7.1950
United Kingdom . . . . .	6. 8.1953

#### Cuba.

Resolution No. 74 of 24 May 1956.

In reply to the observations made last year by the Committee of Experts, the Government has transmitted to the Office a copy of the above Resolution, which makes the General Department of Hygiene and Social Affairs of the Ministry of Labour responsible for the application of Parts II to IV of the Convention. The Resolution lays down, moreover, that the responsible Department shall draft, within the framework of the existing legislation on workers' hygiene, the necessary measures to ensure that the accommodation of crews on board ship is in accordance with the requirements of the Convention.

#### Finland.

The report refers to the written statement made by the Government to the Conference Committee in 1956, in response to the observation made by the Committee of Experts.

#### Poland.

Detailed legislation applying the provisions of the Convention are being drafted and will be communicated to the I.L.O. as soon as it is published. Considering the amount of work involved, it is not expected that such legislation will be enacted before the end of 1956 or the beginning of 1957.

However, the Convention is applied in practice during the construction or overhaul of vessels. The Polish Register of Shipping is responsible for the necessary supervision.

#### United Kingdom.

During the period under review use was made of the exceptions provided for in paragraph 5 of Article 1 of the Convention in respect of seven ships; modifications have been required to be made in the crew accommodation of 24 ships to which Article 18 of the Convention applies.

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

*Brazil, Denmark, France, Ireland, Norway, Sweden.*

### 93. Wages, Hours of Work and Manning (Sea) Convention (Revised), 1949

*This Convention is not yet in force*

Countries	Date of registration of ratification
Australia . . . . .	3. 3.1954
Cuba . . . . .	29. 4.1952
Philippines . . . . .	29.12.1953
Uruguay . . . . .	18. 3.1954

#### Uruguay (Voluntary Report).

*Articles 2 to 4 of the Convention.* National laws and regulations are in conformity with these Articles.

*Article 5.* The basic wages of first class seamen on board vessels of the National Port

Administration are 370 pesos per month, while those of second class seamen are 350 pesos. At the present rate of exchange these wages are above the minimum basic pay laid down in this Article.

*Article 6.* National laws and regulations are in conformity with this Article. The principle of equal pay for equal work is of general application in Uruguay. No collective agreement exists as the only shipping concern engaged in overseas trade is the National Port Administration which is a nationalised concern and all remuneration of staff is included in its budget.

*Article 7.* Food for the crew is provided at the expense of the National Port Administration.



*Article 8.* This Article is not applicable as present wages for Uruguayan seafarers are much above the standard laid down in the Convention.

*Article 9.* The provisions of this Article are unnecessary as the employer is an autonomous State undertaking.

*Articles 10 to 16.* The relevant provisions of Acts Nos. 5350 and 7318 are in conformity with these Articles and are more advanced than the Convention itself in some respects.

*Article 17.* The national legislation provides

that overtime shall be paid for at the rate of 1 per cent. of monthly wages, which is equivalent to more than one-and-a-quarter times the basic pay or wages per hour provided for by the Convention.

*Article 18.* Act No. 5350 forbids hours of work in excess of 48 per week, except in cases of absolute necessity and in all cases within the provisions of Articles 2 to 5 of Convention No. 1, which has been ratified by Uruguay.

*Articles 19 and 20.* The national legislation is in conformity with these Articles.

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 . . . . .	17.11.1955
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
Morocco . . . . .	20. 9.1956
Netherlands . . . . .	20. 5.1952
Philippines . . . . .	29.12.1953
United Kingdom . . . . .	30. 6.1950
Uruguay . . . . .	18. 3.1954

*Austria.*

Regulations governing public contracts were drafted by the Federal Ministry of Commerce and Reconstruction, and submitted to the Congress of Chambers of Labour, the statutory body representing workers. The Government appends to its report a copy of the observations on the regulations made by the Congress of Chambers of Labour. The Congress asks for the withdrawal of the draft in its entirety, on two grounds: firstly, the constitutional propriety of proceeding by way of regulations is questioned; secondly, the content of the proposed regulations is regarded as inadequate. The Congress points out that the Government is in fact trying to re-enact the Submission of Tenders Ordinance of 1909 by regulations, and considers that it is improper to by-pass the legislative authorities in this way; it suggests further that, because of these constitutional difficulties, the regulations might not be valid for the whole of the Federal Republic. As regards the content of the regulations, the Congress considers that, having regard to the provisions of the Collective Agreements Act and the Labour Inspection Act, the main provisions of the Convention which are of interest to it are those of Article 5, and that the draft regulations submitted to it give effect to neither of the two paragraphs of this Article.

The Federal Ministry of Commerce and Reconstruction states that, in view of the doubts

raised by the Congress of Chambers of Labour, the constitutional position requires further examination. The Federal Ministry of Social Affairs shares the view of the Congress of Chambers of Labour that the draft regulations would not fully comply with the requirements of the Convention. The two Ministries intend to resume discussions as soon as possible, with a view to reaching a satisfactory solution to the above-mentioned problems and bringing Austrian standards into line with the Convention.

*Belgium.*

Basic Royal Decree of 5 October 1955 respecting contracts of labour, supplies and transport on behalf of the State.

Royal Decree of 5 October 1955 to establish the Permanent Committee of State Specifications.

The purpose of the Basic Royal Decree mentioned above is to consolidate the regulations which govern contracts concluded by the State. An appendix to the Decree relates to the administrative contractual clauses common to all contracts and certain clauses special to some contracts. It includes a number of social provisions, some of which were inserted as a result of Belgium's ratification of Convention No. 94. For example, section 10 A ensures a measure of supervision over the solvency of subcontractors, and consequently protects the staff which they employ and avoids delays in paying for the work done. Although the Administration does not recognise any legal tie with the subcontractor, it nevertheless secures certain safeguards by the formal procedure of acceptance.

Section 30 affirms the principle of the enforcement of the laws and regulations governing industrial hygiene and labour protection; it authorises the workers' members of the joint committee concerned, duly commissioned, to enter the workplaces. Section 48 E provides that, out of the sums due to a contracting party, the Administration shall retain, ex officio, the gross amount of wages outstanding and social security contributions for the staff employed on the work in hand and bound to the contracting party by a contract of hire of services; the Administration transfers these sums to the person authorised to receive them.

The second Royal Decree of 5 October 1955, in order to comply with the provisions of Article 2, paragraph 3, of the Convention, provides that six members belonging to the most representative workers' organisations shall take part in the work of the Permanent Committee of State Specifications.

The duty of this Committee is to give its opinion on all proposals for amending the specifications and to suggest improvements.

Workers employed in undertakings which work for the State are governed, in the same way as all other workers, by social laws and regulations, and the collective agreements concluded by the joint committees for each branch of industry are applicable to the workers of the branch of industry concerned, whether the undertaking which employs them works for the State or not. It would appear to be difficult under these conditions to comply with the wish expressed by the Committee of Experts and to supply a list of the laws and the clauses of collective agreements applicable to these workers, since it would be necessary to draw up a list of the texts of all the labour legislation and collective agreements.

No distinction is drawn between workers in Belgium, whether the undertaking which employs them is working for the State or not.

#### *Cuba.*

Order No. 73 of 24 May 1956.

The above Order, which was made as a direct consequence of ratification of the Convention, is binding on the public authorities in general without exceptions of any kind, and requires them to consult the employers' and workers' organisations concerned.

Paragraph 1 of the Order is in conformity with Article 2 of the Convention. As regards Article 3 of the Convention, the Occupational Health Regulations must be observed by all, without distinction as to the contracting parties, even when the latter are public authorities.

Article 4 of the Convention is covered by paragraph 3 of the Order. Generally speaking the contracts make provision for cancellation on the grounds of non-compliance with the stipulations therein or the law in general. Article 63 of the Constitution, together with its implementing legislation, gives preference to the claims of workers over other liabilities.

The legislation has been published in the official gazette for enforcement and has been notified to the public authorities which conclude contracts with workers, such as the Ministry of Public Works and the National Development Commission.

#### *Finland.*

The scope of the collective agreements covers the whole country, and when the State is the employer it must fulfil the provisions of those agreements. As a result there is no question but that a public authority would give workers the wages, conditions of employment and, in general, the same status as is ordinarily enjoyed by other workers in the occupation concerned.

Paragraphs 3, 4 and 5 of section 3 of the

general rules concerning State contracts in the building industry, dated 1 October 1956, read as follows :

" Paragraph 3. The contractor is responsible for seeing that the laws, decrees and local building regulations together with any orders and instructions issued by virtue of those laws and regulations, are observed on building projects.

" Paragraph 4. The contractor is responsible for applying the same conditions of work on building projects as those in force for similar work under the collective agreement; he is similarly responsible, in the event that no collective agreements exist, for granting conditions of work as favourable as those prevailing in the same trade or industry.

" Paragraph 5. In appropriate cases the contractor is obliged to apply, without special compensation, the social services regulations adopted by the authority placing the order for the building work."

With reference to workers engaged in the transport industry, the Ministry of Communications and Public Works, when granting operating licences for passenger transport and goods haulage, stipulates that as regards the wages and other conditions of work for the staff and workers employed under a contract of service with the licensee, the provisions of the collective agreement in force in this industry are to be observed, and that the generally established conditions of work are to be applied where no collective agreements exist.

#### *France.*

Under section 1 of the Decree of 10 April 1937 respecting contracts by the State, départements, local and other public authorities, contractors engaged on public works must, at least eight days before work begins, send to the employment exchange detailed particulars of their labour requirements.

As regards work capable of being done by homeworkers, where no prefectural orders under section 33 et seq. of Book I of the Labour Code are in force to fix rates of remuneration, the Prefect must as a matter of urgency lay down the rates for home work, after consulting the appropriate advisory committee.

Various Decrees made under the Act of 21 June 1956, which established the 40-hour week, provide that employers must fix the hours of work, post up in all workplaces a notice indicating these hours, and send a copy of the notice to the Labour Inspectorate.

Under section 44 (b) of Book I of the Labour Code employers must maintain wages registers in which must be recorded the particulars set out on workers' pay slips. The registers must be numbered and initialled by the justice of the peace and must be produced when the labour inspector asks for them.

Standard forms of wages register or of the notices required to be posted in workplaces by the Decree of 10 April 1937 have never been officially prescribed, and specimen copies of such forms cannot therefore be supplied.

The Government states that the legislative provisions relevant to the application of the Convention are properly observed.

*Israel (First Report).*

Factories Ordinance of 1946, and Rules thereunder.  
 Act of 15 May 1951 respecting hours of work and rest (L.S. 1951—Isr. 2).  
 Social Insurance Act of 1953.  
 Organisation of Labour Inspection Act of 1954.  
 Financial Regulations issued by the Treasury.

*Article 1 of the Convention.* The Convention is applied by administrative regulations applying to all government contracts. These regulations also apply to contracts of municipal authorities in respect of which loans are being granted. In practice municipal authorities include in all contracts a "fair labour clause" in terms materially identical with those provided for by the Convention. Where expenditure does not exceed I£500 no formal contracts are signed, but even in these cases fair labour conditions are observed because orders are usually placed with approved contractors bound by collective agreements.

*Article 2.* Chapter XIII of the Financial Regulations issued by the Treasury lays down standard forms for contracts by state authorities. The standard "labour clause" reads as follows:

"For the performance of the contract the contractor will engage workers only through the general labour exchange supervised by the Ministry of Labour; the contractor will pay wages to the workers engaged in the performance of the contract and will maintain labour conditions as fixed for similar work in the same area by the trade union representing the greatest number of workers in the country, in the respective branch. The contractor will pay for the workers engaged in the performance of the contract dues to social insurance funds at the rates fixed by the trade union representing the greatest number of workers in the country for that branch."

Furthermore, the Standards Institute of Israel (a statutory body) has prepared standard forms for public works contracts and for building contracts generally, which contain provisions to the same effect as the above clause.

Persons tendering for contracts receive a specimen copy of the contract.

*Article 3.* Provisions regarding the health, safety and welfare of workers are contained in the Factories Ordinance and Rules and in the Organisation of Labour Inspection Act. Further, the standard contract provides that "the contractor undertakes to maintain safety conditions and conditions as to health and welfare as required by law, and in the absence of such requirements as may be required by the Labour Inspectorate".

*Article 4.* The regulations as to labour clauses in public contracts have been brought to the notice of contractors and trade unions. Public officers authorised to sign contracts are responsible for compliance with the regulations. As almost all the workers employed on public contracts are organised and covered by collective agreements, there is no need to bring the conditions of work specially to their notice.

Records of time worked and of wages paid are maintained under the Hours of Work and

Rest Act, the Social Insurance Act and in connection with the Income Tax Act.

The fulfilment of public contracts is supervised by the responsible public officer and, indirectly, by the trade unions.

*Article 5.* Non-observance of the "labour clauses" constitutes a breach of contract. Money may be withheld for due payment of wages. The need for such measures has not arisen, but there have been cases of withholding money for payments to the Workers' Insurance Fund.

*Article 7.* No areas are excluded from the general regulations. In the south of the country climatic and transport conditions justify special compensation to workers; more favourable conditions have been agreed by the trade unions and employers, and are observed in the case of public contracts.

The Ministers in charge of ministries entering into public contracts (Ministries of Labour, Transport, Defence, and Trade and Commerce) are responsible for observing the regulations. The State Comptroller-General checks whether public contracts are being duly fulfilled. Public officials in charge of the general fulfilment of the contract also supervise the fulfilment of the labour clauses contained therein.

Public contracts are generally awarded to approved contractors, who either are bound by collective agreements or observe labour conditions prescribed by the trade unions, to which more than 80 per cent. of the workers belong. These factors, combined with the fact that workers are engaged only through the general labour exchange, guarantee full compliance with provisions of the Convention.

*Italy.*

Ministerial Order of 10 May 1955.  
 Ministerial Order No. 3309 of 29 February 1956.  
 Ministerial Order No. 727 of 2 August 1956.

Contracts for work or services concluded by the State Railways provide that, on failure by the contractor to perform his obligations towards his employees (as regards wages or other remuneration, insurance, welfare, etc.), a deduction of 20 per cent. is to be made from payments on account or, where the contract has been completed, payment of any balance due is to be suspended pending settlement of claims. Specifications for contracts of the State Railways also provide for direct payment by the railways of wages and insurance payments on the contractor's default. Severe sanctions are imposed for failure to meet wages or insurance obligations.

The Ministerial Orders of 10 May 1955 and 29 February and 2 August 1956 have made further provision for railway concessionaries. The first two provide for the extension of the public servants' national welfare scheme to certain concessionaries and for a system of substitutes to ensure due rest for level-crossing keepers and their dependants. The Decree of 2 August 1956 has extended the length of concession contracts from three to nine years.

A Bill to consolidate the rules governing railway concessionaries is being prepared.

*Netherlands.*

The Government states that a clause has been inserted in the specifications for public contracts whereby the wages and other conditions of work in force must be applied when the work in question is being carried out. The specifications constitute an integral part of public contracts.

*Philippines.*

The Department of Labour will endeavour in the near future 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.

The Department of Public Works and Communications is the agency responsible for public contracts. In future conferences with officials of this Department, attention will be drawn to the provisions of Convention No. 94 and the inclusion of appropriate labour clauses in public contracts will be recommended.

*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.

*Uruguay (First Report).*

The Government states that in all the special Acts passed in Uruguay for public works such as buildings, highways, roads, streets, etc., and in all works contracted for by independent authorities (State electricity and telephone

undertakings, the national agencies for fuel, alcohol and Portland cement, the oceanographical and fisheries service, State health undertakings, municipal transport undertakings, etc.), workers are guaranteed equality of treatment with workers carrying out the same work in the corresponding private occupation or branch of private industry.

The Government adds that wages may be altered while a project is in progress, and in works for which tenders are invited provision is made for this eventuality by stipulating that all increases of wages that may come about after the contracts have been awarded will be a charge on the State, as are any other additional costs that may be incurred on account of amendments in the labour laws in force for the time being or the provisions of new legislation. There are a large number of precedents connected with the wages and annual holidays legislation.

The Ministry of Public Works has set up a Social Legislation Inspection Division, the purpose of which is to ensure in works let out on contract strict compliance with the labour law in force and the settlement of disputes.

*Article 2 of the Convention.* The requirements of this Article are given full effect and are implemented by means of legislation, the system of awards and collective agreements not being used.

*Articles 3 and 4.* The requirements of these Articles are covered by the relevant national laws.

*Article 5.* The sanctions called for by this Article are applied more strictly than the Convention demands.

*Article 7.* The areas referred to in this Article do not exist in Uruguay, and the laws are enforced uniformly throughout the country.

## 95. Protection of Wages Convention, 1949

*This Convention came into force on 24 September 1952*

Countries	Date of registration of ratification
Afghanistan . . . . .	7. 1.1957
Argentina . . . . .	24. 9.1956
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
Hungary . . . . .	8. 6.1956
Italy . . . . .	22.10.1952
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

*Austria.*

The Austrian Congress of Chambers of Labour, the statutory body representing workers, con-

siders that Article 11 of the Convention is not implemented in Austria. In the Congress's view, privileged claims by employees should be paid in full not only before other claims are met, but even before other claims are investigated.

The Federal Ministry of Justice does not share this view; it considers that paragraph 2 of Article 11 does not affect the date for making claims, but merely explains the privilege granted to workers by paragraph 1 in respect of claims for wages, by requiring that such claims shall be paid in full before other creditors receive consideration. The Government refers to a memorandum on the interpretation of the Convention drawn up by the International Labour Office as confirming the view of the Ministry of Justice.

*Cuba.*

The Government states that article 64 of the Constitution covers all the requirements of the Convention. In addition, this article confirms

the practice deriving from the Act of 23 June 1909, which remains in force, as is also section 47 of Decree No. 798 of 1938.

Both the Constitution and the other legal provisions now in force prohibit payment in any form other than money of legal tender. The exception to the rule is payment in kind (plentiful and healthy food, hygienic and separate accommodation). Spirits and noxious drugs are excluded for obvious and legal reasons, since they cannot be regarded as an integral part of wages. The courts in construing the legislation go so far as to allow the worker to refuse certified cheques and to insist on payment in money of legal tender. Payment in kind is not a right of the employer, but must of necessity proceed from a contract of employment which requires the assent of the worker, who is not compelled to accept payment in this form.

The Department of Health and Social Welfare collaborates with the Ministry of Health and Social Assistance in the task of ensuring that the accommodation meets the health requirements and that the food is good and plentiful.

Before any deduction may be made from wages there must be a law that provides for such deductions. Any deductions not authorised in this way are illegal. When the employer is paying wages he must show the percentage deducted, together with the legislative provision under which it is made, and the worker concerned must be shown the enactment in question. If the latter is in doubt as to the legality of such operations he may appeal to the Ministry of Labour which gives him the necessary information, fines the offender and returns the deductions made.

Article 63 of the Constitution prohibits deductions not authorised by law. Accordingly, since the law does not authorise deductions in order to obtain or retain employment, it is prohibited to make such deductions. Moreover, under section 50 of Decree No. 798 of 1938 any contract which assigns the wage either totally or partially for valuable consideration or gratuitously is deemed to be null and void.

Article 64 of the Constitution requires day labourers to be given their pay with not more than a week's delay. Section 46 of Decree No. 798 grants a maximum period of 30 days within which to pay wages. Workers who do not receive the payments due to them within these periods may take action through administrative or judicial channels to secure payment of their wages either upon expiry of the period or on termination of the contract. Article 63, paragraph 2, of the Constitution gives workers a preferential right over any other creditors of the employer to recover moneys due to them. Until payment is made in full the contract is not terminated. The employer consequently continues to be under an obligation to the worker and the employer/employee relationship cannot be broken until such termination is complete, which includes the payment of all emoluments and paid holidays.

Section 3, paragraph 2, of Decree No. 1435 of 1953 provides that, in the event of termination of contracts or of casual or seasonal work

carried on in rotation, proportionate leave entitlements must be paid with the last wage payment. Practices in civil and labour matters, with the worker's claim on assets and the maximum delay of 30 days, have hitherto never given rise to any difficulty in obtaining the so-called final settlement upon termination of their contracts. In other words, the law and the contracts are in accordance with Article 12, paragraph 2, of the Convention.

The legislation has been published in the official gazette, the Ministry of Labour Review and in booklets published by the Cuban Workers' Confederation. The majority of collective agreements also reproduce its relevant provisions. The Ministry of Labour issues reports on the Convention and the legislation. The workers' organisations are fully aware of their rights in respect of wages.

The Ministry of Labour, its provincial offices, the Directorate-General of Labour and Social Welfare, together with the police court judges and the ordinary courts ensure the observance of the legislation on this subject.

The disputes concerning the payment of wages have been settled. In certain cases of bankruptcy the workers themselves have given the employers time in which to pay.

#### *Ecuador (First Report).*

Civil Code.

Decree No. 9 of 16 January 1936.

Labour Code of 5 August 1938 (L.S. 1938—Ec. 1).

Decree No. 1059 of 8 June 1946.

Executive Decree of 12 June 1946.

Constitution of 31 December 1946.

*Article 1 of the Convention.* Section 43 of the Labour Code states that "the term 'wages' means the remuneration paid by the employer to a manual worker in virtue of the contract of employment, and the term 'salary' means the remuneration similarly paid to a non-manual worker. Wages are paid by the working day... at piece rates or by the task; salaries are paid by the month without deducting days which are not working days."

*Article 2.* The provisions of the Convention apply to all workers, whether manual or non-manual, without exception.

*Article 3.* Article 185 of the Constitution states: "(d) Remuneration for work shall not be attachable, save for the payment of maintenance, and may not be paid in bonds, vouchers or other form which is not legal tender. Pay periods shall not exceed one month. Wages shall not be subject to rebates or deductions, unless legally authorised."

Section 49 of the Labour Code reads as follows: "Salaries and wages shall be paid in legal tender; payment shall in no case be made in kind or by means of promissory notes, vouchers or any other token alleged to represent legal tender".

*Article 4.* National legislation permits the part payment of wages in kind to agricultural workers only, in accordance with the provisions of sections 249 and 250 of the Labour Code, which read:

"249. Where the day labourer is entitled under his contract to food, the provisions of the

contract shall govern the deduction to be made therefor from wages; such deduction shall in no case exceed 25 per cent. of the minimum wage. If the parties fail to agree, the sub-inspector of agricultural labour shall, on the application of the agricultural worker, fix the amount to be deducted.

"250. The area of the holding (*huasipungo*) shall be dependent on the size of the estate, quality of the land, type of crop, etc. The condition of the holding shall be taken into account when fixing the daily cash wage to be paid to the *huasipunguero*, which shall in no case be less than one-half the minimum wage prescribed for day labourers in the same locality."

Section 56 of the Labour Code prohibits the payment of salaries or wages in places where alcoholic beverages are sold or in any shop or store except in the case of employees of the establishment in which payment is made; in this way compliance is ensured with the provisions of the Convention which prohibit payment being made in the form of spirituous liquor or of noxious drugs, the manufacture of which is strictly controlled by law.

*Article 5.* Wages are paid directly to the worker concerned in accordance with the provision of section 48 of the Labour Code which reads as follows: "Wages and salaries shall be paid to the employee or to a person nominated by him, at the place where he is employed, unless otherwise provided by agreement in writing".

*Article 6.* Employers are expressly prohibited from limiting in any manner the freedom of the worker to dispose of his wages, except in the case provided for in section 51 of the Labour Code, which reads: "The employer shall be entitled to make deductions from wages and salaries in respect of advances or purchases of articles manufactured by the undertaking, up to an amount not exceeding 10 per cent. of the monthly remuneration; he shall not be entitled to make any deduction in respect of debts contracted by an 'associate', member of the family or other dependant of the employee unless he has legally assumed liability therefor."

*Article 7.* With the aim of assisting workers to obtain articles of prime necessity or daily consumption and of ensuring that the said articles are supplied to them at a fair price, the Government issued Order No. 1059 on 8 June 1946 under which factories or undertakings having 25 employees or more are required to establish commissaries for goods of prime necessity for the purpose of supplying the workers at cost price and in the quantities required by them for their subsistence and that of their families. A deduction for the value of such articles may be made at the time the workers' wages are paid.

In order to avoid overcharging in the prices of articles sold by the employer, the competent authorities may impose penalties in the form of fines ranging from 500 to 10,000 sucres on the managers or representatives of undertakings committing such offences. In the Executive Order of 12 June 1946 to issue regulations under the foregoing enactment, the meaning is given of the words "cost price" in order to

limit such possible abuses on the part of the undertakings.

*Article 8.* The labour laws permit the employer to make deductions from the wages of his workpeople in respect of advances or the purchase of articles produced by the undertaking, up to an amount not exceeding 10 per cent. of the monthly remuneration. Under the provisions of the Constitution, the worker's wages are not liable to attachment save for the payment of maintenance.

*Article 9.* Any deductions for the purpose of obtaining or retaining employment are unlawful.

*Article 10, paragraph 1.* Pursuant to the provisions of article 185 (*d*) of the Constitution, the worker's wages may be attached only for the payment of maintenance in respect of children who are not yet of age, the spouse, the parents and persons in respect of whom maintenance is payable by law. For any other reason wages are immune from attachment in their entirety.

Paragraph 2. The worker's wages are protected by the Constitution, the Civil Code and the Labour Code.

*Article 11.* Wages owed by an individual or undertaking to its workers constitute a privileged claim of the first order, with preference even over mortgages, pursuant to paragraph (*o*) of article 185 of the Constitution.

The legislation provides that actions to claim payment of wages are barred after a period of one year, but this prescription must be raised as a defence by the debtor, according to section 476 of the Labour Code which states: "Actions arising out of employment relations or contracts of employment shall be barred after one year."

*Article 12, paragraph 1.* Article 185 (*d*) of the Constitution provides that the remuneration (salary or wages) of the worker must be paid for periods not exceeding one month, while the Labour Code provides that the respite allowed for payment of wages may not be more than one week. Every contract of employment must provide for wages to be paid by the day wherever the employment is not permanent, and by the week or month where the employment is stable and continuous; employment by the hour is prohibited under section 45 of the Labour Code.

Paragraph 2. When the contract of employment is terminated for any of the reasons set forth therein or laid down by the law, the employer is under an obligation to pay all wages or emoluments owing to the worker and, should he not do so, the worker may claim such payment through judicial channels.

*Article 13.* The national legislation provides that wages are to be paid in cash during working hours and at the workplace. On this subject section 56 of the Labour Code contains the following provisions: "The salary or wages shall be paid on a working day during working hours at the workplace; payment shall not be made at any place for the sale of alcoholic liquor or in any store, except in the case of employees of the establishment in which payment is made." Similarly, the sale of in-

toxicating liquor and beverages and the existence of gaming establishments is absolutely forbidden in labour and mining camps and within a radius of five kilometres from such camps (Order No. 9 of 16 January 1936).

*Article 14.* When entering into a contract of employment, it is compulsory to state the wage which the worker is to receive and the manner of payment; the employer is required to make known through the appropriate labour authorities any changes made in this connection.

At the time of each payment of wages particulars must be given of any additional emoluments which the worker receives, and of payment in respect of overtime and other time, in so far as such particulars may be subject to change.

*Article 15, clause (a).* Once a Convention has been approved by the National Congress, it is ordered to be published in the Official Register for promulgation and for the information of all the inhabitants of the country.

Clause (b). The labour administrative authorities and the labour courts are responsible for ensuring compliance with the standards laid down in the Conventions.

Clause (c). The Labour Code prescribes penalties for non-compliance with the provisions of the Convention.

*Article 16.* The present Convention is applied throughout the national territory and in the various branches of industry.

Title VI of the Labour Code sets forth the organisation, jurisdiction and procedure for enforcing compliance with the provisions of this Act and the other labour laws.

*Guatemala (First Report).*

Constitution of 13 March 1945.  
Labour Code (L.S. 1947—Guat. 1).

*Article 1 of the Convention.* Section 88 of the Labour Code defines "wages" as the remuneration which the employer must pay to the employee in return for the fulfilment of the contract of employment or employment relation in force between them.

*Article 2.* Article 27 of the Constitution and section 88 of the Labour Code provide for the remuneration of all services. No persons or categories of persons are excluded from the Convention.

*Article 3.* Article 58 (3) of the Constitution and section 90 of the Labour Code lay down that wages are to be paid in legal tender and forbid payment in the form of merchandise, vouchers, promissory notes, etc., but this prohibition does not cover the issue of promissory notes, vouchers or any other similar means of calculating wages, provided that at the end of each period the employer exchanges them for the exact equivalent in legal currency.

The legislation does not envisage payment of wages by postal order or cheque and in practice this form of payment is rare.

*Article 4.* Article 58 (3) of the Constitution permits the payment of up to 30 per cent. of agricultural workers' wages in the form of food. Section 90 of the Labour Code similarly pro-

vides that agricultural workers employed in agricultural or stockraising establishments may be paid up to 30 per cent. of their wages in the form of food or similar articles intended for consumption by the workers and dependent members of their families living with them. Both texts provide that the employer must supply the food, etc., at cost price or less.

There is no express prohibition of payment of wages in the form of liquor or noxious drugs, but this prohibition is implied in the aforementioned sections of the Constitution and the Labour Code. Furthermore, section 7 of the Labour Code forbids the sale or introduction of intoxicating or narcotic drinks or drugs at or around places of employment.

*Article 5.* Section 94 of the Labour Code provides for direct payment of wages to the worker or to a member of his family specified by him in writing or in an instrument drawn up by the labour authorities.

*Article 6.* There is no express prohibition covering this Article but it is implicit in article 28 of the Constitution, which provides that all persons shall be freely entitled to dispose of their property. Further, section 62 (a) of the Labour Code provides that employers shall not induce or require employees to buy articles for personal consumption in a specified establishment or from a specified person.

*Article 7, paragraph 1.* This is covered by section 62 (a) of the Labour Code.

Paragraph 2. This is not covered by legislation, but in practice the inspectors of the Ministry of Economy supervise the prices charged in works stores, and various collective agreements contain provisions on prices to be charged by employers for goods and services.

*Article 8.* Article 58 (2) (v) of the Constitution provides that no deduction shall be made from wages except as permitted by law. There is no legislative provision for workers to be informed of the conditions governing deductions.

*Article 9.* Section 62 (b) of the Labour Code provides that employers shall not demand or accept money or other compensation from an employee for admitting him to employment or for any other concession or privilege connected with the conditions of work in general.

*Article 10.* Under article 58 (2) (iv) of the Constitution the minimum salary is unattachable except for maintenance payments as prescribed by law. Section 100 of the Labour Code limits the power to assign or charge wages not exceeding 100 quetzals per month. Section 96 lays down the proportion of wages of different amounts which may not be attached.

*Article 11.* Under section 101 of the Labour Code workers are privileged creditors of the first class for six months' wages on the winding-up of an estate or in the case of insolvency. The section also provides for the sale without delay of sufficient assets to pay these claims.

*Article 12.* Section 92 of the Labour Code provides that employers and employees shall fix the interval for payment of wages which shall not exceed a fortnight for manual workers or a month for intellectual workers and domestic servants. Provision is also made for payment of wages consisting of a share of



profits, etc. Section 99 provides that, on termination of the contract, the employer shall be entitled to make a final settlement.

*Article 13.* Section 95 of the Labour Code provides that, except where otherwise agreed in writing, wages shall be paid at the place of work during or immediately after working hours. The section also forbids the payment of wages in places of amusement or places used for the sale of alcoholic drink and other similar places except in the case of the employees of the establishment in question.

*Article 14.* Section 91 of the Labour Code provides that the amount of wages shall be fixed by employers and employees but may not be less than the fixed minimum wage. Section 88 lays down the manner in which wages may be calculated. Under section 102 every employer with ten or more employees must keep an officially attested wages register and every employer with three or more employees but less than ten must keep wages lists.

*Article 15.* Under sections 58 and 59 of the Labour Code rules of employment must be drawn up by every employer with ten or more employees. These rules must be approved by the Labour Inspectorate and they must be displayed in the undertaking or a copy given to each employee. Section 278 of the Code charges the Labour Inspectorate with enforcement of all statutory provisions relating to labour and social welfare. Penalties for Contraventions of the provisions of the Labour Code are prescribed in section 272 of the Code. Under section 61 (a) of the Code employers must each year send to the Ministry of Labour and Social Welfare a report containing, among other matters, particulars of the number of days' work performed by and the wages paid to each employee.

*Article 17.* No region is excluded from the application of the Convention.

#### *Italy.*

In its report the Government gives the results of its inquiry into works stores and services. At present services provided for workers consist mainly of canteens, with fewer works stores and a relatively insignificant number of other services (transport, electricity, fuel, etc.). These services developed during and immediately after the last war to provide food, clothing and other necessities in short supply, and were in some cases subsidised by the authorities. After the situation became normal, stores and especially canteens continued to be of great value. Some collective agreements provide for the retention of canteens or payment of an allowance in the absence of canteens.

The management of canteens and stores is frequently supervised by internal committees or workers' representatives, and stores are sometimes managed by the workers themselves.

Canteens are more frequent in the large industrial undertakings of Northern Italy. The undertaking almost always provides the premises and equipment, and contributes financially as well. The price of meals is low: hot

soup—if not provided free—costs about 10 liras, a full meal 100 to 200 liras, and hardly ever more than 200 liras. Where (as in Campania) a few disputes concerning canteens occur, they relate to the absence of an allowance to workers not using the canteens, or to the quality of the food. The canteens constitute a welfare service, and the inquiry has shown clearly that they cannot benefit an undertaking financially.

Works stores sell their goods (mainly food and clothing) at prices below market prices. Any profits are normally used for the improvement of amenities, for gift parcels or for price reductions, and sometimes are distributed among purchasers. Sometimes, where the place of work is far from the workers' homes (e.g. construction works and forestry work), temporary stores for the duration of the job are established; in exceptional cases they charge market prices. However, the workers remain free to buy elsewhere. No complaints regarding works stores have been received. Of more than 61,000 labour disputes recorded in 1955, only one related to a works stores, but was caused by matters not relevant to the Convention.

#### *Philippines.*

The Minimum Wage Law No. 602 excludes from its coverage employees of retail or service enterprises which employ not more than five persons, farm tenancy, domestic servants, and related services. There is no law which fixes the wages of these workers. However, their hours of work are regulated by the Eight Hour Labour Law and section 1695 of the Civil Code.

*Article 7, paragraph 2, of the Convention.* Section 10 (d) of the Minimum Wage Law provides that employers shall not compel employees to use any store or services.

*Article 10.* Section 1708 of the Civil Code provides that "the labourer's wages shall not be subject to execution or attachment, except for debts incurred for food, shelter, clothing and medical attendance".

There is no express prohibition of the payment of wages in the form of liquor or of noxious drugs, but it follows from the requirement of payment in legal tender.

*Article 13.* Section 10 (i) of the Minimum Wage Law provides that payment of wages shall be made at or near the place of undertaking, except as provided by regulations. Chapter IV, article 4, paragraph 7, of the Rules and Regulations implementing Act No. 602 provides that as a general rule, the place of payment shall be at or near the place of the undertaking, and that payment shall be deemed to be near the place of the undertaking if within one kilometre from the premises of the undertaking; paragraph 9 provides that applications for permits to pay at places not covered by paragraph 7 shall state the place of payment and the reasons for the application.

The Department of Labour will endeavour to give effect to provisions of the Convention not yet fully covered in amendments of the Minimum Wage Law to be proposed to Congress. The Minimum Wage Law was enacted in 1951 before the Philippines ratified Convention No. 95.



*Poland (First Report).*

- Order of 16 March 1928 concerning the contract of employment of intellectual workers (L.S. 1928—Pol. 2).
- Order of 16 March 1928 concerning the contract of employment of wage-earning employees (L.S. 1928—Pol. 3).
- Order of 11 July 1932 (section 59 of the Code of Obligations).
- Order of 27 October 1933: Code of Obligations (Contract of Employment) (L.S. 1933—Pol. 6 A).
- Order of 24 October 1934 respecting bankruptcy.
- Decree of 28 January 1947 respecting the attachment of cash remuneration.
- Act of 4 February 1949 respecting the salaries of employees of the State, public bodies and local authorities.
- Order of 19 February 1949 respecting the frequency of salary payments to employees of the State, public bodies and local authorities.
- Civil Procedure Code (section 582, as amended in 1950).
- Decision of 21 February 1951 respecting the establishment and organisation of canteens and stores for workers.
- Order of the President of the National Economic Planning Board of 21 February 1951 respecting works stores.
- Act of 27 June 1951 respecting non-litigious domestic proceedings.
- Order of 19 January 1953 respecting the methods of fixing of prices in canteens for workers and students.
- Order of 1 December 1955 respecting the administration of works stores.
- Act of 27 April 1956 respecting the fight against alcoholism.

The principal relevant provisions are contained in the Code of Obligations, the two Orders of 1928, and the Act of 1949 on the salaries of employees of the State, public bodies and local authorities.

*Article 2 of the Convention.* The provisions of the Code of Obligations are of a general nature, detailed rules being laid down in the two Orders of 1928. The Order concerning wage-earning employees does not cover agricultural and forestry workers, domestic servants and caretakers; however, its provisions are in fact applied to agricultural and forestry workers employed by the State and to all workers generally.

*Article 3.* The obligation to pay money wages in cash is laid down by section 450 of the Code of Obligations, section 13 of the Order respecting intellectual workers, and section 22 of the Order respecting wage-earning employees. The last-mentioned section also prohibits payment by promissory note, coupons, etc., or by goods or other objects.

*Article 4.* Apart from coal supplied to miners, allowances in kind are given only in exceptional cases, e.g. food supplied free or at reduced prices to certain classes of workers in hospitals, old people's homes, etc., and work clothes and allowances of food given to agricultural workers. The value of such allowances is not deducted from wages.

*Article 5.* Wages are paid directly to the workers concerned, except as regards maintenance payments ordered by the court to be paid to the worker's spouse, under section 14 of the Act of 27 June 1951 and section 8 of the Act of 27 April 1956.

*Article 7.* Works canteens normally function on a co-operative basis. They may only be managed by the undertaking with the local

authority's permission. No pressure is put on workers to use the canteens. The Order of 1953 on the methods of fixing prices in canteens for workers and students lays down the gross profit margins; certain goods such as beer, mineral waters, confectionery and cigarettes must be sold at the fixed retail price. In undertakings in key industries employing more than 1,000 workers or which are away from centres of supply, food stores may be maintained, but the prices are fixed by ministerial order. Section 37 of the Order respecting wage-earning employees also permits the establishment of works stores for the purpose of supplying workers with good and cheap articles. The prices of these articles may not be higher than the average market prices; they must be approved by the regional labour inspector, and must be displayed in a conspicuous place in the store.

*Article 8.* Deductions can be made from wages only so far as allowed by law. Detailed provisions regarding authorised deductions are laid down in section 21 of the Order concerning intellectual workers, section 38 of the Order concerning wage-earning employees, section 22 of the Act of 1949 on the salaries of employees of the State, etc., and section 52 of the Decree on the attachment of cash remuneration. Under section 259 of the Code of Obligations deductions may be made in respect of claims by the employer only from the amount by which wages exceed 750 zlotys per month.

In 1950 the Supreme Court held that section 21 of the Order concerning the contract of employment of intellectual workers made the employee a privileged creditor throughout the period of employment, including any period of notice of termination.

*Article 10.* Under section 444 of the Code of Obligations remuneration can be assigned or pledged only within the limits permitted by law. Under section 40 of the Order concerning wage-earning employees wages cannot be pledged or assigned. Under section 22 of the Order concerning intellectual workers wages cannot be assigned and can be pledged only within stated limits. Under section 582 of the Civil Procedure Code, where wages do not exceed 1,200 zlotys per month, only one-fifth may be attached or two-fifths in respect of maintenance claims; one-half of any excess of wages above 1,200 zlotys may be attached or the whole excess in the case of maintenance claims; in respect of wages not exceeding 500 zlotys per month attachment is permitted for maintenance claims only. Attachment of military pay is governed by special legislation.

*Article 11.* Under section 203 of the Order of 1934 respecting bankruptcy, wage earners and salaried employees are privileged creditors of the third class for one year's remuneration, the first two classes comprising court fees and the fees of the receiver or liquidator. This provision is of limited application, as bankruptcy does not occur in nationalised undertakings.

*Article 12.* Section 451 of the Code of Obligations provides that the intervals for the payment of remuneration shall be fixed by contract or custom; in the absence of such provision remuneration shall be paid each

month for which it is due, or, where it is calculated for a period shorter than a month, at the end of each such period. Piece work and work paid by the day or hour is to be paid for on the last day of each month. Section 1 of the Order of 19 February 1949 provides that the remuneration of employees of the State, etc., shall be paid on the first day of each month in advance.

Section 15 of the Order concerning intellectual workers provides for payment of remuneration not later than the end of each month and the Order concerning wage-earning employees provides for payment at least once a fortnight.

*Article 13.* Section 1 of the Order of 19 February 1949 respecting the salaries of employees of the State, etc., provides that, where pay-day falls on a non-working day, remuneration shall be paid on the previous day. Section 33 of the Order concerning wage-earning employees provides that payment of wages shall be at the end of a working day and shall not be made in shops, restaurants or similar establishments.

*Articles 14 and 15.* The laws and regulations regarding wages are published in the official gazette or in the gazettes of the various ministries. Collective agreements are printed and distributed by trade unions in pamphlet form.

Section 23 of the Order concerning wage-earning employees provides that, if payment of remuneration is made in a manner contrary to section 22 (see under Article 3), the employee may claim a second payment in valid form. Section 59 of the Code of Obligations provides for penalties (fines or imprisonment) for wrongful reduction of or deduction from wages and for coercion to make an employee accept payment of wages otherwise than in a form permitted by law. In the case of non-payment of remuneration on the due dates, the employer is liable to pay interest at 2 to 3 per cent. (section 15 of the Order concerning intellectual workers and section 32 of the Order concerning wage-earning employees).

Legislation regarding wages is supervised by the trade unions and by the works councils established by the unions.

#### *United Kingdom.*

During the period covered by the report there was one prosecution for a contravention of the Truck Acts and a conviction was obtained.

#### *Uruguay (First Report).*

Commercial Code.

Civil Code.

Act No. 3299 of 25 June 1908 respecting salaries, wages, retirement and pensions.

Act No. 7318 of 22 November 1920 concerning weekly rest (L.S. 1920—Ur. 2).

Act No. 9910 of 5 January 1940 to lay down rules respecting home work (L.S. 1940—Ur. 2), and Order of 19 July 1940.

Act No. 9991 of 20 December 1940 respecting conditions of work in rice fields (L.S. 1940—Ur. 1).

Act No. 10449 of 12 November 1943 to institute a system of wages boards.

Act No. 10471 of 3 March 1944 respecting workers employed in forestry and peat cutting.

Act No. 10644 of 4 September 1945 respecting the procedure for the enforcement of wages board awards.

Act No. 10809 of 16 October 1946 respecting rural labour.

Act No. 11718 of 27 September 1951 respecting minimum wages in sheep-shearing operations.

Act No. 11908 of 19 December 1952 to interpret section 29 of Act No. 10449.

Order of 7 January 1952 respecting the system for supervising the payment of wages.

Order of 11 August 1952.

Order of 25 May 1954.

Resolution of 4 September 1956.

*Article 1 of the Convention.* Uruguayan law is in conformity with this Article by virtue of section 1 of Act No. 10449, section 7 of Act No. 9910, section 1 of Act No. 11718 and sections 1 to 9 of Act No. 10809. In addition, by ratification of the Convention, Article 1 of the instrument became part of Uruguayan statute law.

*Article 2, paragraph 1.* Act No. 10449 covers all manual and non-manual workers in commerce, industry, private offices and in public utility services not under State management; Act No. 10809 applies to all agricultural workers; Act No. 11718 includes all persons employed in sheep-shearing operations; Act No. 9991 covers workers in rice fields; and Act No. 10471 workers employed in forestry and peat cutting.

*Paragraph 2.* The only workers whose wages are not fixed by law, collective agreement or any other method, are those in private domestic service, with the exception of private chauffeurs.

*Paragraph 3.* Uruguay does not at present propose to exclude any persons from the application of the provisions of this Convention.

*Article 3, paragraph 1.* The national legislation conforms to this provision by means of section 2 of Act No. 10449, which further prohibits any truck system and rules out payment of any kind other than in national currency.

*Article 4.* Section 18 of Act No. 10449 authorises the wages boards to determine which deductions the employers may make from salaries and wages in respect of board and lodging and for other advantages that may result from the nature of the employment (commission, profit-sharing, tips, etc.). It can be stated that up to the present time and during the 11 years in which the Act has been in force these amounts have been small.

Act No. 10809 provides in section 7 that in addition to payment in cash, agricultural employers must give their employees and their families (wife, children and parents) hygienic accommodation and adequate board when they are living on the estate. In the case of workers without families, the employer has the choice of giving them food at his own expense or granting the workers an additional allowance for food over and above the fixed minimum wage.

*Article 5.* The legislation is in conformity with this Article. Section 4, paragraph 1, of Act No. 10449 further gives the worker the right to have his wages paid either at the court of the justice of the peace in the district where the employer lives or at the National Labour Institute. The worker may also authorise the Institute to claim his wages on his behalf.

*Articles 6 and 7.* Company stores are prohibited in Uruguay. Section 1 of Act No. 9991 gives tradesmen free entry to undertakings engaged in the production of rice, as far as the workers' living quarters. The Decree of 7 January 1952 requires employers to announce the day, time and place at which payment of salaries and wages will be made in order that the inspectors of the Institute may verify the correctness of such payments.

*Article 8.* This is in accordance with national law by virtue of the last part of section 2 and section 18 of Act No. 10449.

*Article 9.* The legislation gives effect to this Article under Act No. 3299 as regards the immunity of salaries and wages from attachment. Labour contractors or recruiters do not exist in Uruguay. The only employment agencies in operation are those which place domestic servants.

*Article 10.* Full effect is given to this Article by Act No. 3299. There are three or four special Acts which authorise the withholding of a part of the wages in respect of rent, or the payment of monthly instalments on loans given or guaranteed by the National Savings and Discount Bank, a subsidiary of the Bank of the Republic.

Certain co-operative societies under State control which do not speculate in the goods they sell may also withhold sums from the wages of their members.

*Article 11.* The legislation implements this Article fully by virtue of section 1732 (4) of the Commercial Code and sections 2363 (4) and 2369 of the Civil Code. In the case of seamen the same guarantee is afforded by section 1480 of the Commercial Code.

*Article 12.* As a rule wages are paid within three days after the end of the month, fortnight or week in question.

*Article 13, paragraph 1.* In the case of commercial and industrial establishments wages are paid on the premises; on construction projects they are paid at the office. Under section 11 of Act No. 7318, which institutes a weekly rest day in all trades, it is forbidden to require the attendance of employees and workers at workplaces or offices on rest days, even for the purpose of giving them their pay.

Section 18 of the Decree of 19 July 1940, which issues regulations under Act No. 9910, requires every employer and contractor for home work to notify the National Labour Institute of the location of the rooms in which work is given out and received and to announce the days and times for payment. All payments without exception must be made at the place and on the days and at the times notified to the Institute.

*Paragraph 2.* This is in harmony with Uruguayan law.

*Article 14, clause (a).* Section 2 of the Order of 7 January 1952 requires the employers covered by Act No. 10449 to issue their employees with a certificate of appointment bearing their signature or that of their representatives and giving the worker's name, the date of entry and subsequent re-engagements, the daily and hourly wage, the nature of the work and the category to which the worker belongs. These certificates are issued in duplicate and one copy is kept by the worker. Moreover, since the awards handed down by the wages boards establish the rates for all grades from manager to cleaner, every person knows beforehand the wages to which he will be entitled for his work.

Section 11 of Act No. 9910 provides that the wage scales for home work must be posted up in a conspicuous place in the rooms where work is given out, received and paid for.

*Clause (b).* The pay slips must give particulars of all bonuses or deductions, including those made for the pensions contributions.

*Article 15, clause (a).* The awards are published in the official journal and other periodicals as decided by the Government. The undertakings are required to post up in a conspicuous place the wage scales which apply to their establishments. The control sheets of the National Labour Institute, which must be open to inspection by the staff, contain particulars not only of the working hours, rest days and holidays but also of the wages to which the staff is entitled.

*Clause (b).* The labour inspectors and the members of the wages boards supervise the application of the law.

*Clause (c).* The penalties prescribed range from 20 to 1,000 pesos and are doubled in the event of a repetition of the offence.

*Clause (d).* The records are held by the National Labour Institute.

The enforcement of Act No. 10449 is supervised by the National Labour Institute and the members of the wages boards; that of Act No. 10809 by the National Labour Institute and the honorary departmental committees for the protection of rural workers; and Acts Nos. 9991, 10471 and 11718 are administered by the National Labour Institute. Act No. 10644 lays down the procedure to be applied in carrying into effect the awards of the wages boards.

During the period 1 July 1955 to 30 June 1956 the following offences were reported: 202 offences under Act No. 10449, involving fines totalling 12,590 pesos; 17 offences under Act No. 9910, involving fines totalling 1,350 pesos.

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

*France, Netherlands, 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
Japan <sup>2</sup> . . . . .	11. 6. 1956
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.

In reply to the observation made by the Committee of Experts in 1956, the report states that the workers' organisations do not operate as fee-charging employment agencies and that the provisions of Article 6 of the Convention are therefore not applicable to them.

Under collective agreements the workers' organisations confine themselves to referring workers to employers who so request in order to fill their vacancies; such workers must be entered in the lists drawn up by the labour exchanges, or registered with the exchanges.

No contravention of the existing legislation on the subject has been recorded.

### Finland.

Act of 16 December 1955 respecting the administrative organisation of certain employment questions, repealing the Act of 22 December 1953.

An annex to the report reproduces the major part of the information contained in the first two paragraphs submitted to the Conference on 12 May 1956 in reply to the observation made by the Committee of Experts the same year.

### France.

*Article 4 of the Convention.* The Labour Code and several police regulations provide for supervision. There accordingly seems to be no pressing need for new measures. Since experience has shown, however, that the arrangements for supervision, which are the result of a variety of provisions that go back a long way, are lacking in uniformity and no longer satisfy present day requirements, the Ministry of Social Affairs envisages bringing these provisions up to date and including them in the Decree referred to in section 2 of the Ordinance of 24 May 1945.

The Labour Code (Book I, Title IV, section 81 (b)) provides that members of the staff of public employment services selected by the Ministry of Labour are to be made responsible, in conjunction with police officers, for checking the accuracy of the statistics compiled at inter-

vals by employment agencies, as well as for making sure that non-fee-charging employment agencies do not in fact charge fees. It is the municipal authorities, however, which supervise employment agencies in order to assure the maintenance of order and the observance of health regulations.

*Article 5.* Twenty-nine artists' employment agencies and 25 employment offices for domestic workers are covered by the exemptions provided for in the Convention.

*Article 7.* The staff of manpower services, which has been mentioned in connection with Article 4, is responsible for ensuring that placing is free of charge; to this end it carries out inquiries among the workers who are placed by these agencies.

*Article 9.* The statistics on the operations of employment agencies for artists and domestic servants that are enclosed with the report show that there are 104 agencies for domestic servants and 28 agencies for performing artists. The former registered 86,451 vacancies and 61,362 applications and placed 36,645 persons; the latter registered 14,825 vacancies and 22,009 applications and placed 16,552 persons.

### Federal Republic of Germany (First Report).

Act of 16 July 1927 respecting employment exchanges and unemployment insurance (L.S. 1927—Ger. 5), as amended by the Act of 12 October 1929 (L.S. 1929—Ger. 5).

Act of 5 November 1935 respecting employment exchanges, vocational guidance and the placing of apprentices (L.S. 1935—Ger. 11 A).

Ordinance of 26 November 1935 for the administration of the Act respecting employment exchanges, vocational guidance and the placing of apprentices (L.S. 1935—Ger. 11 B), as amended by the Ordinance of 19 March 1936.

Regulations made on 30 November 1935 by the President of the Reich Institution for Placement and Unemployment Insurance for non-profit-making employment, vocational guidance and apprentice placement services outside the Institution.

Regulations made on 30 November 1935 by the President of the Reich Institution for Placement and Unemployment Insurance for profit-making employment agencies.

Regulations made on 30 November 1935 by the President of the Reich Institution for Placement and Unemployment Insurance for profit-making employment agencies for entertainers (music-hall artists).

Regulations made on 28 May 1937 by the President of the Reich Institution for Placement and Unemployment Insurance for profit-making concert agencies.

Ordinance of 23 December 1937 for the administration of the Act respecting employment exchanges, vocational guidance and the placing of apprentices.

Regulations made on 17 January 1938 by the President of the Reich Institution for Placement and Unemployment Insurance for profit-making theatrical agencies.

Act of 10 March 1952 respecting the establishment of a Federal Institution for Placement and Unemployment Insurance (L.S. 1952—Ger. F.R. 3).

Act of 30 April 1952 to apply in the Land Berlin the Act respecting the establishment of a Federal Institution for Placement and Unemployment Insurance.

Act of 9 July 1954 respecting the resumption on non-profit-making placement work by private welfare agencies.

The above Acts and regulations, which give effect to the provisions of the Convention in the Federal Republic of Germany were already in force at the date of its ratification. They were not modified to permit of, or as a result of, ratification.

In virtue of the above Acts and regulations, the "competent authority" is the Federal Institution for Placement and Unemployment Insurance (which replaced the former Reich Institution for Placement and Unemployment Insurance).

When ratifying the Convention, the Government accepted the provisions of Part II.

The Act of 1935 conferred upon the public employment service, which had been set up by the Act of 1927, a monopoly of placing activities which extended also to vocational guidance and the placing of apprentices. While prohibiting in principle the operation of fee-charging profit-making employment agencies, the Act of 1935 nevertheless provided exceptions for special categories. Accordingly, considering that the public employment service could not provide suitable placement facilities for entertainers, actors and concert performers, the Ordinances of 26 November 1935 and 23 December 1937 authorised the operation of employment agencies conducted with a view to profit for these categories of persons.

Apart from the exceptions thus permitted, no fee-charging employment agencies conducted with a view to profit exist at present in the Federal Republic of Germany. It is therefore unnecessary to submit a report on this subject.

The authorisation and supervision of profit-making employment agencies admitted under the above regulations is the responsibility of the Federal Institution. The management and supervision of those agencies are governed by regulations of 30 November 1935 issued by the Reich Institution, which has also issued special regulations making detailed provision for the different types of agencies dealing respectively with entertainers, concert performers and actors. The Federal Institution has delegated its supervisory powers to the *Land* employment offices which use them regularly with a view to ensuring that the legislative and administrative provisions applicable to profit-making employment agencies are observed. Moreover, such agencies are required to report in a prescribed form on their activities, and their licences may be revoked at any time without compensation.

The Act of 1935 contains no provision for consultation with the employers' and workers' organisations concerned prior to determining the categories of persons in whose respect fee-charging agencies conducted for profit may be authorised, but steps have been taken to ensure that in future such consultations will be held before any general authorisation is granted for other categories of workers. At the present time the organisations concerned are consulted before new licences are granted to operate a fee-charging employment agency for entertainers or for theatrical or concert performers. The

fees they may charge are fixed in accordance with a scale approved by the supervisory body.

In accordance with the Act of 1935 the President of the Federal Institution, with the consent of the Federal Minister of Labour, may authorise the operation of fee-charging employment agencies not conducted with a view to profit. This authorisation may be revoked at any time. Such agencies are required to carry out their work in conformity with the regulations for non-profit-making agencies issued by the Federal Institution on 30 November 1935. They are required to supply that Institution with such information as it may request in the exercise of its supervisory powers. The supervisory powers are regularly exercised on behalf of the Federal Institution by the *Land* employment office in whose area the agency is located. Employment agencies not conducted with a view to profit may charge fees only for the purpose of covering their expenses. They are required to submit their scale of charges to the supervisory agency together with an account of how the scale was calculated.

The same provisions apply to non-fee-charging employment agencies and to fee-charging employment agencies not conducted with a view to profit. In the case of the former category it is one of the supervisory duties of the Federal Institution to ascertain whether agencies in fact carry on their employment exchange operations without charge.

Placement activities carried out without a permit from the Federal Institution or in contravention of the terms of the permit are liable to penalties. Penalties may also be imposed for failure to observe the regulations for the administration of both profit-making and non-profit-making employment agencies.

On 30 June 1956, 103 fee-charging employment agencies conducted with a view to profit were authorised in the Federal Republic of Germany in virtue of the above regulations. During the year under review these agencies carried out 52,192 placements—an average of 4,350 per month. For the same period 170 non-profit-making employment agencies effected 191,310 placements (15,944 per month).

The Convention is applied throughout the territory of the Federal Republic and West Berlin.

No decisions of courts of law involving questions of principle relating to the application of the Convention were given.

The application of the Convention is the responsibility of the Federal Institution for Placement and Unemployment Insurance, which is in turn required to submit to the Federal Minister of Labour a yearly report on its activities, including information on the practical application of the Fee-charging Employment Agencies Convention.

#### *Italy (First Report).*

Royal Decree No. 773 of 18 June 1931 to codify the social security laws.

Legislative Decree No. 381 of 15 April 1948 respecting the reorganisation of the central and local establishment of the Ministry of Labour and Social Welfare (L.S. 1948—It. 3).

Act No. 264 of 29 April 1949 to make provisions for the placement of, and assistance to, involuntarily unemployed workers (L.S. 1949—It. 2 A). Decree No. 520 of 19 March 1955 to reorganise the central and external services of the Ministry of Labour and Social Welfare (L.S. 1955—It. 3).

*Article 1 of the Convention.* The definition of employment agencies conducted with a view to profit and of employment agencies not so conducted, as given in Article 1 of the Convention, tallies with the definition to be found in Italian legislation.

*Article 2.* Italy has accepted the provisions of Part II of the Convention.

*Article 3.* In Italy there is no fee-charging employment agency conducted with a view to profit. The employment service, which is public and free, is governed by the Act of 29 April 1949, the Legislative Decree of 15 April 1948 and the Decree of 19 March 1955. Section 11 of the Act of 29 April 1949 provides that it shall be unlawful for any person to act as an employment agent, paid or otherwise, and section 27 of the Act lays down the penalties incurred by persons who ignore this prohibition.

*Article 4.* The only fee-charging employment agencies now existing in Italy are the agencies that act as intermediaries for domestic servants and their employers. These agencies, which operate only in the big cities, are under the direct supervision of the police, which is informed of the rates that are to be charged. In order to bring the law up to date with recent developments a Bill is now being drafted which provides that, subject to inspection and supervision by the Ministry of Labour, the trade unions are to administer non-fee-charging employment agencies for domestic servants.

*Article 5.* With the exception of the above-mentioned agencies for domestic servants, there is in Italy no other private employment agency, whether fee-charging or not.

*Article 6.* Such agencies must have a permit delivered by the police authorities, to which they must communicate the rates they charge, and they may not recruit or place workers abroad without permission from the competent authority.

The Ministry of Labour and Social Welfare has authorised the operation of a number of private agencies which recruit persons for domestic service in Great Britain; the legal provisions and the inspection arrangements that have been made applicable to such agencies in order to avoid any abuse that would run counter to the interests of such workers are to be found in Circular No. 10/20279 dated 11 December 1952, issued by the Ministry.

*Article 7.* In Italy employment agencies are public and therefore non-fee-charging.

*Article 8.* Any person who acts as an employment agent, even unpaid, in cases in which the placement of workers is the responsibility of authorised agencies, is liable to a fine of from 500 to 2,000 liras, and if engaged in such an occupation with a view to profit, to imprisonment for not more than three months and a fine of not more than 80,000 liras.

In view of what has already been mentioned in connection with Article 4, it has not been

necessary to take special measures to apply to fee-charging employment agencies.

No part of Italy is excluded from the application of the Convention.

The application of placement legislation is the responsibility of the Labour Inspection Service, acting through its regional and provincial organs. The supervision of employment agencies for persons wishing to enter domestic service is entrusted to the police authorities.

No decisions on matters of principle connected with the application of the Convention have been given by courts of law.

In reply to the observation made by the Committee of Experts in 1956 the Italian Government states that the Bill relating to the placement of domestic servants has been drafted by the Ministry of Labour and will be submitted to the office of the Central Committee for Placement and Assistance to the Unemployed as soon as the Committee has been reappointed (after its two-year term has expired); the Bill will subsequently be submitted to the other ministries concerned, and to Parliament after it has been examined by the Council of Ministers. It may be somewhat amended to take into account the proposals made by the workers' organisations.

The Government will not fail to keep the I.L.O. informed of the progress made in this matter.

#### *Netherlands.*

Only ten persons are at present authorised to engage in placing with a view to profit (nine for the placing of artists and one for domestic workers). In 1955 these persons placed 5,195 artists and musicians and 113 domestic workers.

#### *Norway.*

During the period under review three cases of illegal private placement activity were reported, but the enterprises were of a very modest character and the persons involved stopped their activity as soon as they were informed that it was illegal.

#### *Pakistan.*

The report refers to a letter of 7 November 1956 from the Ministry of Labour in which it is stated that the Government has not yet received from the sources in question the information asked for by the Committee of Experts.

#### *Poland (First Report).*

Decree No. 182 of 2 August 1945 respecting employment offices (L.S. 1945—Pol. 3 A).

Order No. 231 of 24 September 1945 of the Minister of Labour and Social Assistance respecting the placing of employees and apprentices (L.S. 1945—Pol. 3 B).

Act of 20 March 1950 respecting the territorial organs of public authority.

Act of 20 March 1950 respecting the extension of the provisions of labour legislation to dockworkers. § Decision No. 679 of the Presidium of 29 September 1951 respecting the recruitment of unskilled manpower.

Decision No. 278 of 11 April 1953 to amend decision No. 679 of the Presidium of 29 September 1951.

The Decree of 2 August 1945, which set up a free public employment service in Poland, gave the employment offices exclusive rights in respect of placement for employment, and prohibited all fee-charging employment agencies, whether conducted with a view to profit or not.

Copies of the relevant texts (in Polish) are transmitted with the report.

#### *Sweden.*

The placing or recruitment of musicians, theatrical artists, etc., by fee-charging agencies not conducted with a view to profit is carried on by a certain number of organisations. These organisations are in possession of general licences to carry out such activities. The competent authority which grants the licences is now inserting a clause in them permitting their holders to place and recruit workers abroad. Licences which have been granted earlier will be completed by the insertion of a corresponding provision.

In 1955, 13 private employment agencies held licences to conduct employment service activities with a view to profit. Since no application for the extension of such licences has been rejected (they are subject to yearly

renewal, but not beyond 1 January 1958) their number remained unchanged as of 1 January 1956.

On 1 January 1956 the number of fee-charging agencies conducted without a view to profit was 18 (three less than in the previous year).

#### *Turkey.*

The Bill to regulate the activities of intermediaries between workers and employers has been redrafted, and now governs only the activities of persons acting as intermediaries between agricultural workers and agricultural employers, as no intermediaries exist in other branches of economic activity. This Bill will probably be adopted shortly.

#### *Uruguay (Voluntary Report).*

Although the ratification of this Convention, pursuant to Act No. 12030 of 27 November 1953, is still in suspense, the report states that in Uruguay employment agencies conducted with a view to profit operate only in respect of workers in domestic service, and that fee-charging employment agencies have never existed for any other type of occupation.

## 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.*

*Article 1 of the Convention.* The Belgian authorities keep the Manpower Department of the European Coal and Steel Community regularly informed on all matters connected with employment in the coal and steel industries.

*Article 2.* The reports on labour shortages and the possibilities of immigration are now drawn up every year.

As regards propaganda relating to group immigration, negotiations are about to begin with Greece and Spain; if they come to anything, nationals of those countries would, when taken on for underground work, be offered much the same guarantees as those laid down in the Italo-Belgian Protocol.

*Article 5.* The families of Italian miners entering Belgium in organised groups undergo a medical examination before leaving, and on their arrival in Belgium a countercheck is made by the doctors attached to the coal mines.

*Article 6.* As regards the reduction of hours of work, migrant workers are covered by all the agreements concluded in this regard by joint committees.

As regards Article 6 of Annex II the report states that it is impossible to supply more extensive information on the adoption of the necessary measures to ensure observance of the provisions of paragraphs 1 and 2 of that Article, and to ensure that penalties are applied in the event of a contravention of the provisions regarding supervision of contracts of employment, because the Convention is and always has been observed and no complaint has so far been lodged. The report adds that the tripartite committee on foreign labour supervises the proper operation of the immigration scheme and that the workers' representatives regard themselves as being the natural defenders of the Italian workers and their families.

The report also states that if Belgian employers did not observe the provisions of the Italo-Belgian Protocol regarding contracts of employment, diplomatic action would immediately be taken.

#### *Cuba.*

The Government again explains that, since immigration to Cuba only concerns technicians,



directors and managers of undertakings, only Articles 1, 3, 5, 6 (1), 7, 8 and 9 of the Convention can be applied in practice. It adds that foreigners who come to work in Cuba have been exempted, prior to their entrance into the country, from the provisions governing the protection of national labour. Furthermore, the report repeats that no real migratory movements exist in the case of Cuba and that immigrants only arrive on an individual basis. The report adds that 218 foreigners were authorised to work in the country during the period under review.

### *France (First Report).*

Act of 10 August 1932 to protect French labour, as amended by section 20 of the Legislative Decree of 2 May 1938 and by the Act of 27 August 1940.  
Decree of 19 October 1932, to apply section 7 of the Act of 10 August 1932 to protect French labour.  
Ordinance No. 45-2658 of 2 November 1945 respecting the conditions of entry and residence for aliens in France, and providing for the establishment of the National Immigration Office.  
Decree No. 46-550 of 26 March 1946 to issue regulations concerning the organisation of the National Immigration Office.  
Decree No. 46-1340 of 5 June 1946 to issue regulations concerning the application of section 7 of the Ordinance of 2 November 1945.  
Decree No. 46-1374 of 30 June 1946 to issue regulations regarding the conditions of entry and residence in France for aliens.  
Order of 9 September 1946 to prescribe the particulars to be included in foreign workers' permits.  
Order of 17 August 1948 respecting the listing of foreign workers in a special register.  
Decree No. 48-1454 of 20 September 1948 to amend the Decree of 26 March 1946 concerning the organisation of the National Immigration Office.  
Decree No. 49-749 of 7 June 1949 to amend sections 3 and 4 of the Decree of 5 June 1946.  
Order of 18 November 1950.  
Decree No. 51-397 of 4 December 1951 to lay down the amount of the fee charged on the occasion of the renewal of work permits issued to foreign workers.  
Order of 26 November 1952 to supplement the Order of 9 September 1946 prescribing the particulars to be included in foreign workers' permits.  
Order of 8 April 1953 to lay down conditions to be met by aliens from the health point of view in order to obtain residence permits.  
Order of 1 June 1953 respecting the conditions of entry of aliens into French metropolitan territory.

The above-mentioned legislation was neither adopted nor amended as a result of the ratification of the Convention; only a few measures, which are referred to in connection with the corresponding Articles of the Convention, have been taken in order to apply certain clauses of that instrument.

*Article 1 of the Convention.* No laws or regulations regarding clauses (a) and (b) were adopted during the period under review.

An agreement with regard to the procedure to be followed in connection with the immigration of Spanish seasonal workers was concluded on 17 March 1956.

*Article 2.* The National Immigration Office, acting through its two recruiting offices abroad and its four regional centres, supplies the information requested by migrant workers without charge; if necessary, the National Immigration Office indicates what departments can supply additional information. A guide published in four languages and giving information on the legal and social position of foreign

workers in France is distributed to aliens free of charge. Broadcasts on the same subject are made by the French Broadcasting Corporation. The Migrant Welfare Service in Paris and the welfare officers in the provinces inform aliens of their rights and if necessary support them in their dealings with government departments.

*Article 3.* Under section 82 (a) of Book I of the Labour Code the National Immigration Office, under the supervision of the Ministry of Social Affairs, is the only body authorised to bring in foreign workers. Section 102 of Book I of the Labour Code provides for fines and imprisonment for any contravention of the provisions of the above-mentioned section 82 (a). The existence of misleading propaganda is held to be possible only in connection with unauthorised movements of labour. Moreover, section 21 of the Ordinance of 2 November 1945 provides that any person who facilitates or attempts to facilitate the entry, movement or unlawful residence of an alien by lending such a person direct or indirect assistance is to be punished by imprisonment for not less than one month nor more than one year, or by a fine.

Bilateral agreements concluded with emigration countries are conducive to the protection of migrants against misleading propaganda.

*Article 4.* Through its offices abroad, its frontier posts and its regional centres, the National Immigration Office undertakes to provide transport and accommodation for workers during their voyages from their place of origin to their place of employment, and takes the necessary steps to arrange for their reception.

*Article 5.* Every immigrant worker must undergo a medical examination comprising a clinical examination and an X-ray examination. Workers suffering from certain contagious diseases are referred to the competent health service for treatment and, if necessary, for hospitalisation.

*Article 6, paragraph 1.* As regards the matters listed in this paragraph French legislation contains no provision that would place foreigners in a less favourable position than French nationals. Moreover, the contracts of employment through which foreign workers are admitted to France must provide that the foreign worker is entitled to the same conditions of work as French nationals. Equality of treatment also extends to allowances that are additional to wages.

*Article 7.* The arrangements for co-operation between French departments dealing with migration and the appropriate departments in other States Members include the exchange through the I.L.O. of quarterly statistics regarding foreign manpower movements, which give the number of vacancies for foreign workers notified to the National Immigration Office, the number of applicants referred to prospective employers and the number of placements made. These statistics indicate the number of contracts signed. In addition, French manpower needs are notified in accordance with the provisions of the bilateral Franco-Italian agreement. In this field, there is close co-operation with the Organisation for European Economic Co-operation, the Council of Europe, the Euro-



pean Coal and Steel Community, etc. Every three months, as a rule, a list of occupations in which there are vacancies is forwarded by the Ministry of Labour of each country of the Western European Union to the corresponding departments of the other member countries. These lists are made public in order that applications may be submitted.

*Article 8.* An alien domiciled in France can be repatriated under the relief conventions or labour treaties concluded with certain foreign countries. These instruments do not discriminate between workers and non-workers.

The only aliens eligible for repatriation are those who are lawfully domiciled in France and whose repatriation is a relief measure, provided there is no objection on humane grounds. In principle, repatriation applies only to patients transferred from a French hospital to a hospital in their country of origin.

The agreements mentioned above are as follows: the Franco-Italian Labour Treaty of 30 September 1919; the Franco-Polish Relief Convention of 14 October 1920; the Franco-Swiss Relief Convention of 9 September 1931; the Franco-Spanish Labour and Relief Treaty of 2 November 1932; and the Multilateral Social and Medical Assistance Convention of 7 November 1949 concluded by France, Belgium, the Netherlands, the Grand Duchy of Luxembourg and the United Kingdom.

*Article 9.* Foreign workers may not send funds abroad without prior permission from the Exchange Office. As a general rule, foreigners may transfer funds amounting to not more than 20 per cent. of their monthly wage or salary. This limit may be raised by agreements with their countries of origin or by special arrangement. Considerably more favourable conditions are applicable to German, Belgian, Luxembourg, Italian and Greek workers under the Franco-German Recruitment Agreement of 10 July 1950, the *modus vivendi* of 10 July 1952 on movements between France, Belgium and Luxembourg, the Franco-Italian Immigration Agreement of 21 March 1951 and the Franco-Greek Immigration Agreement of 13 March 1954. Spanish workers engaged by the National Immigration Office enjoy the same benefits as Italian workers who enter France under the above-mentioned Franco-Italian agreement. A Swiss worker who has in Switzerland a wife or children who are under the age of 18 or invalids may transfer as much as 50 per cent. of his wage or salary provided it does not exceed 600,000 francs a year. Unmarried workers may transfer only 20 per cent. of their wage or salary.

*Article 10.* Since the ratification of this Convention, France has concluded no agreement for the settlement of issues arising out of the engagement of foreign labour. The most recent agreements are the following: a Franco-German agreement of 10 July 1950, a Franco-Italian agreement of 21 March 1951, and a Franco-Greek agreement of 13 March 1954.

*Article 11.* Nationals of one country who remain domiciled in the frontier zone of that country and return there in principle every day but go to work in the neighbouring frontier

zone of another country, that is to say, whose movements are as a rule confined to a zone ten kilometres deep on either side of the frontier, are regarded as being frontier workers.

On arrival in France, foreign salaried artists are covered by the provisions of the Convention, particularly those of Article 6.

## ANNEX I

*Article 3.* Private employment agencies are precluded from taking part in the engagement of foreign workers and their transfer to France or in the provision of any substitutes who may be required during the initial probation period. The officials dealing with labour matters may register foreign workers as applicants for employment in the same way as they register Frenchmen so long as their work permit remains valid and for the occupation or occupations listed in the permit.

Private employment agencies that are authorised to operate under the Ordinance of 24 May 1945 and subject to the conditions laid down in Book I of the Labour Code may place foreign workers in occupations for which they hold work permits. The placement fees charged by private fee-charging agencies are paid exclusively by the employers.

*Article 5.* The provisions concerning the delivery of copies of contracts of employment to immigrants are observed.

*Article 6.* The National Immigration Office, whose staff includes interpreters, grants material aid to the families of immigrant workers on their arrival in France. This office meets the cost of transport for any excess luggage belonging to the workers' families, in so far as the sum involved exceeds the amount already paid by the French Government.

The Secretariat of State for Public Health and Population meets the expenses involved in the transfer to France of the worker's spouse and minor children, after deduction of the sum of 2,000 francs, which has to be paid by the worker. In addition, Italian workers receive a reception grant of 3,000 francs for miners and 1,500 francs for other categories of workers.

Travelling inspectors attached to the manpower services carry out checks during the induction period to ensure that contracts are correctly applied and lend assistance as required to those who are in difficulties. The agricultural labour inspectors do the same in their own field.

Spiritual and material assistance is given to immigrants by a private body subsidised by the State, the Migrant Welfare Service, as well as by a network of welfare officers.

*Article 7.* See the replies to the questions asked in connection with Article 10 of the Convention and Article 6 of Annex I.

## ANNEX II

France has not ratified Annex II but a reply is nevertheless given with regard to Article 5.

*Article 5.* Foreign workers engaged by another country may be authorised to pass through

France without a French consular visa provided they do so in organised groups and that a list containing the names of all the workers involved is submitted a few days in advance to the Frontier Traffic Bureau of the Ministry of the Interior.

### ANNEX III

The personal effects and furniture of foreigners authorised to settle permanently in France are not liable to customs duties and are not subject to the formalities connected with foreign trade and exchange control provided they are obviously intended for the use of the importers and their families and show signs of wear.

Such imports are governed by sections 10 to 18 and 34 of the Order of 18 November 1950.

Used tools, including sewing machines, imported by workers who come to ply their trade in France temporarily, and used instruments employed in the liberal and mechanical arts, may also be admitted free of duty. The person concerned must be in a position to supply the customs with all the necessary evidence.

Sets of tools constituting a complete installation may not be admitted free of duty and are subject to the regulations regarding the transfer of equipment that are laid down in sections 15 to 18 of the above-mentioned Order.

The application of the laws and administrative regulations in the field of immigration is the responsibility of the Manpower Directorate of the Secretariat of State for Labour and Social Security. The National Immigration Office is under the authority of the Minister of Labour and Social Security and the Minister of Public Health and Population.

Any decision regarding the transfer of a foreign worker to France is taken by the Manpower Department of the Ministry of Labour; each decision is based on a set of documents sent in by the parties concerned (employer and worker). If the application is approved the National Immigration Office is responsible for carrying out the decision.

There has been no court or other decision regarding matters of principle connected with the application of the Convention.

No observations, whether of a general character or with regard to this report, have been made either by the employers' or the workers' organisations.

#### *Italy.*

The report repeats the information supplied to the Conference Committee in 1956 in reply to the Committee's observation.

Eighty-three circulars issued by the Ministry of Labour during the period under review with regard to emigration and assistance to migrant workers were appended to the report.

The report was also accompanied by a statistical table giving a breakdown of the total number (53,666) of permanent emigrants who left Italy during the second half of 1955 and the first half of 1956, excluding individual migrants.

#### *Netherlands.*

The report states that in August 1955 a preliminary arrangement was made with the Italian Government concerning the temporary employment of Italian workers in the Netherlands.

*Article 4 of the Convention.* The report mentions that the system of subsidising has been changed; in principle, every migrant is now eligible for a State subsidy. His share of the costs is no longer determined according to his possessions but is now calculated on the basis of his income.

As regards the transfer of earnings and savings of the migrant for employment, in general there are no longer any limitations; however, for some countries, restrictions may be made for reasons of currency control.

### ANNEX I

*Article 3.* There are three distinct kinds of authorisations: (a) placement conducted with a view to profit: mainly in the sector of artists and musicians; (b) placement covering administrative expenses: domestic workers and nurses; (c) placement which is free of charge: probation institutions, for the benefit of probationers; educational institutions, for the benefit of ex-trainees.

The report adds that the conditions under which the granting of the authorisations has been subjected are mainly meant to protect the persons placed, for instance, by fixing rates and by a prohibition to include the services of third parties in the placement work. The supervision over the authorised agencies is entrusted to the municipal authorities. The employment office may request these authorities to take certain measures. In case of contravention of the law or of the conditions laid down in the authorisation, the Minister of Social Affairs and Public Health may withdraw the authorisation. In cases where employment contracts are under supervision the competent authority is the Government Employment Office.

### ANNEX II

*Article 3.* The report states that large-scale recruitment of foreign workers by Netherlands employers is subject to prior approval of the Ministry of Social Affairs. When lodging his application the employer must submit a detailed survey of the conditions of work. The actual recruitment is effected either by the employer himself or by the Government Employment Office or by both.

#### *New Zealand.*

There was some increase in the number of immigrants arriving. However, economic conditions in Europe and elsewhere prevented a significant increase in the number of persons wishing to migrate to New Zealand. The net immigration totalled 11,442. A total of 18,479 immigrants arrived from British countries; 12,010 of these were from the United Kingdom and 3,484 from Australia. The arrivals from

the Netherlands totalled 1,096 and from other foreign countries 1,303. Migrants arriving from the United Kingdom under the free passage scheme were 4,732.

A limited number of single immigrants from Denmark, Germany and Switzerland were expected in 1956. In Austria a New Zealand Selection Mission from London has made a selection from applicants presented by the Intergovernmental Committee for European Migration; the first draft was planned to arrive in July 1956 in New Zealand.

#### *United Kingdom.*

Agriculture (Poisonous Substances) Act, 1952, and Regulations thereunder, 1956.  
Aliens Employment Act, 1955.

The Government appends to its report a revised edition of a leaflet concerning "Overseas Settlement in Australia, Assisted Passage Scheme".

The Act of 1952 and the Regulations thereunder prohibit the employment of persons under 18 years of age on certain scheduled operations in agriculture.

The Brussels Treaty Organisation Scheme for placing suitable workers from any of the five countries in vacancies in any of the others has been replaced by a similar scheme operating within the seven member countries of the Western European Union, in which the Ministry of Labour and National Service participates. Furthermore, the arrangements agreed with the Austrian Government regarding the recruitment of Austrian nationals for private domestic work in the United Kingdom no longer apply.

The application of the Act of 1952 is entrusted on the central level to the Ministry of Agriculture, Fisheries and Food (for England and Wales) and to the Secretary of State (for Scotland) and on the local level to District Poisonous Substances Inspectors. The District Inspectors appointed by the Department of Agriculture make periodical and *ad hoc* visits and inspections and when necessary take proceedings. The central responsibility for the application of the Act of 1955 is the Treasury and on the local basis the individual government departments and immigration officers and police. This Act provides for the employment of aliens and British-protected persons in civil service under the Crown.

The Act of 1955 is supervised by the Treasury in conjunction with the Home Office and the Ministry of Labour and National Service.

#### *Uruguay (First Report).*

Law No. 9202 of 12 January 1934.  
Decree of 28 February 1947 to amend the Immigration Act No. 2096 of 18 June 1890.  
Constitution of 26 October 1951.  
Decree of 14 July 1954.  
Decree of 27 September 1955.

The Government states in its report that the problems with which the Convention deals are almost non-existent in Uruguay. It declares

that only in exceptional cases have complaints been received from immigrants alleging to have been the victims of misleading propaganda when they decided to emigrate to Uruguay; the report adds that these cases belong to the category of persons who have been encouraged to emigrate to Uruguay by compatriots already established in the country. Finally, it states that contracts of employment concluded by agents or representatives of firms deal only with technicians and skilled workers.

*Article 1 of the Convention.* A booklet entitled "Emigration during the Last Twenty Years", published by the Directorate-General of Migration, is appended to the report, and gives information on the legislation in the field of migration as well as the policy followed during the period indicated. It also contains statistical data in this field.

*Article 2.* So far as possible the Directorate-General of Migration assists immigrants and provides them with information at their request.

By a Decree of 27 September 1955 it was decided to establish a special department, within the framework of the Ministry of Industry and Labour, with the functions of the employment service, without prejudice to the setting up, by means of legislation, of the National Employment Service. In carrying out its duties, the above-mentioned department makes no distinction between nationals and immigrants.

*Article 3.* The question of misleading propaganda does not affect Uruguay since immigration has always been spontaneous and has never been solicited by the authorities.

*Article 4.* See under Article 3.

*Article 5.* Before departure from their home countries prospective immigrants are examined by the official doctors of the Uruguayan consulates. The issue of an immigration visa is necessarily conditional upon a satisfactory medical certificate; on the immigrants' arrival in Uruguay a corresponding control is exercised by the health authorities.

*Article 6.* In accordance with the Constitution immigrants receive the same treatment as nationals in regard to all the matters dealt with in this Article.

*Article 7.* The services rendered to immigrants both by the Directorate-General of Migration and the Employment Service mentioned under Article 2 are free of charge.

*Article 8.* No immigrants have ever been returned to their countries of origin, not even for political reasons. There is no residence law in Uruguay.

*Article 9.* There is no limit to the transfer of earnings and savings.

*Article 10.* The migratory movements to which this Article refers do not exist in Uruguay.

*Article 11.* The national legislation complies with the two paragraphs of the Article.

## 98. Right to Organise and Collective Bargaining Convention, 1949

*This Convention came into force on 18 July 1951*

Countries	Date of registration of ratification
Argentina . . . . .	24. 9.1956
Austria . . . . .	10.11.1951
Belgium . . . . .	10.12.1953
Brazil . . . . .	18.11.1952
Byelorussia . . . . .	6.11.1956
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
Federal Republic of Germany . . . . .	8. 6.1956
Guatemala . . . . .	13. 2.1952
Honduras . . . . .	27. 6.1956
Iceland . . . . .	15. 7.1952
Ireland . . . . .	4. 6.1955
Israel . . . . .	28. 1.1957
Japan . . . . .	20.10.1953
Norway . . . . .	17. 2.1955
Pakistan . . . . .	26. 5.1952
Philippines . . . . .	29.12.1953
Poland . . . . .	25. 2.1957
Sweden . . . . .	18. 7.1950
Turkey . . . . .	23. 1.1952
Ukraine . . . . .	14. 9.1956
United Kingdom . . . . .	30. 6.1950
U.S.S.R. . . . .	10. 8.1956
Uruguay . . . . .	18. 3.1954

### Belgium.

The report states that new collective agreements containing clauses regarding the status of trade union delegations representing the staff of undertakings were concluded in the joint committees for the following industries: pottery (wage earners), hides and pelts (wage earners), manufacture of paper and cardboard articles (wage earners), processing of waste raw materials (wage earners), chemicals (salaried employees), fine granite quarries in the Soignies area (salaried employees).

### Brazil.

According to section 2 (1) of the Civil Code Preamble Act any subsequent Act is to abrogate a former Act if the two are incompatible with each other or if the later legislation fully covers the subject dealt with in the first Act. The introduction into municipal law of the provisions of a ratified Convention has the effect of abrogating or amending earlier provisions that are incompatible with those of the Convention. In cases in which the international standards merely lay down general policy or in which municipal law does not provide for penalties in the event of non-compliance, the adoption of supplementary legislation is required. The position is the same when the administrative machinery does not include a body competent to ensure conformity with an international standard. Finally, in certain cases the application of the provisions of a Convention merely requires inspection measures, which lie within the competence of the Executive.

*Article 1 of the Convention.* According to section 540 of the Consolidation of Labour Laws any person or undertaking engaged in a particular trade or profession has the right to be admitted to the employers' or workers' organisation for the corresponding occupation "save in the event of duly proved unsuitability, subject to appeal to the Ministry of Labour". The Penal Code provides that any person who by violence or serious threats compels another to take part or refrain from taking part in the activities of a particular trade union or industrial association shall be liable to imprisonment for not less than one month nor more than one year and to a fine (section 199); the same applies to any person who by fraud or violence prevents the exercise of rights guaranteed by labour legislation. In preparing the future Labour Code consideration will be given to the amendment of the drafting of paragraph 3 of the existing section 543 of the Consolidation of Labour Laws in order to place specifically within the jurisdiction of the labour courts the supervision of matters to which Article 1 of the Convention relates.

*Article 2.* Protective measures against acts of interference are adequately provided for in sections 515 to 521, 524, 525, 529 to 532, 533 to 539, 542, 543, 545, 550 and 551 to 558 of the Consolidation of Labour Laws, as well as in the other provisions of Title IV.

### Cuba.

The Cuban Workers Confederation is made up of 40 federations and 2,313 trade unions. A total of 7,416 collective agreements are registered at present.

### Dominican Republic.

Section 98 of the Labour Code grants works unions set up in accordance with section 294 preference in the conclusion of collective agreements with the employer; this is because a works union is the most representative organisation in the undertaking, since in the admission of members not only the nature of the work done by the workers is taken into account but the fact that the workers are employed in the same undertaking (section 295).

*Article 2 of the Convention.* The protection of the unions against acts of interference is ensured by sections 302, 305 and 307 of the Code. Under section 302 the directors, managers or administrators of an undertaking may not be members of a workers' organisation. The other sections also contain protective measures.

Inquiries are being made to discover whether the courts of the Republic have given any decisions relating to matters connected with the application of the Convention.

*Egypt (First Report).*

Act No. 97 of 1950 respecting collective labour agreements.  
 Legislative Decree No. 319 of 8 December 1952 respecting trade unions of workers (L.S. 1952—Eg. 3).  
 Act No. 165 of 1953 to amend Legislative Decree No. 317 of 1952 respecting individual contracts of employment.  
 Act No. 143 of 1955 to revise section 5 of Legislative Decree No. 319 of 1952 and to grant trade unionists the right to leave their works union.

The Ministry of Labour is responsible for ensuring the application of the above-mentioned legislation. Any disputes that may arise in connection with the constitution of an employers' or workers' organisation and with trade union activities in general must be settled by the courts. The latter have given no decisions involving questions of principle connected with the application of the Convention.

At the end of September 1955 there were in Egypt 1,250 unions with a total of 450,000 members; there were 37 federations. Collective contracts of employment numbered 16.

*France.*

The report states that the mediation procedure set up to promote the development of methods of voluntary negotiations of collective agreements has yielded appreciable results. This procedure provides for the possibility of intervention by a mediator in collective disputes which arise on questions with regard to wages or supplements to wages at the time when collective agreements or wage agreements, negotiated at the national, regional or local level, are being fixed, revised or renewed. On 1 July 1956 mediators had been called upon to intervene in 56 cases and their intervention had enabled a positive solution to be reached in 40 disputes, five being still under discussion. Thirty-one agreements had been concluded in accordance with the mediators' recommendation, three agreements had been reached under special circumstances at the time of the mediation, and six partial agreements had been registered.

See also under Convention No. 87.

*Guatemala (First Report).*

Labour Code of 1947 (L.S. 1947—Guat. 1).

The Constitution of Guatemala does not contain provisions that give force of law to treaties, and the approval of the National Congress is therefore required.

*Article 1 of the Convention.* Section 62, paragraph (c), of the Labour Code prohibits employers from compelling workers by any measure whatsoever to withdraw from any unions or lawful associations to which they may belong or to transfer from one such body to another. The penalty for such an offence is a fine of between 100 and 1,000 quetzals (section 272, clause (a)). Section 209, paragraph (2), provides that any provisions that compel workers to belong to a trade union or that prevent them from withdrawing from a union, as well as any provision applying to employers that directly or indirectly restricts the freedom of association

of the workers, shall *ipso facto* be null and void. The only lawful grounds for discharging a worker are listed in detail in section 77 of the Labour Code, and an employer who discharges a worker on any other grounds is liable for damages. The penalty is the same as is laid down in section 272.

*Article 2.* The third paragraph of section 212 of the Code provides that it shall not be lawful for the representatives of the employer or other similar employees who, on account of their high post in the undertaking are compelled by preference to defend the interests of the employer, to belong to an industrial association of employees. All such exceptional cases are to be specified in the rules and are to be based on the nature of the posts to be excluded. The said exceptions must be approved by the General Labour Inspectorate.

*Article 3.* Section 283 of the Code provides that disputes relating to labour and to social welfare come within the jurisdiction of the labour courts. Section 211 of the Code provides that the Executive, through the Ministry of Economic Affairs and Labour, shall be bound to define a policy for the protection and development of trade unionism.

*Article 4.* Subparagraph (b) of the third paragraph of the preamble to Decree No. 330 (Labour Code) provides that "labour law constitutes a body of minimum social guarantees for the protection of the worker, who is alone entitled to forgo them. These guarantees are subsequently to be further extended, in strict conformity with the possibilities of each undertaking, through individual or collective contracts and in particular through collective agreements governing conditions of employment." Section 274 of the Code provides that the Ministry of Labour shall be responsible for the investigation and settlement of all matters relating to labour; it shall promote the application of all statutory provisions relating to such matters, in particular "those the direct purpose of which is to regulate and adjust relations between employers and workers".

*Article 5.* The legislation regarding the right to organise and collective bargaining is not applicable to the armed forces or the police.

*Article 6.* Public servants and officials are subject to the Public Service Regulations.

*Japan.*

Law No. 108 of 1956 concerning partial amendments to the Public Corporation and National Enterprise Labour Relations Law No. 257 of 1948.  
 Enforcement Ordinance of the Public Corporation and National Enterprise Labour Relations Law (Cabinet Order No. 249 of 1956).

The Government states that Law No. 108 of 1956 concerning partial amendments to the Public Corporation and National Enterprise Labour Relations Law came into force on 1 August 1956.

The Public Corporation and National Enterprise Arbitration Commission, of which mention was made in the previous report, was abolished and replaced by the Public Corporation and National Enterprise Labour Relations Commission (Public Corporation and National Enterprise Labour Relations Law, section 19). Hence

it is provided that the Public Corporation and National Enterprise Labour Relations Commission should be in charge of the matters concerning unfair labour practices with respect to the employees employed in the public corporation (Public Corporation and National Enterprise Labour Relations Law, section 3 and section 25, paragraph 5). The procedures with which the Commission deals with unfair labour practices are similar in general to those of the Labour Relations Commission based on the Trade Union Law, except for a certain number of procedural points.

As regards procedures for collective bargaining as provided in the Public Corporation and National Enterprise Labour Relations Law, the bargaining unit system hitherto adopted was abolished to be dealt with in a similar manner as provided for in the Trade Union Law.

#### *Philippines.*

There has been a growth of trade unionism owing to economic necessity and a growing readiness to organise. This has been aided by the protection of the right to organise afforded by Act No. 875, cited in last year's report.

One hundred and forty-nine collective agreements involving 30,216 workers were signed in the fiscal year 1955-56.

#### *Turkey.*

A worker as defined in section 1 of the Labour Code does not have to be covered by that Code in order to enjoy the protection against acts of anti-union discrimination laid down in section 13, paragraph 4, of the Code and in section 9 of the Trade Unions Act. It would be of interest to note in this connection that while only about 30 per cent. of workers covered by the Labour Code are organised in trade unions, there are many trade unions organised by workers who are not covered by the said Code: seamen, agricultural workers and journalists. It is true that the definition of the term "worker" as laid down in section 1 of the Labour Code covers only manual work or work which is partly manual and partly non-manual and excludes purely non-manual workers. The distinction between these two types of work is, however, very subtle. As a result, cashiers, typists, stenographers, messenger-boys, telephone switchboard operators, salesmen or saleswomen, tax-collectors, waiters, apprentices, chargehands, foremen, checkers, nightwatchmen, experts (tobacco, etc.) cloakroom attendants and the like are considered manual workers. (The question as to whether a person is a worker as defined in the Labour Code is determined, as may be required, by the Ministry of Labour and, finally, by the Council of State.) With regard to purely intellectual workers, a new legislation is intended to deal with the question. However, as was reported earlier, at the present time, intellectual workers can form "associations" whose statutes can lay down principles similar to those of trade unions and thus protect their members against discriminatory acts.

With regard to the question of protection against acts of mutual interference by workers'

and employers' organisations, under section 2 of the Trade Unions Act, 1947, persons not considered as workers or employers (as defined in section 1 of the Labour Code) cannot become members of workers' or employers' unions, and persons who cease to be considered as workers or employers can no longer belong to their respective organisations. To give effect to this provision, section 7 of the same Act provides that unions which permit acts contrary to the provisions of section 2 mentioned above are liable, by decision of the court of law, to be suspended for a given period or permanently.

Moreover, under the Trade Unions Act (section 4) and the Associations Act, trade unions are considered bodies corporate. In accordance with the provisions of the Civil Code respecting bodies corporate, autonomy with regard to those who are not members (and who are even members) is inherent in the very nature of a body corporate. Legal personality of a trade union therefore protects it against any act of interference from other persons or organisations. Just as a real person's rights and interests under the Civil Code are protected by law against any act of interference from others, under the same Code a trade union as a corporate body is protected against interference from persons, real or legal. In the event of contravention of this right, both real or legal persons are entitled to use their right to sue. The Ministry of Labour, which is responsible for the supervision of the application of the legislation concerned, can stop any active interference which is contrary to the provisions of the Convention. Penalties are laid down in cases of refusal.

Finally, in Turkey, Conventions are ratified by Acts and consequently the provisions of a ratified Convention are automatically incorporated into the national legislation and enter into force as provisions of any other Act. Sections 2 and 3, respectively, of Act No. 5834 ratifying the Convention read as follows:

"2. This Act shall come into operation on the date of its publication (14.8.1951).

"3. The Council of Ministers shall be responsible for the administration of the provisions of this Act."

#### *Uruguay.*

Act No. 10910 of 4 June 1947.

Act No. 10913 of 25 June 1947.

*Articles 1 and 2 of the Convention.* The Government states that when the committee responsible for drafting legislation on the subject has concluded its work it will be possible to supply more detailed information, as requested in the report form.

The Decree of 22 February 1949 set up five tribunals to hear disputes in industry and commerce. Act No. 10910 of 4 June 1947, respecting the special tribunals to which wage earners and salaried employees in public undertakings must apply, guarantees the security of employment of trade union leaders.

Act No. 10913 of 25 June 1947, which set up five joint committees and conciliation and arbitration tribunals in all undertakings providing a public service, lays down in section 2 that the staff representatives may be dismissed

only for serious reasons so long as they are members of such committees or tribunals.

The report refers to a decision of the Appeal Court, which recognised in very broad terms the right of workers in public services to belong to trade unions.

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

*Austria, Finland, Iceland, Pakistan, Sweden, United Kingdom.*

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## 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.*

The minimum wage levels for the various occupational groups in agriculture and forestry are fixed in the wage schedules of collective agreements. The various supplementary allowances, such as harvest bonuses, Christmas boxes, etc., amount to about 10 per cent. of the wage. The wages are expressed as gross cash earnings. The value of allowances in kind is fixed at specified rates. There is some variation in the wage rates between the different provinces, but the prevailing rates in the province of Lower Austria can be considered equal to the average for the country. There are at present 50 collective agreements in force in agriculture and forestry, each usually covering a province. The number of workers covered by these agreements ranges from 168,000 to 200,000, depending on the season. Of these 12,000 are salaried employees, the rest being wage earners. Copies of two collective agreements, covering respectively agricultural workers in Lower Austria and agricultural and forestry workers throughout Austria except the Tyrol and Vorarlberg, are appended to the report.

#### *Ceylon (First Report).*

Wages Boards Ordinance No. 27 of 1941 as amended by Ordinances Nos. 40 of 1943 and 19 of 1945, the Wages Boards (Amendment) Act No. 5 of 1953; Regulations made under the Wages Boards Ordinance and published in *Government Gazette* No. 9209 of 3 December 1943, as amended by Notifications published in *Government Gazette* No. 9162 of 27 August 1943, No. 9496 of 21 December 1945 and No. 9455 of 31 August 1945.

Shop and Office Employees (Regulation of Employment and Remuneration) Act No. 19 of 1954 (L.S. 1954—Cey. 1) and Regulations made under the Act and published in *Government Gazette* No. 10724 of 15 October 1954.

Decisions made by the Wages Boards for (a) Tea Growing and Manufacturing Trade; (b) Rubber Growing and Manufacturing Trade; (c) Coconut

Growing and Manufacturing Trade; (d) Cocoa, Cardamoms and Pepper Growing and Manufacturing Trade; (e) Engineering Trade; and (f) Motor Transport Trade.

The report states that the Wages Boards Ordinance was promulgated before the Convention was adopted and no modifications have been found necessary as a result of its ratification.

*Article 1 of the Convention.* Minimum wages can be fixed for manual workers by Wages Boards established under the Wages Boards Ordinance. Wages of office workers in agricultural undertakings can be regulated by a tribunal under section 25 of the Shop and Office Employees Act.

There is no legal provision requiring prior consultation with workers' and employers' organisations, but before a Wages Board is established indirect consultation does take place because the Minister notifies his intention to establish a board and invites objections to his proposed action.

Certain categories of workers (teamakers, rubber makers, conductors, kanakapulles and storekeepers) have been excluded from the scope of the decisions of the Wages Boards.

*Article 2.* Legislation requires wages to be paid in legal tender.

*Article 3.* Both the Wages Boards under the Ordinance of 1941 and the tribunals under the Act of 1954 are tripartite bodies comprising representatives of employers and workers and independent members designated by the Minister. The representatives of employers and workers are on a footing of complete equality.

Minimum rates of wages fixed under the above-mentioned laws are binding on the employers and workers concerned and failure to pay the minimum wage is a criminal offence.

The minimum wage machinery allows payment of wages at less than minimum rates, but at a rate approved by the Commissioner of Labour, to persons who are physically handicapped (section 34 of the Wages Boards Ordinance and section 26 of the Shop and Office Employees Act).

*Article 4.* Minimum wage rates are published in the newspapers and in the *Government Gazette*. Further, under section 37 of the Wages Boards Ordinance and section 18 of the Shop and Office Employees Act, employers are required to display the minimum wage rates on their premises.

Any underpayment of wages can be recovered in criminal prosecutions by the Labour Department under sections 39 and 41 of the Wages



Boards Ordinance and sections 52 and 53 of the Shop and Office Employees Act. The Commissioner of Labour may also recover wages in civil actions under section 51 of the Wages Boards Ordinance. Further, the worker has a civil claim for underpaid wages. Under the Wages Boards Ordinance and the Shop and Office Employees Act two years' arrears of wages can be recovered.

The enforcement of the minimum wage fixing legislation is the responsibility of the Minister of Labour, Housing and Social Services and inspections are carried out by the Commissioner of Labour and his staff. Where wages are found to have been underpaid a demand for the amount involved is made on the employer, and he may be required in appropriate cases to make payment through the Commissioner of Labour. When an employer refuses to comply with the instructions given, or is known to be habitually offending the law, criminal proceedings are instituted. Quarterly returns are furnished by the district offices to the head office of the Labour Commissioner, who in turn presents an annual report.

*Article 5.* Particulars of minimum wage rates, the number of workers affected by each rate, and the results of inspections are appended to the report. The total number of workers in agricultural undertakings covered by minimum wage rates in August 1956 was approximately 642,500. The number of inspections in such undertakings in 1955 was 3,106; the wages of 381,285 workers were checked, and underpayments were detected in the case of 8,276 workers, involving an amount of 135,770 rupees.

#### *Cuba (First Report).*

Legislative Decree No. 727 of 30 November 1934 to set up a Minimum Wage Board (L.S. 1934—Cuba 6). Act No. 22 of 19 March 1935 to extend the provisions respecting the minimum wage to commercial undertakings (L.S. 1935—Cuba 3). Constitution of 5 July 1940 (L.S. 1940—Cuba 1 A). Decree No. 2692 of 1954.

*Article 1 of the Convention.* Minimum wage regulation is provided for in the Constitution (article 61) and in the minimum wage legislation, the provisions of which apply to agricultural workers, without exception.

*Article 2.* Payment of wages may be made in kind up to a maximum of 20 per cent. for food and 20 per cent. for lodging. Order No. 587 of 1942 lays down that the food provided shall be healthy and abundant; it also contains provisions relating to the condition of lodgings supplied to the workers. Payments in kind can only be made with the worker's consent.

*Article 3.* The provisions of paragraphs 1 to 4 are implemented by Legislative Decree No. 727 and the regulations thereunder. No exceptions to the minimum wage in individual cases have been permitted.

*Article 4.* Section 11 of Decree No. 727 provides that minimum wage determination shall be published in the official gazette and that employers shall display the minimum rates in every workplace or in the place where wages are paid. The Ministry of Labour, its provincial offices, the General Directorate of

Labour Inspection and the labour courts enforce the regulations.

Section 9 of Decree No. 727 prohibits the payment of wages below the minimum rates. Section 12 provides for the recovery of underpayments by distress, and sanctions are laid down in section 575 of the Social Defence Code.

*Article 5.* Wage orders state the number of workers covered. For the orders in force see under Convention No. 26.

#### *France (First Report).*

Decree of 30 October 1935 respecting social insurance in agriculture (L.S. 1935—Fr. 13).

Labour Code of 11 February 1950 (L.S. 1950—Fr. 6 A). Decree No. 50-1029 of 23 August 1950 respecting the guaranteed inter-occupational minimum wage.

Decree No. 50-1264 of 9 October 1950 respecting the application to agriculture of Decree No. 50-1029. This Decree has been amended on a number of occasions, the last time being by Decree No. 56-265 of 17 March 1956.

*Article 1 of the Convention.* The provisions of this Article are implemented by sections 31 (x) and 31 (xa) of Chapter IVbis of Title I of the First Book of the Labour Code, which apply to all workers under a contract of employment; apprentices and members of the employer's family not enjoying the status of wage earners are accordingly not covered.

The Decree of 9 October 1950 applies to all agricultural wage earners as defined in the Decree of 30 October 1935.

*Article 2.* It is normal practice in France to provide food and lodging to agricultural workers and their families. For this reason section 75 of Book I of the Labour Code, which prohibits the direct or indirect sale of commodities by employers to workers, permits contracts under which food and lodging are provided in addition to a cash wage. The section prescribes that supplies must be provided at cost price. Workers cannot be compelled to take allowances in kind. Additional protection is afforded by the minimum wage regulations which provide for the methods of fixing of the value of food and lodging.

*Article 3.* The guaranteed minimum wage is fixed by ministerial decrees based on recommendations submitted by the Superior Collective Agreements Board, on which workers and employers have 15 representatives each. The fixed minimum wages are compulsory for all adult agricultural employees of normal working capacity. Workers with reduced working capacity may be paid less than the fixed minimum wage under the procedure laid down in the departmental regulations for agricultural labour.

*Article 4.* The decrees fixing minimum wages are published in the official gazette. The minimum wage legislation is enforced by the inspectors of social legislation in agriculture. There is at least one inspector for each département. Inspectors report offences to the Public Prosecutor who decides what action to take. Offenders brought before the courts may be fined. A worker paid less than the minimum wage can recover underpayments either by a claim in the above-mentioned criminal proceedings or by civil action.

*Article 5.* The above-mentioned regulations cover all wage earners in agriculture and related occupations, comprising between 1,120,000 and 1,130,000 workers in France and the overseas territories. The current minimum rates are set out in the Decree of 17 March 1956 a copy of which is appended to the report.

*Federal Republic of Germany (First Report).*

Order of 24 January 1919 relating to a provisional Agricultural Labour Act (No. 6673) (L.S. 1919—Ger. 3).

Collective Agreements Act of 9 April 1949.

Act of 11 January 1952 respecting the prescribing of minimum conditions of employment (L.S. 1952—Ger. F.R. 1).

Labour Courts Act of 3 September 1953 (L.S. 1953—Ger. F.R. 2).

*Article 1 of the Convention.* Section 1, paragraph 1, of the Act of 1952 provides that remuneration and other conditions of employment shall normally be fixed by collective agreements. Under section 4, paragraph 3, of the Collective Agreements Act conditions laid down in collective agreements are minimum conditions. Section 1, paragraph 2, of the Act of 1952 provides that minimum conditions of employment may be prescribed where adequate employers' or workers' organisations are lacking, where the social and economic needs of the workers appear to necessitate such prescription, and where conditions of labour are not governed by collective agreements of general application.

Under section 3 of the Act of 1952 the Federal Minister of Labour, in agreement with the General Committee for Minimum Conditions of Employment (which is composed of representatives of workers' and employers' organisations and is presided over by the Minister), determines the categories of workers to which the minimum conditions of employment shall apply. No such determination has yet been made, as the need therefor has not arisen.

*Article 2.* Partial payments of wages in the form of allowances in kind are usually governed by collective agreements. The Order of 1919 relating to a provisional Agricultural Labour Act provides in paragraph 1 of section 7 that wages in kind shall be of the average quality of the harvest and shall normally be measured in metric weights and measures; section 8 provides that the money value of dwellings, use of land or other facilities with no market value forming part of the remuneration shall be determined in writing.

*Article 3.* Section 7 of the Act of 1952 provides that, before fixing minimum conditions of employment, the Minister of Labour shall give the workers and employers concerned, as well as the competent workers' and employers' organisations, an opportunity to express their views in writing and to state their case at a public hearing. Under section 2, paragraph 2, of the Act, the General Committee for Minimum Conditions of Employment is composed of the Federal Minister of Labour and five representatives each of workers' and employers' organisations, and the special committees consist of three representatives each of these organisations. Section 8 provides that prescribed minimum conditions of employment

are subject to the relevant statutory provisions on collective agreements. As mentioned above, the conditions laid down in collective agreements are minimum conditions.

*Article 4.* In the case of collective agreements employers are required by section 7 of the Collective Agreements Act to post up the applicable conditions in the undertaking; and section 11, paragraph 1, of the Act of 1952 makes a similar requirement in respect of minimum conditions of employment and also requires a copy of the conditions to be delivered to every worker whose employment is governed by these conditions. Under section 11, paragraph 2, of the Act of 1952, workers and employers are bound to furnish to the bodies dealing with the fixing and supervision of conditions of employment, at the request of these bodies, information on all matters relating to conditions of labour. Section 12 entrusts the Higher Labour Authority for the *Land* with supervision of the observance of minimum employment conditions. Sections 13 and 14 provide for enforcement action by the Higher Labour Authority of the *Länder*. Furthermore, the worker can bring an action before the labour court, which has exclusive jurisdiction by virtue of section 2 (1) (ii) of the Labour Courts Act.

*Article 5.* No information can be given in respect of this Article as no minimum conditions of employment in agriculture have as yet been prescribed under the Act of 1952. Practical effect is given to the Convention by collective agreements, the provisions of which constitute minimum conditions.

*Mexico.*

With reference to the observations made last year, the report states that Mexico has taken steps to give due publicity to the minimum rates of wages fixed. Section 419 of the Federal Labour Law provides that the decisions of the central conciliation and arbitration boards fixing minimum wages shall be published in the appropriate official gazette before 31 December. Furthermore, the Ministry of Labour and Social Welfare publishes minimum wage rates in a special booklet, which has a wide circulation, in order to bring the rates to the notice of workers and employers. A copy of the booklet published in 1956 which sets out the minimum wages fixed for 1956-57 is appended to the report.

*Netherlands (First Report).*

Civil Code of the Netherlands.

Regulations governing wages and conditions of work in agriculture.

Organisation of Industry Act (L.S. 1950—Neth. 1).

*Article 1 of the Convention.* The wages and other conditions of work of workers in agricultural and related undertakings are regulated by a number of generally binding collective agreements or wage agreements covering workers in general agriculture, animal husbandry, horticulture, arboriculture, forestry, different categories of garden workers, peat workers and workers in agricultural machine-stations and harvest workers.

Usually the agreements define the categories of workers covered, and also contain a detailed classification according to the type of employment (permanent workers, workers provided with lodging by the employer, or day workers), according to age or qualifications of the workers (adult workers, adolescents, apprentices), according to sex, skill or capacity (total or reduced). As the above system of wage fixing had been in operation for several years before the Convention was ratified, it has not been found necessary to reconsult the most representative organisations of employers and workers in order to determine the undertakings and categories of workers to which the provisions of the Convention shall apply.

The exceptions such as those mentioned in paragraph 3 have not been made.

*Article 2.* Section 1637 (*p*) of the Civil Code regulates wage payments to workers who are not members of the employer's household. It provides that payments shall be in cash except in certain defined cases, in which the allowances in kind must constitute the primary needs of the worker and his family. If wages are fixed in a manner contrary to these rules, section 1637 (*r*) provides that the money value of the allowances is to be determined, and the actual wage deemed to be five times this value. Payments in kind contrary to the law are null and void, and the worker retains his right to claim his wages in cash. The collective agreements often contain more detailed provisions concerning allowances in kind than are fixed by the Civil Code. The value of allowances of agricultural products granted in accordance with the agreements in addition to cash wages is determined by the prices fixed by the authorities or current market prices. The value of other allowances is subject to agreement between the worker and the employer.

*Article 3.* As has already been stated, wages in agriculture and related occupations are fixed in collective agreements or wage agreements. Collective agreements are of regional application but their general provisions are identical in all regions. After acceptance by the employers' and workers' organisations, they are submitted to the Conciliation Board for approval. This Board also lays down the compulsory wage agreements for agriculture, based on recommendations of the trade corporations under the Organisation of Industry Act, which consist of representatives of workers' and employers' organisations. These agreements, too, contain general provisions and provisions specially adapted the local conditions.

The wages approved by the Conciliation Board are minimum and maximum wages, and any departure from them constitutes an offence.

No special minimum rates have been laid down for apprentices and handicapped workers. Their wages are fixed by agreement but cannot exceed certain maxima.

*Article 4.* Minimum wage rates are enforced in part by the General Inspectorate of the Ministry of Agriculture, Fisheries and Food, and in part by the Wages Control Service of the Ministry of Social Affairs and Public Health. The Director-General of Labour Inspection co-

ordinates these inspection activities. In the case of minor offences the inspection services normally give a warning but serious violations lead to prosecution.

Any worker paid less than the fixed wage can bring a civil action, which must normally be commenced within a year.

*Article 5.* Constant efforts are made to maintain a just relation between the wages of agricultural workers and other comparable workers. According to the most recent information (December 1953) the number of permanent agricultural and horticultural workers was 581,327. Besides this a number of day labourers are engaged in agriculture. There are no statistics showing the number of workers in related occupations. Copies of a collective agreement for the province of Utrecht and of wage regulations for the province of Gröningen, in which wage rates for workers in agriculture and cattle rearing are set out, are appended to the report.

#### *New Zealand.*

During the year under review the minimum wage rates for tobacco workers were increased. The report sets out particulars of the minimum wage determinations in force at 31 March 1956, of under-rate workers' permits issued during the year ending at that date (totalling 292), and of inspection activities during the same year. Five hundred and forty-nine inspections were made under the Agricultural Workers Act of 1936; arrears of wages paid at the instigation of the Labour Department totalled £4,499 4s. 2d. It is estimated that at 31 March 1956 there were 62,500 wage earners engaged in farming pursuits.

#### *Philippines.*

In reply to the observations made by the Committee of Experts in 1956 the report gives the following information:

(1) Before the enactment of the Minimum Wage Law public hearings were conducted by Congress wherein the most representative workers' and employers' organisations were invited to give their opinion as to the undertakings, occupations and categories of workers to which the law should apply.

(2) The Rules and Regulations implementing the Minimum Wage Law govern the value of allowances in kind. The value of board, lodgings and other facilities is determined on the basis of the cost to the employer, plus adequate depreciation and interest at not more than 5½ per cent. on the capital invested by the employer. The determination is made after an investigation at which all interested parties are given an opportunity to be heard.

(3) The report describes in detail the procedure laid down in the Rules and Regulations implementing the Minimum Wage Law in respect of claims for unpaid or underpaid wages. The report of the Wage Administration Service for 1955-56 is appended to the Government's report.

United Kingdom.

Agricultural Workers' Holidays Act (Northern Ireland), 1956.

*Article 5 of the Convention.* In 1955 the Agricultural Wages Board for England and the Board for Northern Ireland extended the statutory minimum wage rates for adult males to all males over 20 years of age, and made the higher of the two overtime scales (time-rate-and-a-half) applicable to all overtime employment, abolishing the lower scale. In January-February 1956 the Boards for England, for Scotland and for Northern Ireland decided upon increases in the statutory minimum wage amounting to 8s. per week for males over 20 years and proportionate increases for all other workers. The Board for Scotland further decided that overtime worked during the week and on Saturdays and Sundays should be paid at the rate of time-and-a-half which previously had only applied to week-end work. A reduction in the additional hours to be worked by horsemen and tractor-men was also decided upon. In Northern Ireland the Agricultural Workers' Holidays Act, 1956, provides 13 days' holiday each year for full-time workers, as compared with six days formerly. The report contains detailed information on the provisions of the Wages Orders in force at 30 June 1956.

The number of workers covered by the above provisions is approximately 700,000. In Northern Ireland the Wages Board does not fix rates in respect of female workers.

The number of permits in force authorising payments of less than the full minimum rates because of mental or physical infirmity was 5,403 on 30 June 1956. Of these, 823 had been issued during the preceding 12 months. No changes have taken place in the organisation and working of inspection. The report gives data on inspections carried out, underpayments of wages recovered and complaints received in connection with the minimum wage regulations.

Uruguay (First Report).

Act No. 9991 of 20 December 1940 governing employment and living conditions of workers in rice fields (L.S. 1940—Ur. 1).  
Act No. 10449 of 12 November 1943 to institute a system of wages boards.

Act No. 10809 of 16 October 1946 respecting the protection of rural workers.  
Decree of 11 February 1949, made under Act No. 10809 (L.S. 1949—Ur. 1), as modified by Decree of 11 June 1949.  
Act No. 11718 of 27 September 1951 to fix minimum wages for wool shearers.  
Order of 10 November 1952 respecting food and lodging of wool shearers and herdsmen.  
Decree of 31 July 1956, made under Act No. 11718, fixing minimum wage rates for certain categories of workers.

*Article 1 of the Convention.* The provisions of this Article are implemented by sections 1 to 9 of Act No. 10809, section 10 of Act No. 9991 and the Decree of 31 July 1956. Any rural worker not protected by the above legislation is covered by Act No. 10449.

*Article 2.* Under section 5 of Act No. 10809, in addition to paying the fixed wage, employers must provide workers and their families living with them with housing, food and other prescribed allowances but under section 7 workers without a family who wish to provide their own food may be paid a cash allowance in lieu of food. Section 12 of the Decree of 11 February 1949 defines more precisely the food to be supplied to workers and their families. Under section 4 of Act No. 11718 and the Order of 10 November 1952 respecting wool shearers, workers are entitled, free of charge, to adequate food, lodging and pasture for their own animals.

*Article 3.* Sections 3 and 4 of Act No. 10809 permit a reduction of the minimum wage (but not of the prescribed allowances) in the case of minors between 16 and 18 years, workers over 60 and physically handicapped workers. Apart from these cases the minimum rates fixed by law cannot be abated.

Since rural workers are not organised in trade unions, their wages are protected by law, and in all departments committees for the protection of rural workers have been established.

The above legislation is enforced by the National Labour Institute. Employers are required to keep records for all workers and they must produce these records and all receipts for wages and allowances to inspectors when required. In their work inspectors enjoy the collaboration of the Ministry of Stockbreeding and Agriculture, the departmental committees for the protection of agricultural workers, and the police.

100. Equal Remuneration Convention, 1951

*This Convention came into force on 23 May 1953*

Countries	Date of registration of ratification
Argentina . . . . .	24. 9.1956
Austria . . . . .	29.10.1953
Belgium . . . . .	23. 5.1952
Bulgaria . . . . .	7.11.1955
Byelorussia . . . . .	21. 8.1956
Cuba . . . . .	13. 1.1954
Dominican Republic . . . . .	22. 9.1953
Ecuador . . . . .	11. 3.1957
France . . . . .	10. 3.1953
Federal Republic of Germany . . . . .	8. 6.1956

Countries	Date of registration of ratification
Honduras . . . . .	9. 8.1956
Hungary . . . . .	8. 6.1956
Italy . . . . .	8. 6.1956
Mexico . . . . .	23. 8.1952
Philippines . . . . .	29.12.1953
Poland . . . . .	25.10.1954
Ukraine . . . . .	10. 8.1956
U.S.S.R. . . . .	30. 4.1956
Yugoslavia . . . . .	21. 5.1952

*Belgium.*

After having consulted the National Labour Council and with the unanimous agreement of its members, the Minister of Labour and Social Welfare sent a note on 17 February 1956 to the chairmen of all the joint committees in branches of industry, commerce and agriculture, requesting them to pay special attention to the problem of equal pay for work of equal value and to make every effort to reduce by degrees the difference, if any, between men's and women's wages for work of equal value.

With this object in view the Minister asked the joint committees to send him in the future, every time they wished a collective wage agreement to be made generally binding, a detailed justification of any differences between men's and women's wages, together with a statement showing the progress achieved in this matter since the conclusion of the preceding wage agreement.

Finally, wishing to ascertain the progress made in all economic sectors, the Minister requested each joint committee to send him in April 1957 a report on the state of their activities, showing not only the provisions of the collective wage agreement, whether made generally binding or not, but also the state of current negotiations on equal pay. Once in possession of this information, the Minister will consider, together with the National Labour Council, whether further measures should be taken to give effect to the ratification of Convention No. 100.

The Government states that the next report will give all relevant information on the results of the measures taken by the Minister which in its opinion will give a new stimulus to the general application of equal pay. A study of the grading of occupations on the basis of the work to be performed has been undertaken in the chemical industry by the General Technical Committee, but has not yet been concluded.

Further, the National Labour Council has drawn up lists of mixed occupations—i.e. occupations in which both men and women are employed—in the textile and ceramics industries. These lists are appended to the Government's report.

The Government also appends an observation made by the General Federation of Liberal Trade Unions of Belgium on the annual report for the period 1954 to 1955 in which the Federation indicates that it would be desirable to define more precisely what is to be understood by "equal work". It proposes as a definition "work of the same nature and of equal value".

*Cuba (First Report).*

Legislative Decree No. 598 of 16 October 1934 respecting the employment of women in industry (L.S. 1934—Cuba 10).

Constitution of 5 July 1940 (L.S. 1940—Cuba 1 A). Decree No. 3185 of 8 November 1940 respecting the application of articles 62, 63, 64, 66 and 67 of the Constitution and to amend the General Regulations under the Eight-hour Day Act (L.S. 1940—Cuba 1 B).

*Article 2 of the Convention.* Under article 62 of the Constitution, "Equal pay shall be due

for equal work performed under identical conditions, irrespective of the persons who perform the work".

Section 1 of Decree No. 3185 of 1940 reads as follows: "Article 62 of the Constitution is hereby declared to be immediately applicable; consequently, equal pay shall be due for equal work performed under identical conditions, irrespective of the persons who perform the work, and there shall be no exceptions to this rule other than exceptions based on legitimate grounds of seniority, special qualifications, or other relevant reasons. If a wage or salary earner performs temporarily or permanently the work of another employee with a higher remuneration, he shall receive the wage or salary fixed for such work."

Under section VI of Legislative Decree No. 598 of 1934, "women shall have the same right to be employed as men, subject to the exceptions laid down in this Decree, and shall be entitled to be paid the same wage as men for the performance of similar work".

Collective labour agreements are valid to the extent to which they conform to, or improve upon, the above-mentioned legislation.

*Article 3.* When employments are described by the same title the work to be performed is presumed to be identical, and the employer must prove the contrary to be entitled to grant advantages to any worker.

*Article 4.* The application of the principle of equal pay has not given rise to any dispute necessitating intervention by the occupational organisations concerned. The practice of non-discrimination between male and female workers is deeply rooted in tradition.

The Ministry of Labour, its provincial offices, and the national directorates of women's and children's work enforce the relevant legislation and make periodical inspection visits to work centres. Complaints are transmitted, once an infringement is noted, to the competent court of summary jurisdiction.

The courts have not pronounced any judgments bearing on the provisions of the Convention. No infringements have been recorded.

*Dominican Republic.*

Decree No. 1702 of 3 May 1956 to establish and determine the composition of the Advisory Council of the National Wages Committee.

*Article 3 of the Convention.* In reply to the observations made by the Committee of Experts in 1956 with regard to the measures taken in the Dominican Republic to promote objective appraisal of jobs on the basis of the work to be performed, the Government states in its report that in order to facilitate the work of the National Wages Committee a permanent advisory body was set up in May 1956, called the "Advisory Council of the National Wages Committee", responsible to the Ministry of Justice and Labour.

The functions of this Council are to carry out technical studies and research with a view to determining minimum wages for all categories of workers. A copy of the Decree establishing the Council is appended to the report.

*France.*

The definition of the different employments in each branch of activity and their classification and grading are within the province of the collective labour agreements or wages agreements freely concluded under the provisions of the Act of 11 February 1950 respecting collective agreements and proceedings for the settlement of collective labour disputes. The employments are defined and classified on the basis of the work to be done, its relative importance, and the aptitudes required of workers to execute it. The assessment of the persons concerned, however, remains entirely free and, in view of the very special conditions which often obtain in various branches of activity, it does not appear possible to evolve a general method of classification by which the parties concerned could be guided.

In any case, the principle of "equal pay for equal work", without consideration of age or sex, is always respected, and the definitions of employments are based solely on the kind of work to be done.

*Mexico.*

No calculation of the output of women has been made with a view to paying them lower wages than men. In collective contracts, wages are fixed without distinction as to sex; wage rates are determined for each kind of work. The report quotes the provisions of the collective contract in the hosiery industry fixing the wages to be paid to the employees in that industry.

*Philippines.*

In reply to the observations made by the Committee of Experts in 1956 the Government gives the following information:

The application of the principle of equal remuneration is promoted (a) by labour education carried on by the Department of Labour for workers and managements, dealing particularly with labour legislation; (b) by inspection work to enforce the Women and Child Labour Law and the Minimum Wage Law; and (c) by periodical sample surveys.

Job appraisals may be carried out by job evaluators of the Wage Administration Service on request from employers and unions. So far there has been little demand for such appraisals, but with the reorganisation of the Department of Labour the demand may increase because there will be more instructors to enforce equal pay provisions.

Co-operation of employers' and workers' organisations in giving effect to the Convention has been secured through jointly financed labour-management committees, which have concerned themselves with the interpretation of labour laws and the rights and duties of workers and management.

*Poland (First Report).*

Constitution of the Republic of 22 July 1952. Decisions of the Presidium of the Government and implementing regulations of the competent ministries.

Article 66 of the Constitution provides:

"(1) Women in the Polish People's Republic have equal rights with men in all spheres of public, political, economic, social and cultural life.

(2) The equality of rights of women is guaranteed by (a) equal rights with men to work and pay according to the principle 'equal pay for equal work', the right to rest and leisure, to social insurance, to education, to honours and decorations, to hold public appointments. . . ."

The principle of equal pay for equal work is established in the collective agreements for all branches of activity. For example, section 8 of the collective agreement for the textile industry stipulates: "In fixing remuneration for work, the principle of equal pay for equal work must be respected. The same principle is also to be applied in fixing the remuneration for work by women and young persons." Similar clauses appear in all the collective labour agreements.

The wages fixed during recent years by decisions of the Presidium of the Government and by executive decrees of the various ministries are the same for men and women.

The wage system for piece workers excludes any discrimination between men and women, since the wages are based on equal rates for both men and women for one unit produced. Each worker, without regard to sex, is classified in accordance with a table containing a "schedule of qualifications".

Observance of the principle of equal pay for equal work is also secured by special protective provisions with regard to women's work, which provide that a pregnant woman, as from the sixth month of her pregnancy, must be given lighter work while retaining her right to the same wages as previously.

The workers' trade unions supervise the application of the principle of equal pay for equal work.

Under the Decree of 6 February 1945 to institute works councils, the councils are responsible, at the request of the workers, for day-to-day supervision.

The systematic supervision of the application of the principle of equal pay in undertakings is carried out by the trade unions of the different branches of industry, while the Central Council of Trade Unions supervises the practical application of any new wage system. Under section 4 of the Act of 1 July 1949 respecting trade unions, "the trade unions shall, through the directing bodies and union officers prescribed in their constitutions, co-operate with authorities and institutions in the fields of public administration, national economy and supervision, within a sphere and in a manner to be prescribed by law".

The central administrations of the trade unions have stated that the principle of equal pay for equal work is effectively respected.

The heads of undertakings consider that in general women are more accurate in their work than men and that there are no examples of undertakings assessing work as less skilled or less useful merely because it was done by a woman.

The works arbitration committees set up under the Decree of 24 February 1954, which are

responsible for settling labour disputes, have to date received no complaints concerning the principle of equal pay for work of equal value. On the contrary, a certain amount of opposition has been experienced from women transferred to lighter work in accordance with the present tendency towards strict observance of the statutory provisions with regard to the protection of women's work, for example, in the coal mining and chemical industries.

The principle of equal pay for equal work is generally applied as regards women employed in production as well as those employed as engineers and technicians.

Sporadic cases of infringement of the principle of equal pay may in practice occur only as regards certain administrative and office employees paid monthly, owing to differences between salaries within the same salary group. Thus, for example, it may happen that persons of different sex with the same qualifications do not receive the same salary owing to the fact that extra-occupational considerations, such as family responsibilities, etc., are taken into consideration.

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

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## 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
Egypt . . . . .	9. 4.1956
France . . . . .	29. 3.1954
Federal Republic of Germany . . . . .	5. 1.1955
Hungary . . . . .	8. 6.1956
Israel . . . . .	14. 7.1953
Italy . . . . .	8. 6.1956
New Zealand . . . . .	24. 7.1953
Norway . . . . .	30. 9.1954
Poland . . . . .	8.10.1956
Sweden . . . . .	12. 8.1953
United Kingdom . . . . .	25. 6.1956
Uruguay . . . . .	18. 3.1954
Yugoslavia . . . . .	30. 4.1955

#### *Austria (First Report).*

Federal Act of 26 September 1923 respecting employment contracts in agriculture and forestry (L.S. 1923—Aus. 2) in the new version of the Federal Act of 3 July 1943.

Federal Act of 2 June 1948 to lay down principles governing labour law in agriculture and forestry (L.S. 1948—Aus. 2).

*Article 1 of the Convention.* The above-mentioned legislation entitles agricultural and forestry workers to an annual holiday with pay after a period of continuous service.

*Article 2.* Annual holidays with pay are provided by legislation. The representative organisations of workers and employers were consulted before the adoption of the legislation which governs annual holidays with pay.

*Article 3.* During the first year of service a worker earns the right to an annual holiday with pay after nine months of employment. In the case of salaried employees a period of six months of employment entitles them to an annual holiday. The duration of the holiday is a minimum of 12 working days in the course of the year.

*Article 4.* The undertakings and categories of persons to which the provisions of the legislation apply are referred to in section 5 of the Act of 2 June 1948 which defines the undertakings to be considered as falling under the legislation, and in section 1 of the same Act which defines the categories of persons in these undertakings to be covered by the regulations. Members of the employer's family, as defined in section 3 of the aforementioned Act, are exempted from the provisions for annual holidays.

*Article 5, clause (a).* Young workers and apprentices under the age of 18 years are entitled to an annual holiday of 24 working days in the course of a year.

Clause (b). For workers over 18 years of age with more than five years of uninterrupted service with an employer the annual holiday shall be 18 working days, and after 15 years of service 24 working days. Salaried employees are entitled to 18 days of vacation after five years of service, 24 days after ten years and 30 days after 25 years of service.

Clause (c). In case the contract of service expires during the first year, before the worker has gained the right to a holiday, the worker—but not a salaried employee—has the right to compensation for the loss of his right to a holiday at the rate of  $\frac{1}{52}$  of two weeks' remuneration in respect of each week of employment.

Clause (d). Statutory holidays, days of weekly rest and absences due to sickness or accidents are not included in annual holidays.

*Article 6.* The annual holiday may be divided, on condition that at least one working week shall be taken continuously during each year. In the case of salaried employees the holiday may be divided into two periods provided that one period shall include at least six working days.

*Article 7.* The workers maintain their right to remuneration during the holiday period. In cases where food is included in the salary and the worker does not profit from this during the holiday, he is entitled to compensation in cash at the rate of 150 per cent. of the value attached to such allowances by the social security offices.

*Article 8.* The provisions of the legislation governing annual holidays are obligatory and cannot be suspended or restricted by agreements.

*Article 9.* Under this Article the report repeats the information given under Article 5 (c).

*Article 10.* The supervision of the enforcement of the above regulations is in the hands of the Labour Inspection Offices for Agriculture and Forestry. The offices carry out a continuous control in respect of the labour regulations in agriculture and forestry, and have the right to see the records on annual holidays kept by the employers.

*Article 11.* The number of persons covered by the provisions of the Convention during the period under review was between 168,000 and 200,000 according to the seasons. Of the said number 12,000 persons were salaried employees.



*Belgium (First Report).*

Royal Order of 9 March 1951 to issue a consolidation of the Acts and Legislative Orders respecting the annual holidays of employees (L.S. 1951—Bel. 1 B), as amended by the Act of 27 March 1951, Royal Order of 16 February 1952, Act of 27 May 1952 (L.S. 1954—Bel. 1 B.), Act of 27 July 1953 (L.S. 1954—Bel. 1 C.), Royal Order of 13 October 1953, Act of 11 March 1954 (L.S. 1954—Bel. 1 A.), Act of 29 March 1956, and Act of 4 July 1956.

Executive Orders as follows: Order of the Regent of 19 July 1949 respecting annual holidays of salaried employees, as amended by Royal Order of 15 July 1953, Royal Order of 10 April 1954, Royal Order of 6 December 1954, Royal Order of 7 February 1956<sup>1</sup>, and Royal Order of 1 August 1956.

The report states that the national legislation is in complete harmony with the provisions of the Convention and that no special measures have had to be taken for its application.

*Articles 1 and 2 of the Convention.* The consolidated laws respecting annual holidays cover agricultural workers; section 3 prescribes annual holidays in proportion to the service completed. Provision is made for the consultation of employers and workers or their representatives under section 66 of the consolidated laws.

*Article 3.* The report states that the ordinary length of the holiday is at least six days for each 12 months of service. In calculating the length of service in respect of which annual holidays are to be given all days treated as days worked are included. Days of interruption of work which are to be treated as days worked are laid down in the Royal Order of 15 February 1954. The report also gives the proportional length of holidays for periods of less than 12 months.

*Article 4.* The consolidated laws apply to all persons bound by a contract of service or contract of apprenticeship. Section 2 of these laws excludes domestic servants and employees in undertakings in which only members of one and the same family are employed under the control of the father, mother or guardian. However, the Crown may, either by simple extension or by means of a special scheme, render the laws applicable to all or certain categories of the excluded workers. Before taking such measures the Government must consult the General Joint Council or the appropriate joint board or, if this is not possible, the most representative employers' and workers' organisations.

*Article 5.* The minimum length of the holiday is trebled or doubled in the case of workers under 18 or under 21 years of age respectively. Section 6 of the consolidated laws grants supplementary holidays according to the age of the worker. The minimum period of work in respect of which holidays are granted is 15 days; compensation in lieu of holidays is not permitted. The report gives the days and periods which shall not be included in annual holidays: (1) statutory holidays, according to a list; (2) the days of rest prescribed in the legislation governing hours of work and Sunday rest; (3) interruptions of work due to one of the causes, such as sickness or accident, mentioned in section 3

of the Law of 7 June 1949, except when such interruptions occur during the holidays.

*Article 6.* The annual holiday may at the request of the worker be divided, on condition that one period, comprising half the annual holiday to which the worker is entitled, shall be taken continuously and shall comprise at least six working days. This minimum period may be reduced to five working days if it includes a public holiday.

*Article 7.* The remuneration in respect of holidays is governed by section 15 of the consolidated laws on annual holidays. The report states that the prescribed remuneration is more favourable than the minimum laid down in the Convention.

*Article 8.* Section 3 of the consolidated laws provides that the right to holidays cannot be relinquished.

*Article 9.* In the case of workers who are covered by the social security regulations, the remuneration in respect of annual holidays is paid through the National Fund for Annual Holidays. The report states that if a worker of this category loses his employment he enjoys all the rights laid down in the present article. In the case of employees the holiday remuneration is paid directly by the employer. If, at the expiration of a contract of employment, the employee has not taken the holiday due to him, the employer shall pay him 6 or 8 per cent. of the salary earned during the period in respect of which holidays are due, according to whether the employee is over or under 18 years of age. In the case of interruptions of work included in the period in respect of which holidays are due, the holiday remuneration shall be adjusted according to a calculated salary for such periods. The workers have the right of appeal to the services responsible for the application of the relevant legislation, or to the courts. Section 66bis of the consolidated laws prescribes that disputes between workers and the Annual Holiday Fund shall be settled by the trade conciliation council or, where no council exists, by the justice of the peace.

*Article 10.* Sections 55 to 65 of the consolidated laws contain provisions relating to penalties. Police officials and specially appointed officials ensure the supervision of the application of the holiday regulations. Employers and workers are obliged to furnish information requested by these officials.

*Article 11.* According to a report of the National Fund for Annual Holidays 23,463 permanent and 8,892 seasonal workers in agriculture were covered by the annual holiday regulations in 1955. In 1954, according to the annual report of the National Social Security Office, there were 366 employees in horticulture and forestry. The Labour Inspection Service of the Ministry of Labour has reported two cases where agricultural employers refused to give information or obstructed the work of the inspectors.

*Cuba (First Report).*

Act No. 40 of 22 March 1935 respecting annual leave with pay (L.S. 1935—Cuba 4).  
Constitution of 5 July 1940 (L.S. 1940—Cuba 1 A).  
Decree No. 1435 of 1953.

<sup>1</sup> All the legislative texts listed above are appended to the report.

*Article 1 of the Convention.* Article 67 of the Constitution does not require any period of continuous service but lays down the principle that holidays shall be proportionate to the length of employment.

*Article 2.* Provision is made by legislation for holidays with pay in agriculture, there being no distinction or difference between such holidays and those granted in industry, commerce or any other occupations.

*Article 3.* It should be repeated that holidays are proportionate to the length of employment and that no continuous service or minimum period of employment is required. The receipt of any wage involves the grant of holidays with pay equivalent in financial terms to a supplement of 9.09 per cent. of the remuneration due.

*Article 4.* The legislation applies to all manual and professional workers without any exception except as regards domestic service in private homes (section 15 of Decree No. 1435).

*Article 5.* Young workers receive, for a seven-hour day and a 42-hour week, the same advantages as an older worker receives for an eight-hour day and a 48-hour week.

*Article 6.* This is applied by section 10 of Decree No. 1435.

Section 2 of the same Decree provides for the question of the intermittent nature of agricultural employment.

*Article 7.* Section I of Act No. 40, as amended by article 67 of the Constitution, corresponds to the provisions of this Article of the Convention. In Cuba workers are granted one month's holiday for 11 months' work, or the equivalent for a shorter period.

*Article 8.* This corresponds to section XI of Act No. 40 and article 72 of the Constitution.

*Article 9.* Dismissal, even on valid grounds unless they are serious, does not involve the loss of entitlement to holidays.

*Article 10.* The Ministry of Labour, its provincial offices and the Directorate-General of the National Labour Inspectorate ensure the observance of the legislation.

*Article 11.* Holidays with pay are granted to the whole working population, the only exception being domestic service in certain particular cases.

The Ministry of Labour, its provincial offices and the Directorate-General of the National Labour Inspectorate ensure the application of the legislation.

#### *France (First Report).*

Act of 27 March 1956 to extend to agricultural occupations in Metropolitan France and the overseas territories the provisions of Book II, Title I, Chapter IV, of the Labour Code.

*Article 2 of the Convention.* Legislative provision is made for the grant of holidays with pay. Collective agreements may, however, include provisions that are more favourable for the workers.

*Article 3.* The legislation does not require a minimum period of continuous service: a worker who can prove that he has worked one month for the same employer during the qualifying period is entitled to a holiday. Periods equivalent to four weeks or 24 working days are regarded as amounting to one month of actual work.

*Article 4.* The legislation is applicable to all wage earners, salaried employees and apprentices in agricultural occupations. The only persons excluded from the scope of this legislation are therefore those who are not gainfully employed or apprenticed, particularly the non-remunerated members of a farmer's family.

*Article 5.* For each month preceding their 18th birthday young workers and apprentices below the age of 18 receive two days' holiday instead of a day-and-a-half. The length of the holiday is increased by two working days after 20 years of service in the same undertaking, irrespective of whether the service has been continuous or not. The increase amounts to four days after 25 years of service and six days after 30 years. Public holidays, weekly rest periods and interruptions of employment due to sickness or accident are not counted as holidays with pay.

*Article 6.* A holiday with pay not exceeding 12 working days must be taken in one stretch, but a longer holiday may be divided.

*Article 7.* The remuneration for holidays is equal to one-sixteenth of the total remuneration received by the worker during the qualifying period in the case of adults, and to one-twelfth of that remuneration in the case of young persons. The remuneration may not amount to less than the sum that would have been paid during the holiday period if the worker had continued to work. The value of the benefits which the worker does not continue to receive during his holiday is added to his remuneration.

*Article 9.* A worker who is dismissed may institute legal proceedings in order to secure the payment of any remuneration still due to him.

*Article 10.* To ensure the application of the provisions on this subject inspection and supervision is exercised by the inspectors of social legislation in agriculture.

*Article 11.* The legislation in question covers all wage earners and apprentices in agriculture and related occupations, i.e. between 1.2 and 1.3 million persons.

The contraventions reported by the inspectors may lead to fines imposed by the courts.

#### *Israel.*

The Agricultural Workers' Holiday Fund has further developed its activities during the period under review. The funds collected from employers amounted to I£1,202,000, as against I£985,000 the previous year. The number of workers for whom holiday pay was collected was 41,030 the year before last; this number has increased during the period under review.

*Norway (First Report).*

Act No. 3 of 14 November 1947 respecting annual holidays (L.S. 1947—Nor. 1).

*Article 2, paragraph 1, of the Convention.* Agricultural workers have the right to an annual holiday with pay by virtue of the Holidays Act of 1947.

Paragraph 2. Better conditions than those provided in the Act are secured in collective agreements.

Paragraph 3. Workers' and employers' organisations were represented in the Advisory Committee on the Holidays Act, and the organisations had the opportunity of expressing their views before the Act was adopted.

*Article 3.* Agricultural workers, like other workers covered by the Holidays Act, are entitled to a holiday of 18 working days in every "holiday year" (from 16 May in one calendar year to 15 May in the next), irrespective of the period of employment. On the other hand, a worker whose employment in an undertaking starts more than 14 days after the commencement of the holiday year is not entitled to a holiday during that holiday year with his new employer.

The holiday remuneration is calculated on the basis of the worker's income in the year preceding the holiday year ("qualifying year"). If the worker has been in paid employment during the whole qualifying year he is entitled to full payment during his holiday. This is the case even if he has worked for different employers during the qualifying year. When a worker leaves his employment the holiday pay which has accumulated shall be paid him in the form of stamps affixed in his holiday book. Such stamps may be cashed when the worker takes his holiday. In order to qualify for holiday pay, workers must have been in employment with normal working hours for at least half a month in the case of work paid at fixed yearly, monthly, weekly or daily wages. Workers remunerated in any other manner must have been in employment for at least six days.

*Article 4, paragraph 1.* The provisions of the Holidays Act apply to all persons in the service of another.

Paragraph 2. Workers remunerated exclusively in the form of a share in the profits, workers closely related to the employer, employees covered by the Public Employees' Act, persons employed in part-time jobs for not more than 200 hours in the year and persons remunerated on a commission basis only, are excluded from the provisions of the Holidays Act.

*Article 5, clause (a).* The same provisions apply to young workers and apprentices as to adult workers.

Clause (b). There is no particular provision on this point.

Clause (c). Provided that the length of service is sufficient to entitle the worker to a holiday, the holiday pay will be approximately proportionate to the length of service and wages earned.

Clause (d). Sundays and other public holidays shall not be counted among the 18 work-

ing days of vacation, and in the calculation of the holiday pay no deduction shall be made in respect of absences from work on account of holidays, incapacity for work due to sickness and accidents up to a total of three months, pregnancy up to a total of 12 weeks before and after the confinement, and compulsory military service up to three months.

*Article 6.* The general provision of the Holidays Act lays down that at least 12 consecutive days' holiday shall be granted during the period from 16 May to 30 September, the rest to be granted consecutively before the end of the holiday year. In agriculture and other activities which by their nature require work to be continued as far as possible throughout the summer, the employer may fix one-half of the holiday to be taken outside the period from 16 May to 30 September. In collective agreements it is laid down that ordinary agricultural workers shall have at least nine consecutive days of vacation between 16 May and 30 September. Cowmen and other workers with regular Sunday duties are entitled to at least 12 days' holiday during the same period. The remainder of the holiday shall be given consecutively before the end of the holiday year.

*Article 7, paragraph 2.* Workers with fixed annual, monthly, weekly or daily wages are entitled to holiday pay corresponding to a day-and-a-half's wage for each month of the qualifying period. Half-a-month or more is considered as a month, but shorter periods are not included in the calculation. Workers remunerated in other ways are entitled to holiday pay equal to 6.5 per cent. of the income earned.

Paragraph 3. Workers who are provided with full or partial board by the employer may claim a reasonable allowance in respect of days of vacation when they do not receive board.

*Article 9.* According to the Holidays Act a worker loses his right to vacation only if he leaves his employment without giving due notice or if he is dismissed because of gross neglect of his duties towards the employer. In the case of a dispute concerning the forfeiture of holiday remuneration, the worker may appeal to the Labour Inspectorate, or may bring the case before the court.

*Article 10.* The Labour Inspectorate gives advice on the application of the Holidays Act. Disputes as to whether a person is covered by the Act may be referred to the Labour Inspection Council. If the dispute cannot be settled by the Council it may be brought before the court. The parties may also bring the case before the court without first referring it to the Labour Inspection Council.

*Article 11.* The Holidays Act came into force on 16 November 1947. It covers ordinary agricultural workers, cowmen, domestic workers, gardeners and market garden workers and other workers in activities connected with agriculture. The provisions of the Act cover about 50,000 persons employed in agriculture. The labour inspectors receive comparatively few questions concerning the application of the Holidays Act, which indicates that the provisions for annual holidays are generally well known and conformed to.

The agreement between the National Union of Forestry and Farm Workers and the Confederation of Agricultural Employers concerning annual holidays in general is appended to the report.

Sweden.

Act No. 374 of 1 June 1956 to amend sections 2 and 12 of Act No. 420 of 29 June 1945 respecting annual holidays.

*Article 6 of the Convention.* The annual holiday may be divided into two parts if the duration of the holiday exceeds 18 days, provided that one instalment shall consist of not less than 18 days.

The number of agricultural workers covered by the annual holidays legislation is estimated to be 68,000. In addition, a considerable number of small farmers doing forestry work for others are also covered by the legislation. No statistics of the number of contraventions of the legislation or breaches of agreements are available.

Uruguay (First Report).

Act No. 10684 of 17 December 1945 respecting holidays with pay (L.S. 1945—Ur. 1).  
Act No. 10809 of 16 October 1946 respecting the protection of rural workers.  
Decree of 8 January 1947 respecting holidays with pay (L.S. 1947—Ur. 1).  
Decree of 11 February 1949 to make regulations under Act No. 10809 of 1946 (L.S. 1949—Ur. 1), as amended by Decree of 11 July 1949.

*Article 1 of the Convention.* This Article is implemented by section 18 of Act No. 10809 of 1946 and sections 38 and 39 of the Decree of 11 July 1949. Rural workers are entitled to eight consecutive days' holiday after one year of service.

*Article 2.* The right to annual holidays is laid down in the legislation.

*Article 3.* See under Articles 1 and 2.

*Article 4.* The legislation applies to all persons employed in agricultural work. The only members of the family of the employer who are excluded are those who have a contractual arrangement of partnership with the employer.

*Article 5.* The provisions of clauses (a) and (b) are laid down in new draft regulations. As regards clause (c), when a contract is annulled the worker receives payment in respect of holidays not taken at the rate of two-thirds of one day's pay per month of service. As regards clause (d), the weekly days of rest and absence due to sickness or accidents cannot be included in the annual holiday; for the purpose of calculating the period in respect of which an annual holiday is given, such periods are considered as days of employment.

*Article 6.* The legislation does not allow the prescribed annual holiday to be divided.

*Article 7.* This Article is implemented by section 39 of the Decree of 11 July 1949, which provides that payment in respect of annual holidays of rural workers shall be governed by the system laid down in the Decree of 8 January 1947.

*Article 8.* The report states that this Article is in agreement with the national legislation, as the latter is of a compulsory character.

*Article 9.* See under Article 5.

*Article 10.* The control of the application of the above regulations is carried out by the National Labour Institute, the Honorary Departmental Committees for the Protection of Rural Labour and the Ministry of Stockbreeding and Agriculture, with the assistance of the police.

The report from *New Zealand* refers to the information previously supplied.

102. Social Security (Minimum Standards) Convention, 1952

*This Convention came into force on 27 April 1955*

Countries	Date of registration of ratification
Denmark <sup>1</sup> . . . . .	15. 8.1955
Greece <sup>2</sup> . . . . .	16. 6.1955
Israel <sup>3</sup> . . . . .	16.12.1955
Italy <sup>4</sup> . . . . .	8. 6.1956
Norway <sup>5</sup> . . . . .	30. 9.1954
Sweden <sup>6</sup> . . . . .	12. 8.1953
United Kingdom <sup>7</sup> . . . . .	27. 4.1954
Yugoslavia <sup>8</sup> . . . . .	20.12.1954

<sup>1</sup> Has accepted the provisions of Parts II, IV, V and IX.  
<sup>2</sup> Has accepted the provisions of Parts II to VI and VIII to X.  
<sup>3</sup> Has accepted the provisions of Parts V, VI and X.  
<sup>4</sup> Has accepted the provisions of Parts I, V, VII, VIII and XI to XIV.  
<sup>5</sup> Has accepted the provisions of Parts II to VII.  
<sup>6</sup> Has accepted the provisions of Parts IV, VI and VII.  
<sup>7</sup> Has accepted the provisions of Parts II to V, VII and X.  
<sup>8</sup> Has accepted the provisions of Parts II to VI, VIII and X.

Norway (First Report).

PART II : MEDICAL CARE, AND PART III : SICKNESS BENEFIT <sup>1</sup>

Act No. 18 of 6 June 1930 respecting sickness insurance (L.S. 1930—Nor. 2), as amended by Acts No. 4 of 27 May 1932 (L.S. 1932—Nor. 4), No. 3 of 16 June 1933 (L.S. 1933—Nor. 1), No. 4 of 25 June 1935 (L.S. 1935—Nor. 3), No. 1 of 10 July 1936 (L.S. 1936—Nor. 2), No. 1 of 17 June 1937 (L.S. 1937—Nor. 4), No. 10 of 24 June 1938 (L.S. 1941—Nor. 1 B), No. 5 of 20 May 1939 (L.S. 1941—Nor. 1 C), No. 15 of 13 December 1946 (L.S. 1946—Nor. 2), No. 5 of 18 June 1948 (L.S. 1948—Nor. 3), No. 22 of 30 June 1950 (L.S. 1950—Nor. 1), No. 29 of 29 June 1951 and No. 15 of 17 July 1953.

<sup>1</sup> A new Act respecting sickness insurance (No. 2 of 2 March 1956) which came into force on 2 July 1956 supersedes the legislation quoted below.

## PART IV: UNEMPLOYMENT BENEFIT

Act No. 8 of 24 June 1938 respecting unemployment insurance (L.S. 1938—Nor. 3)<sup>2</sup>, as amended by Acts No. 16 of 13 December 1946 (L.S. 1946—Nor. 3), No. 9 of 27 June 1947, No. 20 of 28 July 1949 (L.S. 1949—Nor. 6), No. 21 of 29 June 1951 and No. 13 of 17 July 1953.

## PART V: OLD-AGE BENEFIT

Act No. 10 of 16 July 1936 respecting old-age pensions (L.S. 1936—Nor. 4), as amended by Acts No. 7 of 17 June 1937 (L.S. 1937—Nor. 5), No. 9 of 24 June 1938 (L.S. 1938—Nor. 4), No. 5 of 19 July 1946 (L.S. 1946—Nor. 1), of 11 April 1947, No. 1 of 11 June 1948 (L.S. 1948—Nor. 2), No. 1 of 25 February 1949 (L.S. 1949—Nor. 1), No. 6 of 23 June 1950, No. 23 of 30 June 1950, No. 1 of 3 December 1951, No. 9 of 14 December 1951, No. 12 of 28 June 1952 (L.S. 1952—Nor. 1), No. 9 of 26 June 1953, No. 1 of 21 May 1954, and Acts of 1 April 1955 and 31 May 1956.

## PART VI: EMPLOYMENT INJURY BENEFIT

Act No. 6 of 24 June 1931 respecting accident insurance of industrial employees (L.S. 1931—Nor. 3), as amended by Acts No. 3 of 24 June 1938 (L.S. 1946—Nor. 4 B), No. 17 of 13 December 1946 (L.S. 1946—Nor. 4 A), Nos. 5 and 24 of 29 June 1951 and No. 16 of 17 July 1953.

Act No. 11 of 24 June 1931 respecting accident insurance for seamen (L.S. 1931—Nor. 4), as amended by Acts No. 2 of 10 July 1936 (L.S. 1936—Nor. 3), No. 2 of 12 March 1937 (L.S. 1937—Nor. 1), No. 19 of 13 December 1946 (L.S. 1946—Nor. 6), Nos. 6 and 25 of 29 June 1951, No. 5 of 19 June 1953, No. 18 of 17 July 1953, No. 4 of 18 June 1954 and Act of 21 June 1956.

Act No. 1 of 10 December 1920 respecting accident insurance of fishermen (L.S. 1920—Nor. 2), as amended by Acts No. 10 of 17 July 1925 (L.S. 1925—Nor. 6), No. 13 of 4 July 1927 (L.S. 1927—Nor. 4), No. 11 of 22 June 1928 (L.S. 1928—Nor. 3), No. 12 of 6 June 1930 (L.S. 1930—Nor. 1 C), No. 4 of 28 May 1937, No. 8 of 20 August 1942, No. 18 of 13 December 1946 (L.S. 1946—Nor. 5), Nos. 7 and 26 of 29 June 1951 and No. 17 of 17 July 1953.

## PART VII: FAMILY BENEFIT

Act No. 2 of 24 October 1946 respecting family allowances (L.S. 1946—Nor. 7), as amended by Acts No. 30 of 29 June 1951, No. 13 of 26 June 1953 and Act of 31 May 1956.

*Article 2 of the Convention.* The ratification of Norway relates to Part II, Medical Care; Part III, Sickness Benefit; Part IV, Unemployment Benefit; Part V, Old-Age Benefit; Part VI, Employment Injury Benefit; and Part VII, Family Benefit.

## PART II. MEDICAL CARE

*Article 9.* The Norwegian sickness insurance scheme covers compulsorily all employed persons and the dependent wives and children of such persons. The total number of employees protected was 1,088,000 which was equal to the total number of employees. The percentage of employees protected was consequently 100. The average number of dependants per insured person was 0.95.

<sup>2</sup> Act No. 16 of 29 June 1956 which came into force on 2 July 1956 amends Act No. 8 of 24 June 1938 partly to adjust the Act to the new Act of 2 March 1956 respecting sickness insurance.

*Article 10.* The report states that all the benefits listed under paragraph 1 are granted under the Norwegian sickness insurance scheme. As to subparagraph (a) (iii), the report states that essential pharmaceutical supplies are granted according to regulations laid down by the Ministry of Social Affairs. Care in public hospitals or maternity homes is granted without cost-sharing by the insured persons, whereas a cost-sharing of 25 per cent. on an average is applied in case of care by general practitioners outside hospitals. In case of confinement care by medical practitioners and midwives is granted without cost-sharing. The report states that there are no problems in Norway of encouraging the persons protected to avail themselves of the hospitals, medical practitioners, etc.

*Article 11.* There is no qualifying period for employees.

*Article 12.* There is no limitation of the duration of general practitioner care, pharmaceutical supplies and hospitalisation.

The benefits may be suspended when the protected person is absent from the Realm, when he is maintained at public expense or when the care is provided under special legislation (tuberculosis, etc.), when he has made a fraudulent claim, when he has caused his sickness intentionally or through drunkenness or when the protected person fails without good reason or legal grounds to comply with a decision of the sickness fund respecting admission to a hospital or maternity home or during sickness fails to carry out the instructions of the medical practitioner or fund.

## PART III. SICKNESS BENEFIT

*Article 15.* All employed persons whose annual earnings exceed 1,000 crowns are insured compulsorily for sickness benefits under the Norwegian sickness insurance scheme. The total number of employees protected was 1,088,000 which was equal to the total number of employees. The percentage of employees protected was consequently 100.

*Article 16.* Sickness benefit is calculated according to Article 65.

As the person deemed typical of skilled labour for the purpose of the calculations proving compliance with this Article, a fitter or turner in the manufacture of machinery is selected, in accordance with paragraph 6 (a) of Article 65. According to the statistics of the National Association of Mechanical Workshops, the daily wage of such a worker for a normal eight-hour working day amounted to 26 crowns for the first quarter of 1956.

The daily rates of sickness allowances are graduated by earnings in five classes of earnings. The rate of benefit for the above-mentioned worker was 9 crowns a day. The supplements in respect of wife and two children amounted to 4 crowns a day. The sickness allowances and supplements for dependants are not paid for Sundays. The family allowances for the standard beneficiary amounted to 0.80 crowns a day. The total amount of sickness allowances and supplements for dependants plus family allowances amounted to 13.80 crowns a day, and the standard wage plus family allowances

amounted to 26.80 crowns. The percentage of benefits to standard wage was consequently 51.5.

The sickness benefits for women employees are the same as those for men.

*Article 17.* The qualifying period is 14 days.

*Article 18.* The sickness allowances and supplements for dependants are payable for a period of up to 52 weeks for one and the same sickness. In respect of certain diseases (tuberculosis, cancer, etc.) the benefits may be granted for a period of up to two years. The waiting period is three days.

The benefits may be suspended under the same conditions as mentioned under Article 12 above.

#### PART IV. UNEMPLOYMENT BENEFIT

*Articles 19 and 20.* All employed persons are in principle insured compulsorily under the unemployment insurance scheme. Employees in certain industries are excepted: hunting and trapping, fishing, domestic service (private), and commission agents. Government servants, seasonal workers and persons whose normal annual earnings do not exceed 1,000 crowns are not covered by the scheme.

*Article 21.* The total number of employees protected was 745,000 on 31 December 1955, out of a total number of employees of 1,088,000. The percentage of employees protected was consequently 68.5.

*Article 22.* Unemployment benefit is calculated according to Article 65.

As the person deemed typical of skilled labour for the purpose of the calculations proving compliance with this Article a fitter or turner in the manufacture of machinery is selected, in accordance with paragraph 6 (a) of Article 65. According to the statistics of the National Association of Mechanical Workshops the daily wage of such a worker for a normal eight-hour working day amounted to 26 crowns for the first quarter of 1956.

The daily rates of unemployment allowances are graduated by earnings in the same classes of earnings as for the sickness insurance. The rate of benefit for the above-mentioned worker was 9 crowns a day. The supplements in respect of wife and two children amounted to 4 crowns a day. The unemployment allowances and supplements for dependants are not paid for Sundays. The family allowances for the standard beneficiary amounted to 0.80 crowns a day. The total amount of unemployment allowances and supplements for dependants plus family allowances amounted to 13.80 crowns, and the standard wage plus family allowances amounted to 26.80 crowns. The percentage of benefits to standard wage was consequently 51.5.

The unemployment benefits for women employees are the same as those for men.

*Article 23.* The qualifying period is 45 weeks.

*Article 24.* The unemployment allowances and supplements for dependants are payable for a period of up to 15 weeks during a period of 12 months. The duration of the benefit does not vary with the length of the contribution period. The waiting period is six days. Seasonal workers are not covered by the insurance.

The benefits may be suspended if the person concerned refuses to accept work offered and which may be deemed suitable to him, and if he participates directly in a labour dispute or he has become unemployed due to a labour dispute and it may be assumed that his wage or working conditions will be affected by the outcome of the dispute.

#### PART V. OLD-AGE BENEFIT

*Article 26.* The right to old-age pension is acquired at the age of 70 years, and the report states that the general age of retirement for employees in Norway is 70 years. A pension is paid to all persons whose income does not exceed a prescribed amount.

*Article 27.* The old-age pension scheme covers all residents over 70 years of age. If the pensioners have another source of income which exceeds the minimum rates of old-age pension, e.g. 2,520 crowns a year for a married couple, the benefit is reduced by an amount corresponding to 60 per cent. of the excess income. A married couple with an income exceeding 4,200 crowns is not entitled to old-age benefit.

*Article 28.* Old-age benefit is calculated according to Article 66.

The person deemed typical of unskilled labour for the purpose of the calculations proving compliance with this Article is selected in accordance with paragraph 4 (a) of Article 66. The annual wage of such a worker, based on the statistics for the first quarter of 1956, amounted to 7,080 crowns. The minimum old-age benefit was 2,520 crowns. The percentage of benefit to standard wage was consequently 35.6. The Government refers in this respect to the information given under Article 29, paragraph 3. Changes in the benefit rates are made by a Bill before the Storting. These rates are adjusted whenever there are considerable fluctuations in the cost-of-living index. The last change was on 1 April 1956, when the minimum benefit for married couples was raised to 2,796 crowns per annum.

*Article 29.* The right to old-age benefit is acquired after five years' residence in the Realm.

*Article 30.* Old-age benefit is paid as long as the pensioner lives.

#### PART VI. EMPLOYMENT INJURY BENEFIT

*Articles 31 and 32.* The minimum degree of incapacity which gives right to benefit for permanent incapacity is  $8\frac{1}{3}$  per cent. under the legislation applying the Convention.

The right to benefit for a widow is not conditional upon her being incapable of self-support.

*Article 33.* The schemes cover industrial workers (including forestry workers, employees in mines, transport services, mechanised agricultural work, etc.), seamen and fishermen. The number of employees protected were: industrial workers, etc., 470,000; seamen, 65,000; and fishermen, 30,000, a total of 565,000. The total number of employees was 1,088,000. The percentage of employees protected was consequently 52.

*Article 34.* The report states that the employment injury insurance schemes grant all the medical benefits specified in paragraph 2 of this Article, and without cost-sharing by the beneficiary.

*Article 35.* There is close co-operation between the insurance institutions and the National Rehabilitation Centre, as well as the county vocational counsellors.

*Article 36.* Employment injury is calculated according to Article 65.

As the person deemed typical of skilled labour for the purpose of the calculations proving compliance with this Article a fitter or turner in the manufacture of machinery is selected, in accordance with paragraph 6 (a) of Article 65. The daily wage of such a worker, based on the statistics for the first quarter of 1956 amounted to 26 crowns.

The daily rate of benefit in case of incapacity for work is the same as for sickness (Part III) and amounted for the above-mentioned worker to 9 crowns. The supplements in respect of wife and two children amounted to 4 crowns a day and the family allowances to 0.80 crowns a day. The total amount of benefit for incapacity for work plus family allowances amounted to 13.80 crowns a day and the standard wage plus family allowances amounted to 26.80 crowns a day. The percentage of benefits to standard wage was consequently 51.5. Benefits are the same for women and men.

The rate of benefit for the above-mentioned worker in case of total loss of earning capacity likely to be permanent is 60 per cent. of earned income, subject to a maximum and a minimum. The daily rate of benefit was 14.40 crowns. The supplements in respect of wife and two children amounted to 4 crowns a day and the family allowances to 0.80 crowns a day. The total amount of benefit for total loss of earning capacity likely to be permanent, plus family allowances, amounted to 19.20 crowns a day and the standard wage, plus family allowances, to 26.80 crowns a day. The percentage of benefits to standard wage was consequently 71.6. Benefits are the same for women and men.

In case of death, the rate of widow's pension is 40 per cent. of earned income subject to a maximum and a minimum. The daily rate of benefit for the above-mentioned worker was 9.60 crowns. The supplements in respect of two children amounted to 3 crowns a day and the family allowances to 1.60 crowns a day (when one of the parents is dead family allowances are granted also in respect of the first child). The total amount of benefit in case of death plus family allowances amounted to 14.20 crowns a day and the standard wage plus family allowances to 26.80 crowns a day. The percentage of benefits to standard wage was consequently 53.

Changes in the size of the benefits in respect of permanent incapacity and death are brought about through resolutions passed by the Storting and are made after major fluctuations in the cost-of-living index or wage levels. There have been no changes during the period under review.

In case of partial loss of earning capacity the benefit amounts to a corresponding propor-

tion of the benefit granted in case total loss of earning capacity is likely to be permanent.

If the reduction of earning capacity is assessed at less than 25 per cent. the periodical payment is commuted to a lump sum.

*Article 37.* The benefits under Articles 34 and 36 are granted in respect of all employees covered by the employment injury insurance schemes and where appropriate in respect of the widow and children of such employees.

*Article 38.* The benefits under Articles 34 and 36 are granted throughout the contingency with no limitation of duration. The waiting period is 3 days.

The benefits may be suspended when the person concerned is absent from the Realm, when he is maintained at public expense or when he receives benefit under another social security scheme, when he has made a fraudulent claim, when he has caused the contingency intentionally or through drunkenness, or when he fails without good reason or legal grounds to comply with a decision of the sickness fund respecting admission to a hospital or during a morbid condition fails to carry out the instructions of the medical practitioner or sickness fund. However, the report states that there are provisions for granting extensive exemptions from the above rules.

## PART VII. FAMILY BENEFIT

*Articles 39 and 40.* The family allowances are granted in respect of second and subsequent children under the age of 16 of all residents in the Realm. Where there is only one supporter the allowance is granted also for the first child.

*Article 41.* The family allowances scheme covers all residents and there is no means test.

*Article 42.* The benefit consists of a periodical payment amounting to 240 crowns annually per child.

*Article 43.* There is no qualifying period for nationals; for non-nationals the qualifying period is six months' residence.

*Article 44.* The person deemed typical of unskilled labour, for the purpose of the calculations proving compliance with this Article, is selected in accordance with subparagraph 4 (a) of Article 66. The annual wage of such a worker, based on the statistics for the first quarter of 1956, amounted to 7,080 crowns.

The expenditure on family allowances for the financial year 1955-56 amounted to 103 million crowns. The total number of children under 16 years was 931,000 on 31 December 1955. By multiplying 1.5 per cent. of the wage of an ordinary unskilled labourer by the total number of children an amount of 98.9 million crowns is obtained.

*Article 45.* Family benefit is suspended when the person concerned is not resident in the Realm.

The application of the provisions of the social security legislation comes under the administration of the Ministry of Social Affairs and the National Insurance Institution, except for



unemployment insurance, which comes under the administration of the Ministry of Labour and Local Government and the Directorate of Labour.

Sweden (First Report).

#### PART IV: UNEMPLOYMENT BENEFIT

Royal Order No. 264 of 15 June 1934 respecting recognised unemployment funds (L.S. 1934—Swe. 2), as amended by Royal Orders No. 151 of 22 May 1936 (L.S. 1936—Swe. 1), No. 227 of 21 May 1937 (L.S. 1937—Swe. 2), No. 99 of 24 March 1938 (L.S. 1938—Swe. 2), No. 494 of 28 June 1941 (L.S. 1941—Swe. 1), No. 185 of 21 April 1943 (L.S. 1943—Swe. 1), No. 405 of 30 June 1944 (L.S. 1944—Swe. 3 C), No. 777 of 15 December 1944, No. 332 of 28 June 1946 (L.S. 1946—Swe. 3 A), No. 712 of 29 November 1946 (L.S. 1946—Swe. 3 B), No. 245 of 13 June 1947 (L.S. 1947—Swe. 3 A), No. 368 of 30 June 1947 (L.S. 1947—Swe. 3 B), No. 252 of 27 May 1949, No. 239 of 2 June 1950, No. 323 of 8 May 1953, and No. 268 of 21 May 1954.

Royal Order No. 265 of 15 June 1934 respecting state grants to recognised unemployment funds, as amended by Royal Orders No. 228 of 21 May 1937, No. 495 of 28 June 1941, No. 186 of 21 April 1943, No. 713 of 29 November 1946, No. 43 of 13 February 1948, No. 240 of 2 June 1950, and No. 324 of 8 May 1953.

Royal Notification No. 554 of 23 November 1934 respecting supervision of recognised unemployment funds, as amended by Royal Notifications No. 30 of 14 February 1936, and No. 325 of 8 May 1953.

Royal Notification No. 62 of 20 February 1948 respecting the determination of questions relating to state grants to recognised unemployment funds.

#### PART VI: EMPLOYMENT INJURY BENEFIT

Act No. 1 of 3 January 1947 respecting public sickness insurance<sup>1</sup> (L.S. 1947—Swe. 1), as amended by Acts No. 569 of 19 June 1953, No. 244 of 14 May 1954 (L.S. 1955—Swe. 1), No. 267 of 21 May 1954, No. 518 of 4 June 1954, No. 397 of 3 June 1955, No. 402 of 3 June 1955, and No. 74 of 23 March 1956.

Act No. 243 of 14 May 1954 respecting insurance against occupational injuries (L.S. 1954—Swe. 1), as amended by Acts No. 399 of 3 June 1955 (published as a footnote to section 11 in L.S. 1954—Swe. 1), and No. 75 of 23 March 1956.

#### PART VII: FAMILY BENEFIT

##### *Ordinary Child Allowances.*

Act No. 529 of 26 July 1947 respecting ordinary child allowances (L.S. 1947—Swe. 4 A), as amended by Acts No. 255 of 2 June 1950, No. 78 of 23 February 1951, No. 68 of 5 March 1954, and No. 360 of 4 June 1954.

Royal Notification No. 660 of 25 August 1947 to make certain provisions for the application of the Act No. 529 of 26 July 1947 respecting ordinary child allowances. Section 6 of this Notification was repealed by Royal Notification No. 661 of 16 December 1949.

Royal Notification No. 551 of 3 November 1950 concerning supervision by the child welfare committees of the application of the Act respecting ordinary child allowances.

Royal Notification No. 241 of 15 May 1952 to give effect to a Convention between Sweden, Finland, Iceland and Norway, concluded on 28 August 1951, respecting the reciprocal payment of child allowances.

##### *Free School Meals.*

Royal Notification No. 553 of 28 June 1946 respecting state grants towards the provision of school meals, as amended by Royal Notifications No. 393 of

2 June 1950, No. 518 of 22 June 1951, No. 595 of 30 June 1952, No. 413 of 4 June 1954, and No. 822 of 10 December 1954.

##### *Family Housing Aid.*

Royal Notification No. 512 of 4 September 1935 respecting loans and grants from state funds for the provision of houses for leasing to large families with small means, as amended by Royal Notifications No. 628 of 18 June 1937, No. 246 of 27 May 1938, No. 668 of 28 June 1940, No. 628 of 28 June 1941 and No. 593 of 30 June 1943.

Royal Notification No. 247 of 27 May 1938 respecting loans and grants from state funds for the provision of houses for sale to large families with small means, as amended by Royal Notifications No. 629 of 28 June 1941, No. 16 of 23 January 1942 and No. 594 of 30 June 1943.

Royal Notification No. 547 of 30 June 1948 respecting family housing aid and fuel allowances, as amended by Royal Notifications No. 378 of 18 June 1949, No. 462 of 6 June 1952, No. 773 of 12 December 1952, No. 490 of 5 June 1953, No. 810 of 17 December 1954, No. 450 of 3 June 1955 and No. 357 of 1 June 1956.

##### *Holiday Travel for Children and Housewives.*

Royal Notification No. 376 of 8 June 1951 respecting holiday travel for children and housewives, etc., as amended by Royal Notifications No. 126 of 4 April 1952 and No. 131 of 20 April 1956.

Royal Notification No. 232 of 31 May 1946 respecting housewives' vacation committees, as amended by Royal Notification No. 139 of 8 April 1949.

Royal Notification No. 233 of 31 May 1946 respecting state grants towards the running of vacation homes for housewives, etc., as amended by Royal Notifications No. 138 of 8 April 1949, No. 127 of 4 April 1952, No. 204 of 22 May 1953, and No. 132 of 20 April 1956.

##### *Grants Towards the Running of Children's Camps, Vacation Homes and Home Accommodation for Children During School Holidays.*

###### *(a) Children's Camps and Home Accommodation During Holidays.*

Act No. 361 of 6 June 1924 respecting community care of children, as amended by Act No. 506 of 22 June 1945.

Royal Regulations No. 506 of 22 June 1945 respecting child care institutions.

Chapter V of the above Act and Regulations contains certain provisions respecting children's camps. There are no further rules for such facilities in any of the Notifications prescribing arrangements for rest and recreation for housewives and children. The facilities are for the present governed by letters patent in connection with the making of a grant to the Social Affairs Board for this purpose.

###### *(b) Vacation Homes.*

Royal Notification No. 232 of 31 May 1946 respecting housewives' vacation committees, as amended by Royal Notification No. 139 of 8 April 1949.

Royal Notification No. 233 of 31 May 1946 respecting state grants towards the running of vacation homes for housewives, etc., as amended by Royal Notifications No. 138 of 8 April 1949, No. 127 of 4 April 1952, No. 204 of 22 May 1953, and No. 132 of 20 April 1956.

##### *Individual Grants to Enable Housewives to Take Vacations.*

Royal Notification No. 232 of 31 May 1946 respecting housewives' vacation committees, as amended by Royal Notification No. 139 of 8 April 1949.

##### *Welfare Services for Providing Home Aides.*

Royal Notification No. 947 of 31 December 1943 respecting state grants towards welfare services for providing home aides, as amended by Royal Notifications No. 225 of 20 April 1951, No. 588 of 30 June 1952, No. 232 of 14 May 1954, and No. 316 of 18 May 1956. A subsidy is paid for qualifying and supplementary courses for home aides and the funds are controlled by the Social Affairs Board in accordance with rules laid down in letters patent.

<sup>1</sup> This Act, which has not come into force, was extensively amended by Act No. 569 of 19 June 1953. The latter Act as since amended represents the current Swedish legislation on public sickness insurance.



*Article 2 of the Convention.* The ratification of Sweden relates to Part IV, Unemployment Benefit; Part VI, Employment Injury Benefit; and Part VII, Family Benefit.

#### PART IV. UNEMPLOYMENT BENEFIT

*Article 20.* The conditions for receipt of benefit from the unemployment funds include the following:

(1) That the member of the unemployment fund has paid an aggregate of 52 weekly contributions or 12 monthly contributions. Of these normally at least 20 weekly or five monthly contributions must have been paid in respect of employment during the 12 months immediately preceding the commencement of unemployment. No person under 16 years of age and no person who has not worked for at least 20 weeks in the year in his occupation can receive benefit;

(2) That he is able to accept work in the open labour market, e.g. that he is not ill or on military service;

(3) That he is unemployed through no fault of his own, i.e. that he has not abandoned his job without valid reason, been dismissed because of bad conduct or refused suitable employment offered;

(4) That he is not involved in a labour dispute;

(5) That the unemployed person is seeking work through the employment service;

(6) That he has been unemployed for at least six out of the last 21 days.

*Article 21.* The persons protected are the members of the unemployment funds. The unemployment funds have been established within the framework of the occupational organisations. They include wage earners and salaried employees in private employment.

The number of members of the unemployment funds at the end of April 1956 was approximately 1,250,000. The Government states in its report that in addition to the latter there are approximately 600,000 state and local government officials who have little need of protection against unemployment. The total number of employees was 2,400,000 according to the 1950 census. This figure comprises all employed persons including state and local government officials but excluding members of a family working in a family undertaking. The percentage of number of employees covered by the unemployment insurance is consequently 52.

In its report the Government has made an alternative calculation in which the state and local government officials (amounting to approximately 600,000) have been excluded from the total number of employees, as the Government assumes that such employees have little need of protection against unemployment. The percentage of coverage would thus be 69.

Swedish unemployment insurance is voluntary. The unemployment funds are recognised by the Labour Market Board, which supervises their activities and apportions the state grants.

No data are available as to the number of insured persons whose earnings do not exceed the wage of a skilled manual male employee. The Government states, however, that it can be regarded as certain that a considerable pro-

portion of these persons are covered by the insurance.

*Article 22.* Unemployment benefit is calculated according to Article 66.

An adult male manual labourer in the engineering industry is selected as the person deemed typical of unskilled labour for the purpose of the calculations proving compliance with this Article in accordance with paragraph 4 (a) and (b) of Article 66. For computing the wages of such a worker, the average hourly wage given in the Swedish Engineering Industry Association's statistics for each quarter from 1 July 1955 to 30 June 1956 has been taken and multiplied by the normal number of daily hours of work (eight hours). The daily wage so calculated amounts to 37.36 crowns, including vacation pay and compensation for public holidays (totalling 7.8 per cent. of wages), but excluding overtime pay.

Unemployment benefit is paid in the form of a daily allowance and supplements for the family. The daily allowance for a male engineering worker amounts to 16.50 crowns a day and the family supplement is 1.50 crowns a day for each child under 16 years and 2 crowns a day for a wife or a housekeeper. The family supplement for a man with a wife and two children is consequently 5 crowns a day. The average family benefit per child for the period under review amounted to 413.24 crowns a year, according to the statement given under Article 44. By counting 300 working days in a year (unemployment benefits are not paid for Sundays and other public holidays), the average family benefit per child per day amounted to 1.38 crowns or 2.76 crowns a day for two children. The family benefit is payable irrespective of whether the person concerned is employed or unemployed.

During the period under review the total amount of unemployment benefit (inclusive of family supplement) and family benefits amounted to 24.26 crowns (16.50+5.00+2.76) a day and the standard wage plus family benefits amounted to 40.12 crowns (37.36+2.76) a day during the same period. The percentage of benefit to standard wage is consequently 60.

The rate of unemployment benefit depends on the decision of the fund itself and on the contribution which the members are willing to pay. However, there is a so-called over-insurance rule which provides that the total of the insurance benefits must never exceed a given percentage of the employee's normal daily earnings. For a person maintaining a family the benefits must not exceed 80 per cent., and for a person not maintaining a family it must not exceed 60 per cent. of the daily earnings.

Women employees are entitled to the same unemployment benefits as men.

*Article 23.* In order to qualify for benefit from an unemployment fund a member must have paid an aggregate of 52 weekly contributions or 12 monthly contributions. Of these, at least 20 weekly or five monthly contributions must normally have been paid in respect of employment during the 12 months immediately preceding the commencement of unemployment.

*Article 24.* The duration of benefit prescribed by law for the unemployment funds is from

90 days (minimum) to 156 days (maximum) in any 12 consecutive months. The funds mostly have a benefit period of 138 or 156 days.

The duration of the benefit does not vary with the length of the contribution period nor with the benefit previously received within a prescribed period.

Benefit is paid if the claimant has been unemployed for at least six of the last 21 days. No benefit is payable for these six days. In some of the smaller funds the waiting period is 12 days. A new waiting period is not imposed after illness, confinement, etc., during a period of unemployment.

As regards occupations in which there is considerable seasonal unemployment, a limitation on the right to benefit is imposed in certain cases during part of the year.

As regards suspension of unemployment benefit, reference is made to the conditions for award of unemployment benefit summarised under Article 20 above.

## PART VI. EMPLOYMENT INJURY BENEFIT

*Article 32.* The Swedish employment injury insurance scheme is co-ordinated with the compulsory sickness insurance scheme in such a way that compensation for the cost of care during sickness, and for loss of earnings (sickness allowance) during the first 90 days after the employment injury occurred or was discovered, is payable by the sick funds and thereafter by the employment injury insurance. The Swedish Act on employment injury insurance covers all the contingencies mentioned in Article 32.

A widow is entitled to benefits whether she is maintaining herself or not.

*Article 33.* All persons in private or public employment are in principle insured against employment injuries. The total number of employees protected is about 2,400,000, which corresponds to the total number of employees. Consequently the percentage of employees protected is 100.

*Article 34.* Under the Act on employment injury insurance compensation is payable for necessary expenses in connection with medical, dental or hospital care or medicaments, and also for travelling expenses. Physiotherapy or treatment by means of baths, massage, electricity or hot air and other comparable treatment, if prescribed by the physician, are included in the medical care expenses. If medical care cannot be provided without unreasonable difficulty or expense, compensation for other suitable care may be paid instead. Compensation is also payable for necessary expenses on special appliances to mitigate the effects of the injury, such as crutches, artificial limbs and glass eyes.

The injured person is not required under the employment injury insurance scheme to share any part of the cost of the benefits provided for under this Article.

The health care and care during sickness afforded with a view to maintaining, restoring or improving the health of the person protected and his ability to work and to attend to his personal needs are prescribed by the Act on

employment injury insurance and—where preventive care is concerned—by the Workers' Protection Act.

*Article 35.* The Swedish Act on employment injury insurance does not contain provisions on vocational rehabilitation, but injured persons who need it can obtain training in the institutions for disabled, the Pension Board's institutions for invalidity prevention care, or at the vocational training courses for persons partially able to work, which are organised by the Labour Market Board. These facilities are available to different categories of persons who are partially able to work, and are not exclusively intended for persons injured in employment.

*Article 36.* Employment injury benefit is calculated according to Article 65.

As the person deemed typical of skilled labour for the purpose of the calculations proving compliance with this Article is selected, in accordance with paragraph 6 (b) of Article 65, a skilled worker in the engineering industry (Group No. 36 of the International Standard Industrial Classification of All Economic Activities) which is the largest group in industry and handicrafts. The wage of such a worker has been calculated on the basis of the hourly earnings shown in the Swedish Engineering Industry Association's statistics, exclusive of overtime pay, during each quarter from 1 July 1955 to 30 June 1956. This hourly wage was multiplied by the normal hours of work per annum (2,200 hours), and vacation pay and compensation for public holidays (totalling 7.8 per cent. of wages) were added. The annual wage of a worker of the above-mentioned category was 11,799 crowns. The daily wage calculated for the purpose of this Article amounted to 32.33 crowns (annual wage divided by 365).

In case of incapacity for work a sickness allowance plus a family supplement is payable. The rates of sickness allowance are graduated by earnings in 13 classes of earnings, the highest class comprising annual earnings of 14,000 crowns and more, and for which the daily rate of sickness allowance is 20 crowns. Generally, the rate of sickness allowance amounts to two-thirds of earnings. The family supplements amount to one crown a day for one or two children, two crowns for three or four children, and three crowns for five or more children. If the injured person is a skilled worker of the kind mentioned above with annual earnings amounting to 11,799 crowns or 32.33 crowns a day, the sickness allowance is 16 crowns a day. The family supplement for a man with a wife and two children is one crown a day. The average family benefit per child for the period under review amounted to 413.24 crowns a year, according to the statement given under Article 44. By counting 365 days a year (sickness allowances and family supplements are payable for each calendar day), the family benefit per child per day amounted to 1.13 crowns or 2.26 crowns for two children. The total amount of compensation for incapacity for work as a result of employment injury plus family benefit amounted to 19.26 crowns (16.00+1.00+2.26) a day during the period under review, and the standard wage plus family benefits amounted to 34.59 crowns

(32.33+2.26) a day during the same period. The percentage of benefit to standard wage is consequently 56. If the injured person is for a considerable time unable to look after himself, he is during such period paid an attendance grant in addition to his sickness allowance. The amount of the attendance grant depends on the need for attendance, but cannot exceed five crowns a day. If the recipient of benefit is a woman earning the same wage, the same sickness allowance is payable in the event of employment injury but no supplement is paid for any child who is insured for medical expenses during sickness as a child of the spouse with whom the injured person is living.

In cases of total loss of earning capacity likely to be permanent, the injured person receives a pension equal to eleven-twelfths of the "basis of compensation" until the age of 67 (the age when the national pension starts to be payable), and thereafter three-fourths of the pension so calculated. When the basis of compensation is calculated annual earnings of up to 7,200 crowns are included in full; any earnings over 7,200 but not over 10,800 crowns are reduced by one-half. With annual earnings amounting to 11,799 crowns the compensation will be 9,533 crowns a year and by adding the family benefits of 413 crowns a total of 9,946 crowns is reached. The standard wage plus family benefits amounts to 12,212 crowns (11,799+413). The percentage of benefits to standard wage is consequently 81. If the injured person is unable to look after himself, an attendance allowance is also payable at a maximum of 1,800 crowns a year while he is receiving a pension. The same benefits are payable if the injured person is a woman earning the same wages.

In case of death the widow receives a pension as long as she does not remarry. Until she reaches 67 years the rate is one-third of the deceased's annual earnings and thereafter it is one-fourth. Special provisions apply to fiancées, etc. Each child of the deceased receives a pension until his or her sixteenth birthday at one-sixth of the deceased's annual earnings. On the basis of an annual wage of 11,799 crowns the pension of a widow with two children would be 3,933 crowns and the aggregate of the children's pensions 3,933 crowns, giving a total of 7,866 crowns. The pensions would thus represent about 67 per cent. of the deceased husband's annual wage. Where the deceased is a woman leaving a widower and her death deprives him of means of support he is awarded such pension as seems reasonable in the circumstances.

The employment injury legislation does not refer to injuries which occurred before the end of 1955. As regards compensation for these, notable improvements have been introduced by amending the law and by decisions on supplements designed to equalise the older accident compensation awards. On the other hand, there is no automatic link with the cost-of-living index under the Employment Injury Insurance Act. Adjustments to changed cost of living will probably continue to be a matter of amendment of the law.

No index to show the wage trends for all employees or other groups as a whole

is available for the period under review. Instead are given the changes in the adult male engineering industry worker's hourly earnings (including overtime and shift work pay, and additional piece-work pay, but excluding vacation pay and compensation for public holidays) during the third quarter (August) of 1955 and second quarter (May) of 1956. The cost-of-living index data refer to a consumer price index without taxes in July 1955 and June 1956.

	Cost-of-living index	Index of earnings
A. Beginning of period .	133.0	100.0
B. End of period . . .	139.3	107.6
C. A in percentage of B	95.5	92.9

The rate of periodical payments did not change during the period under review.

In the case of partial loss of working capacity of three-tenths or more, a fraction of the basis of compensation is paid, corresponding to the degree of reduction of working capacity, less one-twelfth of the basis of compensation. In the case of partial loss of working capacity of less than three-tenths, the payment is such fraction of two-thirds of the basis of compensation as corresponds to the degree of reduction.

On application being made by the injured person, the Insurance Council may order a lump sum to be paid instead of the pension or part of the pension, or instead of the pension for a specified period, if it is specified that there are reasons for so doing. The Employment Injury Insurance Act does not, however, authorise such substitution during a period of illness.

*Article 37.* Every employee in private or public employment is insured against employment injury. If any person who is entitled to sickness allowance, children's supplement or a pension, is not a Swedish national and is not domiciled in Sweden, the insurance institution may at any time, with his consent, pay him a lump sum instead of such benefit.

Where the deceased was not a Swedish national and was not domiciled in Sweden, a pension is only payable to a survivor who is not a Swedish national if the latter was domiciled in Sweden at the time when the deceased's injury occurred.

*Article 38.* The benefits stipulated in Articles 34 and 36 are in principle payable for such time as the consequences of the contingency continue.

As a result of the co-ordination between the compulsory sickness insurance scheme and the employment injury insurance scheme the same waiting period provisions as for the sickness insurance apply to the employment injury insurance, namely three days.

Compensation is not paid in respect of injury deliberately brought upon himself by the insured person. The pension is not payable to a person who deliberately brought about or contributed to the death of the insured person through any criminal act. The sickness allowance (including children's supplement) and the pension may be reduced where the insured person received the injury during the commission of any offence of which he has been finally convicted, or where, after receiving the injury, the person is guilty of gross neglect of his

health or furnishes inaccurate information on any circumstance affecting his entitlement to compensation. If an injured person refuses without good cause to comply with any instructions given for the purpose of shortening the period of illness or mitigating the effects, compensation may be reduced by an appropriate amount.

#### PART VII. FAMILY BENEFIT

*Article 40.* The following may be regarded as family benefits under Part VII:

(a) *Ordinary child allowances* which are payable without means test for every child under the age of 16.

(b) *Free school meals* which are supplied without means test to children in the primary schools and certain secondary schools in those communes which have organised school meal facilities. These facilities are for the moment being extended.

(c) *Family housing aid* which is granted to families with two or more children in certain income brackets on condition that the families are living in accommodation of a recognised standard built after 1941.

(d) *Holiday travel for children and housewives.* For children's holiday travel the age limit is 14 years. Travel grants are subject to a means test and a low fee is charged. Children of families with three or more children under 14 years in the home, and all families where only the mother is present, travel free of charge. The mother or other person taking care of children under ten years travels free of charge when accompanying a child.

The condition for holiday travel for housewives is that there are three or more children under the age of 14 years. The grant is subject to a means test and a small fee is charged.

(e) *Grants towards the running of children's camps, vacation homes and home accommodation for children during school holidays* are organised by private or communal agencies and there are no uniform conditions as to the number and age of children, etc.

(f) *Individual grants to enable housewives to take vacations* are subject to a means test, but no conditions have been laid down as regards the number of children, etc.

(g) *Welfare service for providing home aides* are intended primarily for large families of small means. No specific conditions as to the age of the children, etc., have been laid down.

*Article 41.* The ordinary child allowance and free school meals are available to all categories of citizens. For ordinary child allowances the Government states that all employees, as well as other categories of persons, are protected. Consequently, the percentage of employees protected is 100. Free school meals are supplied to about three-fourths of all children in the primary schools and a good third of the children in the secondary schools.

For family housing aid the income limits for entitlement are graduated by the number of children and the rates are graduated by amount

of taxable income. For holiday travel for children and housewives the taxable income must not exceed 5,200 crowns a year. No definite income limits are prescribed for the other family benefits.

*Article 42.* The ordinary child allowance is payable at a rate of 290 crowns a year for each child under 16 years. Free school meals are provided during the whole school year and comprise bread and butter and a cooked dish. Family housing aid is provided in the form of a reduction of the annual rent, or, in the case of one family or two family houses, of a reduction of the annual loan payments. Holiday travel for children and housewives is provided in the form of a ticket for holiday travel, available at all places and covering a journey to the country or to a town. The children's camps, which are for the most part organised by communes and various organisations, are intended to give town and country children a change of environment in the summer, and to lighten the work burden of the housewives. The scheme for home accommodation for children during the school holidays aims at finding homes for children whose parents have no relatives or friends to send them to. The vacation homes are open to housewives with small means whether they have children or not. The housewives' vacation grants are a cash sum to help to pay for home help, clothes, board and lodging the children, etc., in connection with a vacation. The welfare services for providing home aides are intended to assist families where the housewife is temporarily unable to look after the home, mainly families with children. A large proportion of the communes employ home aides who are capable, if necessary, of taking over all the housewife's duties.

*Article 43.* No qualifying period is prescribed for family benefits.

*Article 44.* As the person deemed typical of unskilled labour for the purpose of proving compliance with this Article, an adult male labourer in the engineering industry, is selected in accordance with paragraph 4 (a) and (b) of Article 66; for computing the wages of such a worker the average hourly wage (excluding overtime) given in the Swedish Engineering Industry Association's statistics for each quarter from 1 July 1955 to 30 June 1956 has been taken and multiplied by the normal number of work hours (2,200 hours) and vacation pay and compensation for public holidays (7.8 per cent. of the annual wage) where added. The annual wage so calculated amounted to 10,275 crowns.

The total amount of benefits in cash paid in the form of ordinary child allowances was 527 million crowns for the financial year 1955-56. The total value of the benefits in kind granted under the various other schemes of family benefits, amounted to 225.1 million crowns, making a total of 752.1 million crowns. As the total number of children in the country is 1,820,000 the average family benefits per child is 413.24 crowns a year.

By multiplying 1.5 per cent. of the wage of an ordinary unskilled labourer by the total number of children an amount of 280.5 million

crowns is obtained. The total value of the family benefits considerably exceeds this minimum.

*Article 45.* The ordinary child allowance, which is the only periodical family benefit paid in cash in Sweden, is suspended in the following cases: (a) where the child is not domiciled in Sweden; (b) where the whole cost of maintaining a child in an institution or the whole cost of board and lodging for the child is paid out of state funds, or in any other case where the child is maintained at public expense in an institution; (c) where a person has caused a child allowance to be improperly paid for a given child, by furnishing incorrect information or otherwise.

## PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

*Article 68.* As regards the Parts of the Convention to which the ratification relates, foreign citizens have, in principle, the same rights as nationals resident in Sweden.

As regards Part IV (Unemployment Benefit) the following applies: non-nationals can acquire membership of the voluntary unemployment funds on the same conditions as Swedish citizens. However, the Labour Market Board, which is the supervisory authority for unemployment insurance, may lay down special limitations as regards the right of a foreign citizen to join or receive benefit from a recognised unemployment fund. No such limitation has so far been imposed. An agreement has been made with Denmark and Norway for the crediting of contributions paid in those countries so that a person can receive benefit earlier than otherwise would be the case.

As regards Part VI (Employment Injury Benefit) non-nationals resident in Sweden have, in respect of employment in a Swedish undertaking in Sweden, the same right to injury compensation as a Swedish citizen. For other non-nationals there are certain limitations of the right to compensation. Subject to reciprocity, however, citizens of certain countries may be exempted, and this has taken place in relation to the citizens of a large number of countries. An agreement has also been made with the other Northern European countries for applying respectively the Swedish Employment Injury Insurance Act or the law of the other country, where an employer in one country carries on business in the other and has employees for the purpose of that business.

As regards Part VII (Family Benefit) it is stated that the ordinary child allowance is payable in respect of children domiciled in Sweden who are not Swedish citizens if the child is maintained by a person who is domiciled and registered as a resident in Sweden.

## PART XIII. COMMON PROVISIONS

*Article 70.* As regards appeal, the following provisions apply under the different Parts:

Part IV (Unemployment Benefit): the Labour Market Board, which is the supervisory authority for the unemployment funds may, if necessary, issue instructions for the operation of

the funds. An appeal against decisions of this Board may be made to the Government. Apart from this, members of the unemployment funds have the possibility of bringing an action in the civil courts against a decision of the fund.

Part VI (Employment Injury Benefit): an appeal against the decision of the insurance institution may be made to the Insurance Council, which deals with cases connected with employment injury insurance.

Part VII (Family Benefit): an appeal against a decision of the child welfare committee in relation to the ordinary child allowance may be made to the county administration. If a person contests the county administration's decision on an ordinary child allowance he may appeal to the Social Affairs Board. An appeal against the decision of the commune or county housing committee regarding housing aid may be made to the Housing Board, from which an appeal lies in every case to the Government. As regards other family benefits complaints are brought in the manner prescribed in the Acts applicable to each case.

*Article 71.* The cost of the benefits provided under the Parts of the Convention to which the ratification relates—excluding family benefit but including employment injury benefit, as the Government states that in view of the co-ordination of the employment injury insurance with the sickness insurance, the former cannot be considered a special branch—was as follows for the year 1954 (in million of crowns):

	Total cost	Contributions from insured persons
Part IV. . . . .	101.0	49.5
Part VI. . . . .	153.4	—
Total . . . . .	254.4	49.5

Contributions from insured persons therefore amounted to 19 per cent. of the total cost.

The benefits are provided in accordance with the special Acts applying to the different cases. Employment injury benefits are provided in accordance with the Employment Injury Insurance Act and family benefits are paid in accordance with the different Acts relating to that question. As regards unemployment benefits the legislation only prescribes the maximum amount. The funds themselves decide the daily rate, subject to the provision mentioned under Article 22 above that it must never exceed a given fraction of the employee's normal daily income.

No changes in benefit rates, contributions, etc., have occurred during the period under review.

In relation to employment injury and unemployment insurance, the responsible authorities carry out regular actuarial investigations.

*Article 72.* The social security branches covered by the Parts of the Convention to which the ratification relates are administered by institutions under the supervision of the public authorities.

The supervisory authority of the recognised unemployment funds is the Labour Market Board, while for employment injury insurance, as well as sickness insurance, it is the State Insurance Office (see report on Convention No. 17).

The supervision of the different forms of family benefit is exercised by: (1) the Social Affairs Board, as regards ordinary child allowance, holiday travel for children and housewives, children's camps, vacation homes, home accommodation for children during school holidays and home aide services; (2) the Supervisory Board for Schools or the Supervisory Board for Vocational Training as regards school meals; and (3) the Housing Board as regards family housing aid.

### *Yugoslavia (First Report).*

- Decree of 14 October 1949 to amend and supplement the Decree respecting the protection of wage-earning or salaried women who are pregnant or are nursing their children (L.S. 1949—Yug. 4), as amended 20 June 1952.
- Act of 21 January 1950 respecting the social insurance of workers and officials and their families (L.S. 1950—Yug. 1).
- Instructions of 22 March and 30 June 1950 relating to the application of the Act respecting social insurance.
- Decree of 25 October 1951 respecting child bonuses (L.S. 1951—Yug. 1).
- Decree of 29 March 1952 respecting pecuniary benefits and other rights of wage and salary earners who are temporarily without employment (L.S. 1952—Yug. 3), as amended 21 July 1952 and 4 January 1956.
- General Instruction of 12 April 1952 to apply the Decree on unemployment allowances, as amended 10 August 1952 and 25 January 1956.
- Decrees of 21 July 1952 and 10 January 1953 respecting the fixing and readjustment of disability pensions.
- Decree of 23 October 1952 respecting entitlement to a pension by insured persons employed on heavy work.
- Decree of 28 November 1952 to amend and supplement the Decree respecting child bonuses (L.S. 1952—Yug. 8).
- Act of 24 November 1954 respecting health insurance for wage and salary earners (L.S. 1954—Yug. 2).
- Decree of 29 December 1954 to approve regulations under the Act respecting health insurance.
- Decree of 19 March 1955 respecting the establishment of the Social Insurance Office.
- Decree of 28 July 1955 to amend and supplement the Decree respecting children's allowances (L.S. 1955—Yug. 2).
- Various Decrees to regulate the social insurance of priests (12 May 1951), as amended 26 January 1954; of artists (9 July 1955); of translators (7 July 1955); of musical artists (7 July 1955); and of cinema workers (7 July 1955).

## PART I. GENERAL PROVISIONS

*Article 2 of the Convention.* The report specifies that the following Parts of the Convention are applied: I, II, III, IV, V, VI, VIII, X, as well as the provisions relating to Parts XI, XII, XIII and XIV.

*Article 6.* The Act respecting the social insurance of workers and officials and their families provides that all persons "in employment relation" shall be compulsorily insured. The Government has taken steps to extend the Act to certain categories of liberal professions as well as to priests of certain denominations. This extension is carried out by means of contracts concluded between the competent state organs, on the one hand, and the religious communities or the Union of Lawyers' Chambers, on the other. These contracts provide that any person belonging to the category for which the contract in question has been

concluded shall be covered by social insurance. The report specifies that this is in no way an "individual, optional insurance" but that all the members of the categories concerned enjoy the rights derived from the insurance and "are compelled to be insured as if they had been insured on the basis of the Act respecting social insurance".

The insurance of persons belonging to the above-mentioned categories is financed by means of contributions calculated in such a manner as to cover the expenses resulting from the application of the Act to these categories. The contributions are paid into the funds earmarked for social insurance.

The report stresses the fact that as far as their organisation and financing is concerned the insurances set up by special provisions are not a special type of insurance, but are part of the single system of social insurance. A Decree promulgated in 1956 provides for the setting up of mutual assistance funds for the purpose, among others, of sickness insurance. Such mutual assistance funds may be set up by professional associations, co-operatives, chambers and communities the regulations of which provide for material mutual assistance to their members. Membership of such mutual assistance societies is voluntary and is open only to persons belonging to the organisation which sets them up. The report states that the moneys of such mutual assistance funds consist of contributions paid by members, donations, subsidies and other periodical income and that they are run under the supervision of local social insurance offices. The report also states that this type of insurance is of an additional nature and that the application of the Convention is carried out by means of legislation setting up a compulsory system of insurance.

Finally, the report points out that persons belonging to certain professions, such as artists, translators and cinema workers, are insured by virtue of individual contracts based on declarations made by the persons concerned. These persons enjoy most of the rights granted by law in case of sickness, but exceptions are provided for in connection with the grant of children's allowances.

## PART II. MEDICAL CARE

*Article 7.* The report states that, in accordance with the Act respecting health insurance, medical assistance is guaranteed to the insured persons and that its nature is above all curative, but it has a preventive aspect also through consultations provided by public health establishments, periodical examinations and general health measures aimed at fighting the spread of disease and improving the health standard of the population in general.

*Article 8.* The right to medical care is guaranteed to all protected persons in case of morbidity, whatever its cause, and consequently in case of sickness and maternity as well as the consequences thereof.

*Article 9.* By virtue of the Act respecting health insurance (section 9) all wage and salary earners employed on the national territory, i.e. those in employment relation, irrespective of



sex, age or nationality and regardless of whether or not such employment relation has been entered into in accordance with existing regulations, are entitled to medical care. The report lists the categories of assimilated persons who enjoy the same rights as the wage and salary earners, in particular apprentices, pupils of vocational schools and students undergoing the compulsory training period in economic organisations or state establishments, and pensioners.

Members of workers' or employees' families or of families of persons treated as such are entitled to medical care. According to the Act the following are considered dependent upon the insured person: the spouse, legitimate, illegitimate or adopted children, step-children "if they are orphans or if it is objectively impossible for their parents to maintain them". Children enjoy the right to medical care until the age of 16 years or until the end of full-time education but not after their 25th birthday. The right to medical care is extended beyond the ages of 16 or 25 years if, before reaching the age limit, the children concerned become totally or permanently or for more than one year incapable of earning their living.

The number of insured persons (wage and salary earners and persons treated as such) and of persons belonging to the liberal professions entitled to medical care by virtue of the Act is 2,478,998, of whom 2,161,156 are in employment relation.

*Article 10.* The report specifies that the medical care to which the insured persons and their dependants are entitled include examination and treatment in institutions or in the patient's home; supply of medicines and other pharmaceutical products and apparatus necessary for treatment; medical assistance or other specialised care as well as assistance before, during and after confinement in institutions or in the home of the protected person; dental care; and treatment with full board in health resort establishments.

The report refers to sections 16 and 18 of the Act respecting health insurance which provide that wage and salary earners and persons working as volunteers shall be entitled to health care if they are regularly employed for at least half the standard working hours prescribed for the occupation: Provided that health care shall also be available to an insured person who works less than half the standard working hours where the competent health authority has found him to be incapable of working for at least half the said hours and he is employed for the number of hours corresponding to his capacity. Health care shall likewise be available to any insured woman who is working shorter hours under special provisions by reason of the illness of her child.

Medical care shall be available, however, to insured persons regardless of their working hours whenever it is required for an injury due to an industrial injury or for any occupational disease.

The members of the insured person's family are entitled to the following medical care: examination and medical treatment in institutions and in the patient's home; the supply of medicines and other drugs and materials needed

for the treatment; and medical or other qualified care and attention before, during and after confinement in institutions and at the patient's home. The members of the family of a wage or salary earner who is employed for less than the standard hours shall not be entitled to health care unless the insured person is entitled, under special provisions, to work shorter hours. The report gives details concerning the conditions entitling members of the family of an insured person to admission and board in health resorts.

To be entitled to medical and special care such as dental care (including dental appliances, artificial limbs and sanitary equipment) the insured persons, i.e. the wage or salary workers in employment relation and persons treated as such, must have been employed for at least six months without interruption or for a total of at least 12 months in the two years preceding the illness. The report gives details concerning the medical care available to members of the insured persons' families other than those mentioned above.

Persons insured by virtue of collective or individual contracts are entitled to medical care, drugs, therapeutic appliances and hospitalisation but their right to other medical assistance depends upon the contract by virtue of which they are admitted to compulsory insurance.

*Article 11.* The right to sickness benefits begins upon the insured person's entry into employment or on his acquiring such other status as entitles him to these benefits. The right to medical care continues for such time as the insured person continues to have the status entitling him to sickness benefits.

*Article 12.* The report refers to section 20 of the Act respecting health insurance by virtue of which treatment begun during the period of insurance shall be continued for one month after cessation of insurance, whatever the insured person's degree of working capacity and, if during that time the insured person becomes temporarily incapacitated through illness, treatment shall be continued for such time as he is so incapacitated.

### PART III. SICKNESS BENEFIT

*Articles 13 to 15.* The Act respecting health insurance provides that wage and salary earners and persons treated as such, as well as apprentices, shall be entitled to compensation in lieu of remuneration for the time during which they are incapacitated for work through illness. The report gives details concerning the circumstances in which such compensation is paid. It states that persons in respect of whom insurance contracts have been concluded are entitled to compensation two or three months after the commencement of such incapacity to work. Pupils and students undergoing their compulsory period of practical work, persons employed on public works and persons insured against industrial accidents, shall be entitled to compensation in lieu of remuneration only when temporarily incapacitated or placed for treatment in a residential institution as a result

of an injury caused by an industrial accident or occupational disease.

*Article 16.* Persons in employment relation and persons treated as such are entitled to compensation in case of sickness irrespective of the length of their period of employment. The amount of compensation is based on a percentage of the average earnings of the insured person. The compensation in lieu of remuneration is normally based upon the person's average remuneration (including regular supplements) for full-time employment over the last three months, or, in the case of a person insured for less than three months, on the average wages or the wages contracted for or prescribed for full-time employment. The compensation is fixed on this basis, the percentage applied depending on the length of the qualifying period, the duration and the nature of the sickness. Thus persons who have been insured for six consecutive months or an aggregate of 12 months over the last two years immediately preceding the commencement of entitlement receive 80 per cent. for the first seven days of sickness and 90 per cent. thereafter. Persons who have been insured for a shorter period receive 60 per cent. during the first seven days and 70 per cent. thereafter. Insured persons suffering from tuberculosis receive compensation at the full amount if they have been insured for at least six consecutive months or 12 months with interruptions over the last two years preceding the commencement of entitlement to compensation, and at 75 per cent. if they have not completed such period of insurance. Apprentices as well as persons victims of industrial accidents or occupational diseases receive compensation in lieu of remuneration at the full amount.

No maximum limit is provided for wages taken into account for the purpose of calculating compensation. This is calculated on the basis of real wages fixed by the rates laid down by legislation or collective agreements in the case of privately employed persons.

In the case of persons insured by virtue of a contract, the amount of compensation is calculated on the basis of the average earnings of the category to which that person belongs and the qualifying period laid down by the insurance contract.

The report stresses the fact that it is not possible to determine a standard beneficiary or a standard wage as laid down by paragraph 7 of Article 65. It is pointed out that it is not possible to mention the industry or the branch of economy employing the largest number of protected persons since all employed persons are protected, as well as a great number of other persons.

*Article 17.* The report states that the benefits mentioned under Article 16 are granted to all insured persons irrespective of their period of employment.

*Article 18.* By virtue of section 32 of the Act respecting health insurance every insured person is entitled to compensation in lieu of remuneration for such time as he continues to be temporarily incapacitated for work, i.e. until the competent physician of the public health service or the medical board certifies that the

person's working capacity has been restored or that invalidity has begun.

Insured persons taking care of a sick member of their family receive compensation for not more than 15 days where the sick member of the family is under 14 years of age or seven days if he is over 14. Where a sick child requires the care of its mother, such continuance of compensation may be authorised for 30 days or more.

The report states that the insured person loses the right to sickness benefit in the following cases: (1) if his incapacity is due to a punishable act of which he has been duly convicted; (2) if he intentionally brought about his incapacity in order to obtain benefit under the Act; (3) if he deliberately hinders his recovery or training for employment; (4) if he fails without good reason to comply with instructions to appear for examination by a physician or medical board.

The report specifies that forfeiture of the right to compensation shall continue until the competent physician certifies that the effects of the said act or omission have ceased or until the insured person appears for examination.

#### PART IV. UNEMPLOYMENT BENEFIT

*Article 20.* The report states that all insured persons who, through no fault of their own, are temporarily without employment as a result of the fact that for valid reasons they are unable to start work immediately in another post are entitled to unemployment benefit. It is necessary for such a case to involve the complete loss of earnings of persons who had until then been in employment relation and who, through no fault of their own, were left without work. Such is the case when a business undertaking, institution, government or other agency, co-operative or social organisation dismisses staff for reasons of reorganisation or dissolution of the undertaking or reduces staff in order to cut down production expenses or for other reasons. Moreover, the wage or salary earner is considered to be unemployed through no fault of his own if he has resigned in accordance with the provisions of section 23 of the Decree respecting the establishment and cessation of employment relations. The report gives the following reasons as a possible motive for a worker's resignation: employment for over a month against his will in an occupation which does not correspond to his qualifications or physical ability; failure of the employer to fulfil his obligations under the contract of employment in respect of wages or salaries; unmotivated or unjustified refusal to grant annual or weekly holidays; the requiring of the worker to perform additional work which is either contrary to existing regulations or unpaid; failure by the employer to take appropriate measures to safeguard the safety and health of the workers in accordance with existing regulations.

*Article 21.* The report defines the categories of workers who under the legislation respecting unemployment insurance are entitled to benefits in case of unemployment through no fault of their own. It gives a list of persons treated as



wage and salary earners among whom are members of different co-operatives (production, manufacturing, craft, fishing, or agricultural), certain categories of invalids, persons in receipt of invalidity pensions after they have been declared capable of work, non-commissioned officers, officers on the active list and members of the national militia no longer on active service, apprentices and pupils of vocational schools and other assimilated categories.

The report states that employment offices may, after paying compensation for six months, provide the worker or employee concerned with temporary employment which does not correspond to his skill or qualifications.

The worker or employee to whom such temporary employment has been offered but who, according to the diagnosis of the permanent medical commission, is not capable of performing such work in view of his state of health or his physical capacity, retains the right to compensation until suitable work has been obtained.

*Article 22.* The report gives the rate of compensation as equal to 50 per cent. of the last wages paid to the worker or employee; in the case of persons belonging to the second or third group who are disabled at work, the amount of compensation represents the difference between the invalidity pension and the 50 per cent. of the last wages received before disability. Allowances for children are paid to wage and salary earners during their period of unemployment.

The report adds that under section 5 of the Decree amending and supplementing the Decree on unemployment compensation, the benefit payable to persons living in a family deriving income from agricultural or other taxable activity is determined in accordance with the amount of tax payable on their income, namely (a) for the income tax group up to 50 dinars a year and per head: 75 per cent. of the amount determined as mentioned above; (b) for the 50 to 150 dinars a year and per head income tax group: 50 per cent. of the amount determined; and (c) for the group 150 to 250 dinars of income tax: 25 per cent. of the amount determined.

*Article 23.* Wage and salary earners may claim benefits in case of unemployment if they have worked for a whole year without interruption or for an aggregate of 18 months with interruptions. If a wage or salary earner finds employment within 15 days after cessation of work he is considered as not having stopped working. Apprentices and pupils in vocational schools and persons disabled at work belonging to the second and third category who have been rehabilitated are entitled to unemployment compensation irrespective of the period of employment. Persons living in a family the total income of which, derived from employment, exceeds 5,000 dinars a month per member of the family, as well as persons living in a family paying per member and per year income tax in excess of 250 dinars, are not entitled to unemployment compensation.

*Article 24.* Unemployment compensation is payable for an unlimited period. Legislation

does not provide for a waiting period before the payment of such compensation. Seasonal workers are treated as other categories of workers.

However, the legislation provides (Decree respecting pecuniary benefits and other rights of wage and salary earners) that a person who is temporarily unemployed must report at an employment office within one month at the latest from the date of expiration of notice or else lose the right to a cash benefit. The report considers that this case corresponds to clause (h) of Article 69 of the Convention referring to the cessation of benefits when a worker fails to avail himself of the employment office at his disposal.

## PART V. OLD-AGE BENEFIT

*Article 26.* The report specifies that all male insured persons who have reached the age of 55 and women who have reached the age of 50 who have fulfilled the employment period prescribed by law are entitled to a full old-age pension. For persons who have not fulfilled the period entitling them to a full pension the age limit is 65 and 55 years respectively. Special conditions are provided for artists and university professors for whom the age limit is higher. Moreover, certain categories of persons engaged on heavy work enjoy certain advantages. The age limit and length of employment are reduced. Thus, persons engaged on caisson or underwater work, as well as civil aviation pilots, have their period of service reduced by one year for every three years and each period of eight months spent on such work is calculated as a full year. A worker enjoying such privileged status is entitled to a pension after a period of employment of 18 years at the age of 49 instead of 55. Such advantages may be extended by legislation to other occupations.

*Article 27.* All persons in employment relation and those belonging to similarly treated categories are covered by old-age insurance. Moreover a similar insurance covers all persons to whom old-age insurance applies by virtue of individual or collective contract.

The report specifies that the total number of insured persons is 2,478,998, of whom 5,652 are insured under a contract.

*Article 28.* Pensions are determined in accordance with qualifications and the period of employment, taking also into account the amount of the earnings of the person insured. Employees are classified in 20 categories.

The report states that the category of pension is determined in accordance with the skill and period of work of the insured person. For workers and employees engaged in economic activity there are four professional categories: highly qualified and qualified workers; semi-skilled and non-skilled (labourers); employees with higher, average or lower qualifications; and employees engaged on auxiliary work. Each category of skill covers four categories of pensions within the general scale of pension categories in which workers or employees of the corresponding category are classed in accordance with the period of service.

The report then proceeds to set out the manner of classifying employees and workers in state organs and institutions, social organisations and co-operative unions, as well as employees privately employed. With respect to the fixing of bases for the calculation of pensions corresponding to each category, the report specifies that the calculation is made in such a manner that the insured person, classified in a category corresponding to his skill and period of work, should receive 50 per cent. of the basic amount.

A male insured person who has completed more than 15 years of employment receives for each additional year 2 per cent. of the basic amount; after 25 years, 3 per cent. for each year. An insured woman is entitled after 15 years of employment to 2 per cent. of the basic amount for each succeeding year, and after 20 years to 4 per cent. for each succeeding year. An insured person who has completed 35 years of employment is entitled to the full pension which, however, may not exceed the basic amount.

The amount of the old-age pension is expressed as a percentage of the wages taken into account and which corresponds to the number of years of employment. Thus, after a period of 15 years the percentage is 50; after 25 years, 70; after 31 years, 100. For women the percentage is 50 after 15 years; 80 after 25 years; and 100 after 30 years. The insured person must have reached the age of 60 years in the case of a man and 55 in the case of a woman.

The amount of the contractual pensions is determined according to the same principles and bases used for calculating pensions under the insurance contracts.

*Article 29.* For the purpose of defining the qualifying period of employment the report refers to section 60 of the Act of 21 January 1950 according to which all periods of employment under contract shall be counted. This section of the Act moreover defines the categories of persons whose activity is similarly treated. In the case of persons insured by virtue of a contract the period of employment includes the period spent in professional activity, the period previously spent in employment relation as well as any other period which, by virtue of prescriptions on social insurance, is considered as a period of employment for purposes of recognising entitlement to pensions.

*Article 30.* The old-age pension is paid throughout the contingency covered. It is, however, suspended if the insured person takes on new employment provided that this employment is full-time work; in the case of part-time employment the pension is suspended if the earnings derived from such employment exceed two-thirds of the pension or 6,000 dinars.

The report also states that according to section 83 of the Act of 21 January 1950 respecting social insurance the rights derived from social insurance are forfeited entirely if the insured person has, by a decision which has become *res judicata*, been condemned to death or has lost his nationality. However, this provision was abolished by section 5 of the Penal Code of 1954 which states that no person may lose his right to a pension.

## PART VI. EMPLOYMENT INJURY BENEFIT

*Article 32.* Every person in employment relation is entitled in case of an industrial accident or occupational disease to every type of medical care, as well as cash benefits during the period of incapacity to work. These benefits are payable from the first day of such incapacity. The right to medical care as well as to cash benefits is not subject to a qualifying period of employment and benefits are due from the first day of incapacity. An exception to this rule is made in the case of persons insured under a contract, by which they become entitled to compensation two or three months after the commencement of incapacity according to the provisions of the said contract.

Section 32 of the Act respecting social insurance provides that every insured person who, through an industrial accident or a non-industrial accident or sickness, suffers reduced capacity for work which is permanent or lasts for more than a year shall be entitled to invalidity benefit.

"Reduced capacity for work" means both reduced capacity for work in general and reduced capacity for the performance of work in the occupation concerned (occupational incapacity).

The report states that persons who have suffered an industrial accident and whose general or occupational capacity has been reduced by one-third to three-quarters are entitled to an invalidity benefit and that insured persons whose capacity has been reduced by more than three-quarters are entitled to an invalidity pension. The nature and payment of permanent benefits thus depend upon the degree in which the capacity for work has been reduced.

Persons who have suffered a non-industrial accident must complete a qualifying period before becoming entitled to cash benefits. The report gives details concerning the duration of such a qualifying period.

The survivors of a victim of an industrial accident are entitled to a pension regardless of the duration of the qualifying period of the insured. The following dependants are entitled to the survivor's pension: (1) the spouse and children; (2) the parents, the grandchildren and orphans maintained by the insured person. The dependants specified in (2) are entitled to a pension only in the absence of the dependants specified in (1). The widow, father and mother of the insured may claim a survivor's pension only if they are unable to earn their own living. Thus, a widow is entitled to a pension only if she has passed the age limit or is totally incapable of working or if she has dependent upon her a child below the age of seven years.

*Article 33.* All persons in employment relation, as well as those belonging to assimilated categories and beneficiaries under contractual insurance, are entitled to a pension in case of incapacity arising out of an industrial accident or occupational disease.

Among persons belonging to assimilated categories the report mentions students, pupils of vocational schools, persons temporarily engaged on public works whether remunerated or not, and the insured throughout the time in which he may be serving a sentence.

*Article 34.* The report specifies that medical attention to which the victim of an industrial accident or occupational disease is entitled includes treatment in health institutions, the supply of orthopaedic appliances and any other care necessary to restore the capacity for work of the insured person. Social insurance offices are entrusted with the application of health protection and restoration of the capacity for work of the insured.

*Article 35.* A centre for the rehabilitation of the disabled was opened in 1954. Rehabilitation committees have been set up at certain popular resorts and co-operate with the centre. The committees and the centre work in close collaboration with the social insurance offices and the health institutions of the country.

The report states that the undertakings and institutions in which the insured persons have lost their capacity for work must give such disabled persons the possibility of rehabilitation. In case of incapacity it is for the competent authorities to ensure that the disabled are provided with the necessary rehabilitation in an undertaking or institution or in a vocational school.

*Article 36.* The Act respecting social insurance provides that every insured person whose capacity for work is reduced as the result of an industrial accident shall be entitled to invalidity benefit irrespective of the duration of his qualifying period (section 34). Every insured person in the first grade is entitled to a lump-sum payment equal to not less than six months' and not more than 12 months' normal remuneration, this being the remuneration he was receiving at the time of the accident. As for an insured person belonging to the second and third groups, a monthly invalidity benefit is prescribed on the basis of the percentage of the invalidity pension corresponding to his reduced capacity for work (section 35).

As for invalidity pensions payable after a non-industrial accident, the victim may claim a pension if he has suffered a total incapacity for work either permanently or for more than one year (section 45). The insured person must, however, have completed a qualifying period of at least five years in the case of insured persons under the age of 50 and at least ten years for insured persons over 50 (sections 45 and 47).

The report then gives details concerning the manner of calculating pensions for insured persons who have suffered a non-industrial accident, including the duration of the qualifying period of employment and the amount of the pension expressed as a percentage of the basis taken into account for calculating the pension. Thus, in the case of insured persons below the age of 50, after a qualifying period of five years the victim is entitled to a pension equal to 50 per cent. of the basic pension, after a period of ten years to 55 per cent., after 15 years to 60 per cent., after 20 years to 70 per cent., after 25 years to 80 per cent., and after 32 years to 100 per cent.

The pension for insured persons over the age of 50 who have been in employment for 10 years is equal to 55 per cent. of the base rate; this rises to 60 per cent. after 15 years, to 70 per

cent. after 20 years, to 80 per cent. after 25 years and to 100 per cent. after 32 years.

An insured person who suffers total loss of earning capacity before the age of 25 and has been employed subject to a contract of employment for six consecutive months immediately preceding the beginning of his incapacity is entitled to a pension equal to 50 per cent. of the basic amount.

Survivors' pensions are calculated on the basis of the insured person's pension and are expressed as a percentage thereof, depending on the number of beneficiaries. They are calculated in exactly the same way as the survivors' pensions referred to in Part X of the report. Recipients of invalidity allowances or pensions (paid in respect of accidents) are entitled to children's allowances equal in amount to those drawn while the insured person was at work.

*Article 37.* The report states that the benefits payable to insured persons and their dependants are made available to all persons employed within the territory of the State at the time when the employment injury occurred or the occupational disease began. The dependants of an insured alien who are permanently domiciled abroad may claim a survivors' pension provided that the country in which they are permanently domiciled observes the principle of reciprocity.

*Article 38.* An insured person may forfeit his entitlement to an invalidity allowance or pension should his incapacity for work be the result of an offence or crime for which he has been convicted and should it be found that he deliberately caused his incapacity. The regulations governing loss of entitlement to cash benefit during temporary incapacity are the same as in the case of cash sickness benefit.

## PART VIII. MATERNITY BENEFIT

*Article 47.* The report states that the contingency covered comprises pregnancy, confinement and the specified period after confinement.

*Article 48.* All women employees and equivalent categories are entitled to medical care and cash benefit (pregnancy and confinement allowances). Women insured under a contract are entitled to the same benefits. The wives of insured persons and of persons entitled to the same treatment as insured persons have the right to medical care during pregnancy and confinement.

The report gives details of the number of women covered by the scheme.

*Article 49.* "Medical care" covers all forms of medical attendance provided in case of sickness.

*Articles 50 and 51.* An insured woman is entitled to leave with pay in the event of pregnancy and confinement irrespective of the length of time she has been at work; the total benefit paid in lieu of wages depends however on the length of time she has been at work. Benefit is paid for a total of 90 days, made

up of 45 days before and 45 days after confinement. Before the latter takes place every insured woman is required to take not less than 21 days' rest; if she does not use up the 45 days' maternity leave to which she is entitled before confinement, she is allowed to take them afterwards. The confinement benefit is equal to 100 per cent. of the basic rate used in calculating the benefit, provided the beneficiary was insured for not less than six consecutive months or 12 months with interruptions during the two years preceding confinement. The amount of the benefit is 80 per cent. if this condition is not fulfilled.

The average wage or salary together with regular allowances paid during the last three months is taken as the basis for calculating the confinement benefit. The report gives details of the benefit payable to an insured woman who falls sick during her maternity leave, and it also points out that the insured woman receives help for the layette; some of this help is given in the form of a cash grant. The wife of an insured person enjoys the same privileges provided her husband has been insured for six consecutive months or 12 months with interruptions.

*Article 52.* The report states that medical care is given throughout the period prescribed by law.

An insured woman is paid the full benefit in lieu of her wage or salary, even if she is in a medical institution. The law makes no provision for the suspension or cancellation of her entitlement to benefit.

#### PART X. SURVIVORS' BENEFIT

*Articles 60 and 61.* The report states that members of an insured person's family may claim a survivor's pension in the following cases: (1) when the insured person has been employed for five years; (2) when he lost his life through an employment accident (irrespective of the length of his employment); (3) when he was drawing an invalidity pension or allowance of the third category.

The report refers to section 66 of the Act of 21 January 1950 which defines the dependants of the insured person as follows: (1) the spouse and children; (2) the parents, grandchildren and orphans maintained by the insured person. The dependants specified in (2) are entitled to a pension only in the absence of the dependants specified in (1).

A surviving wife is entitled to a pension provided she was over the age of 45 at the date of her husband's death or suffers total loss of earning capacity either permanently or for more than one year, or if she has a dependent child under the age of seven years.

The husband of an insured woman is entitled to a survivor's pension if he is over the age of 60 or if he suffers total loss of earning capacity either permanently or for more than one year, provided the insured woman was supporting him.

Surviving children are entitled to a pension up to the age of 17, or 24 if they are still studying. If the children suffer total loss of earning

capacity before reaching these ages they are entitled to a pension throughout the duration of their incapacity. They may also claim a pension if they suffer total loss of earning capacity after reaching the above ages but before the insured person dies, provided he supported them before his death.

The report gives details of the circumstances in which grandchildren, adopted children, sons-in-law and daughters-in-law, fathers and mothers may claim a pension.

The law stipulates that the pension may be suspended whenever the beneficiary enters employment, provided it is full time and the earnings or wage from such employment exceed two-thirds of the pension, or a total of 6,000 dinars a month.

The report adds that there are 2,478,998 members of the old-age and survivors' insurance scheme, or whom 2,161,156 are members by virtue of the fact that they are in employment.

*Article 62.* The amount of survivors' pensions depends on the number of survivors and is calculated as a percentage of the basic pension. The basis for the calculation of survivors' pensions is the old-age pension or invalidity pension being paid to the insured person at the time of his death. If he was not drawing an old-age or invalidity pension and his death was due to an accident unconnected with his work, or to illness, the base used in calculating the survivor's pension is the invalidity pension to which he would have been entitled having regard to the length of his employment.

If the insured person was not drawing an old-age or invalidity pension at the time of his death and if his death was due to an employment accident, the base used in calculating the survivor's pension is equal to 100 per cent. of the invalidity pension to which he would have been entitled if he had suffered total loss of earning capacity.

The amount of the pension may not exceed 100 per cent. of the base figure, i.e. it may not be higher than the pension to which the insured person would have been entitled.

The survivor's pension is equal to 55 per cent. of the base figure if there is only one survivor, i.e. the spouse or an orphan child; if there are two survivors within the meaning of the Act, the pension rises to 65 per cent., for three survivors it is 80 per cent., for four 95 per cent., and for five or more 100 per cent.

The report goes on to state that if the spouse is not entitled to a pension the pension payable in respect of the children, grandchildren or orphan children supported by the insured person depends on the number of members of the family entitled thereto and may range from 25 to 100 per cent. of the base pension.

If the family only comprises the insured person's father and/or mother the joint pension payable to the father and mother is 65 per cent. of the base pension, and 55 per cent. if only the father or the mother survives.

*Article 64.* The report states that entitlement to a survivor's pension may be suspended only in the event of the remarriage of the surviving spouse or if the survivor is convicted of having caused the death of the person in respect of whom the pension is being paid.

## PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

*Article 68.* The report refers to the Social Insurance Act which states (section 7) that aliens employed in the Federative People's Republic of Yugoslavia as workers or officials in public co-operative or social undertakings and establishments shall be insured and shall have the same rights to social insurance as nationals.

The report also refers to the Act respecting health insurance, which states that all wage and salary earners employed in the territory of the Federative People's Republic of Yugoslavia shall be insured under the Act regardless of sex, age and nationality and whether or not the employer-employee relationship conformed to the current rules when the Act came into force (section 9). The Act also states that aliens working in the Federative People's Republic of Yugoslavia in virtue of a special international agreement for the exchange of specialised workers or under international technical assistance shall be treated as wage or salary earners in respect of health insurance benefits under the Act (section 10).

## PART XIII. COMMON PROVISIONS

*Article 70.* The report refers to the Decree respecting the organisation of social insurance offices. It states that under this measure an appeal against a decision by a district or municipal social insurance office regarding the granting or refusal of a right under the social insurance scheme is dealt with by the social insurance office of the Republic. Such an appeal must be lodged within 15 days of the date on which the decision is notified. Appeals may be submitted by the insured person himself, his trade union or the economic or social organisation employing him.

When the decision is taken initially by the social insurance office of the Republic, a plea against the decision of the director of the office may be lodged with the executive committee of the assembly of the Office of the Republic, provided this is done within 15 days. The decision on such a plea is final.

Decisions by the Social Insurance Office of the Republic taken on either an appeal or a plea rank as administrative actions and proceedings against them may be taken under administrative law.

Under section 120 of the Social Insurance Act of 1950, an insured person may claim restoration of his rights if it is subsequently found that the decision was taken on the basis of misleading information or conclusions or if, after the decision was taken, changes had occurred affecting either the insured individual's person or circumstances which closely concern his rights. The case may also be reopened ex officio by the appropriate social insurance agency. If, as a result, it is found that rights exist which have not been recognised earlier, such rights are enforceable with effect from the time when they actually commenced.

*Article 71.* According to the Government's report, section 1 of the Decree respecting the financing of the social insurance scheme states that social insurance funds must be derived from social insurance contributions. Section 42 of this Decree stipulates that economic organisations, state bodies, government institutions or agencies, social organisations, occupational associations and chambers of trade employing insured persons must pay their social insurance contributions, while the contributions in respect of workers and apprentices in private concerns must be paid by their employers. The employment offices pay the contributions of those who are temporarily out of work.

Yugoslav nationals who are members of the scheme pay their own contributions if (a) by agreement with the appropriate state agency, they are employed abroad in international organisations or institutions or in foreign social or economic organisations; (b) they are employed in diplomatic or consular services or foreign missions or in the personal service of representatives possessing diplomatic immunity; (c) they have gone abroad, with the authorisation of the appropriate agency, to hold a specific post.

Section 3 of this Decree states that the over-all rate of contribution to the social insurance scheme is fixed under the federal social plan. The rate of contribution for each branch is arrived at by dividing the over-all rate among the various branches; this is done by the social insurance offices of the People's Republics with the agreement of the executive councils of the Republics. Sections 48 to 55 of the Decree state that contribution rates may, in certain circumstances, be higher or lower than the normal rate. The latter is calculated on the basis of the average expenditure for sickness insurance purposes per insured person in a given undertaking or institution.

Sickness reinsurance funds are built up by the social insurance offices of the People's Republics out of premiums paid by the district offices. These reinsurance funds help to meet the difference between the income and expenditure for sickness insurance purposes of the district social insurance offices, whenever these differences are due to economic, health or demographic conditions or to extraordinary contingencies.

*Article 72.* The report states that this Article of the Convention is applied by the Decree respecting the organisation of the social insurance offices. It adds that social insurance is provided through the social insurance offices (federal, offices of the Republics, district and municipal) which are independent bodies with power to administer their own affairs.

The offices are run by the members of the insurance scheme. Each office has its own assembly the members of which are elected by secret ballot by the members of the scheme. Members of the assemblies of the Federal Office and the offices of the People's Republics are elected by the members of the district and the People's Republics' assemblies respectively. While the authorities ensure that each office discharges its statutory duties, they take no direct part in its work.

103. Maternity Protection Convention (Revised), 1952

*This Convention came into force on 7 September 1955*

Countries	Date of registration of ratification
Byelorussia . . . . .	6. 11. 1956
Cuba . . . . .	7. 9. 1954
Hungary . . . . .	8. 6. 1956
Ukraine . . . . .	14. 9. 1956
U.S.S.R. . . . .	10. 8. 1956
Uruguay . . . . .	18. 3. 1954
Yugoslavia . . . . .	30. 4. 1955

*Cuba (First Report).*

Legislative Decree No. 781 of 28 December 1934 concerning the employment of women before and after childbirth (L.S. 1934—Cuba 5).  
Act of 15 December 1937 to issue regulations respecting health and maternity insurance (L.S. 1937—Cuba 1).  
Constitution of 5 July 1940 (L.S. 1940—Cuba 1 A).  
Decree No. 1300 of 25 April 1942 to issue regulations respecting health and maternity insurance of workers.  
Decree No. 1377 of 9 April 1951 (to extend the legislation in force respecting health and maternity insurance to agricultural workers and to repeal section XXX of the Act of 15 December 1937).

*Article 1 of the Convention.* The legislation applies to all activities—industrial, commercial and agricultural.

*Article 2.* Effect is given to this provision by Legislative Decree No. 781 of 1934, which remains in force in so far as it is not contrary to the Act of 15 December 1937.

*Article 3.* According to the report the legislation is in agreement with this provision.

*Article 4.* Social insurance is compulsory. It is financed by workers' and employers' contributions. These contributions are fixed constitutionally and the benefits include hospitalisation, remedial measures, and prenatal and postnatal treatment.

*Article 5.* This Article is applied by article 68 of the Constitution and by Legislative Decree No. 781.

*Article 6.* Effect is given to this provision by the Legislative Decree and by the last paragraph of article 68 of the Constitution.

*Article 7.* An exception is provided for domestic service only in certain special cases.

The Central Health and Maternity Committee and its provincial branches, which are autonomous bodies, are responsible for enforcing the legislation. Both workers and employers are represented on the Central Committee and on its branches.

*Uruguay (First Report).*

Act of 6 April 1934 to approve with amendments a draft Children's Code (L.S. 1934—Ur. 4).  
Decree of 6 February 1936 (Civil Servants).  
Act No. 11577 of 14 October 1950 to limit hours of work, to prescribe rules as regards employment and compensation, and to establish a commission

for the purpose of classifying the employments to be covered (L.S. 1954—Ur. 1 B).  
Decree of 1 June 1954 to prescribe rules for maternity protection, to specify the leave and benefits to be granted to women employees during pregnancy and the period after confinement, and to establish penalties to be imposed on offenders (L.S. 1954—Ur. 1 A).

*Article 1 of the Convention.* Under section 16 of Act No. 11577, every pregnant woman is entitled to maternity leave, including women employed on domestic work.

*Article 2.* According to the report the national legislation includes the same definition of the terms "woman" and "child" as the Convention.

*Article 3.* The maternity leave provided under section 16 of Act No. 11577 is longer than the leave provided for in the Convention, since it lasts 16 weeks, plus eight additional weeks if necessary. Section 1 of the Decree of 1 June 1954 also provides that the length of leave to be compulsorily taken after the confinement shall not be less than six weeks, the whole period of leave being settled by medical certificate.

*Article 4.* The report states that the only provision of this Article with which the national legislation is not in agreement is that of paragraph 8, which provides that in no case shall the employer be individually liable for the cost of the benefits due to women employed by him. In the last paragraph of the preamble to the Decree of 1 June 1954 it is provided that the financing of social insurance is being examined, but that up to the present time no definitive decision has been taken. However, the Government states that the fact that the maternity benefits are paid by the employers does not prejudice the women workers in any way, since up to the present time the payments have been carried out normally, although the employers reserve the right to claim repayment from the Government of the sums paid out.

*Article 5.* Similar provisions are contained in section 3 of the Decree of 1 June 1954.

*Article 6.* Similar provisions are contained in section 17 of Act No. 11577 and section 4 of the Decree of 1 June 1954.

*Article 7.* Uruguay has not provided for any exemption from the application of the Convention, since the provisions with regard to maternity protection apply to all working women without exception.

Section 36 of the Decree of 6 February 1936 authorises a reduction of 50 per cent. in the working hours of mothers employed in the administration (workers and employees) during a period to be prescribed by the physician. In accordance with established custom, this period amounts to six months, without prejudice to the prenatal and postnatal leave, which is generally three months.

## 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, Canada, Ceylon, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Egypt, Finland, France, Federal Republic of Germany, Greece, Guatemala, Haiti, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Mexico, New Zealand, Norway, Pakistan, Philippines, Portugal, Sweden, Switzerland, Syria, Tunisia, Turkey, Union of South Africa, United Kingdom, United States, Uruguay, Viet-Nam.*

The Government of *Albania* states that copies of its reports have been communicated to the Central Council of Trade Unions of Albania and to the directors-general of the central undertakings.

The Government of *Ecuador* states that copies of its reports have been communicated to the Workers' Confederation of Ecuador, the Catholic

Workers' Confederation of Ecuador, and the Workers' Federation of Pichincha.

The Government of *Iraq* states that no representative employers' and workers' organisations exist.

The Government of the *Netherlands* states that copies of its reports have been communicated to the Labour Foundation, on which the principal central employers' and workers' organisations are represented.

The Government of *Spain* states that copies of its reports have been communicated to the central social and economic sections of the various trade unions, on which employers and workers are represented.

The Governments of *Czechoslovakia* and *Poland* state that copies of their reports have been communicated to the Central Council of Trade Unions.

The Government of *Yugoslavia* states that copies of its reports have been communicated to the Central Council of the Confederation of Trade Unions of Yugoslavia and to the competent economic agencies.

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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 1955 to 30 June 1956.

### GENERAL NOTES

#### *Australia.*

*Nauru, New Guinea, Norfolk Island, Papua.*

The Australian Government considers that it is unable to comment usefully on the request of the Committee of Experts for more detailed information on the practical application of Conventions in the Australian territories. The Australian Government has, in the report on Convention No. 85, supplied full information on the organisation of the inspection services.

#### *New Zealand.*

*Cook Islands and Niue.*

In 1955 Professor Belshaw of Victoria University College and Mr. V. D. Stace of the Reserve Bank of New Zealand undertook an economic survey of the resources of the territory and made recommendations which have been approved by the cabinet as a broad approach to economic development in the Cook Islands. The recommendations cover principally transport, agriculture, finance and the organisation of people and administrative services. During the year under review a large service station, an access road to the cool store site, a new power house of hollow blocks to house two 150 kW. engines and 22 culverts on back roads were constructed in Rarotonga. The construction of school buildings has progressed and plans have been completed for the erection of a large cool store and packing shed for perishable fruits.

The New Zealand Government is thinking of the possibility of establishing canning and processing plants and also of improving sea transport.

#### *Tokelau Islands.*

The Government considers that it is unable to comment usefully on the request of the Committee of Experts for more detailed information on the practical application of Conventions in the territory. The estimated population as at 31 March 1955 was 1,796. Beginning in 1957 a selected group of school children will be sent each year to Apia, Western Samoa, for advanced schooling.

#### *Western Samoa.*

During the period under review progress has continued to be made in the constitutional advancement of Western Samoa. Agreement has been reached on all major issues and the immediate pattern of constitutional development seems clear. It has been possible to introduce the first of a series of amendments to the Samoan Act which will eventually change the whole constitutional structure of Western Samoa in three stages. The first stage is the present "associate member" system whereby unofficial members of the Executive Council are associated with official members in the administration of government departments. This would, in 1956, be changed into the "full member" system, with the High Commissioner charging the elected as well as the official members of the Executive Council with responsibility for departments. The third stage would be the transformation of this "member" system into a ministerial system and it is hoped that this will take place in 1960.

### 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.

*Spain.* Ratification: 22 February 1929.  
No declaration.

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#### *Belgium.*

*Belgian Congo and Ruanda-Urundi.*

The joint committee that was instructed to examine the proposed decree on hours of work has now done so; the draft will be submitted to the Colonial Council in the near future.

The reports concerning the other territories reproduce or refer to the information previously supplied.

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<sup>1</sup> Conditional ratification.



## 2. Unemployment Convention, 1919

*This Convention came into force on 14 July 1921*

*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.

*Spain.* Ratification: 4 July 1923.  
No declaration.

*United Kingdom.* Ratification: 14 July 1921.  
Applicable *ipso jure* without modification<sup>1</sup>: Guernsey, Jersey and Isle of Man.

No declaration: all other non-metropolitan territories.

<sup>1</sup> Up to 16 October 1950 Guernsey, Jersey 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.

### *Belgium.*

#### *Belgian Congo and Ruanda-Urundi.*

A draft decree relating to relief for non-indigenous unemployed workers is to be examined shortly by the Colonial Council.

The report states that the limitation of the scope to non-indigenous persons is justified in view of the fact that the protection to be granted to such persons is a necessary concomitant of a strict immigration policy, under which non-Natives with no means of support are not allowed in the territory.

### *France.*

#### *Algeria.*

In 1955, 83,874 applications for employment were received. Of this total 21,113 persons were placed; there were 409 unfilled vacancies and 5,312 applications for employment outstanding.

#### *Comoro Islands.*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

The report reproduces the provisions of sections 172 and 178 of the Act cited above.

Owing to the employment situation no regional manpower office has yet been set up. The territorial labour inspection service deals with placement matters. The territory's surplus labour is regularly sent to Madagascar.

There is no unemployment insurance scheme, but there is a social assistance bureau which provides poor relief. The application of the regulations is supervised by the Inspectorate of Labour and Social Legislation.

Undertakings in the Comoro Islands are engaged in operations of an essentially agricultural character. They use seasonal labour, and paid employment is not its main means of support.

### *French Equatorial Africa.*

Order of 16 August 1955 to establish a territorial Manpower Office at Brazzaville.

There are at present only two agencies engaged in placement as a major activity: the territorial Manpower Office at Brazzaville and the placement office at Bangui.

During the period under review 1,892 job applications were received and 669 vacancies notified; 263 persons were placed.

There are no private placement agencies nor unemployment insurance schemes.

### *French Guiana.*

Quarterly unemployment statistics are compiled and forwarded at intervals to the Central Administration.

Since 1956 the provision of 7 million francs has enabled relief works to be opened, and these afford employment to unemployed workers for 30 or 35 hours a week at the guaranteed minimum inter-occupational wage. The funds available have been sufficient to provide relief for all the registered unemployed.

See also under Convention No. 44.

### *French Settlements in Oceania.*

It is proposed to set up in the near future the Manpower Office provided for in section 174 of Act No. 52-1322 of 15 December 1952. The Labour Inspection Service now acts as an employment office by publicising employment vacancies and applications through Radio Tahiti, and by providing a permanent link between the employers' representatives and the workers.

There was a certain revival in economic activity at the beginning of the first half of 1956 as a result of the initiation of public and private works. The development of agriculture was continued and tourism began to contribute to the national income.

Two hundred and eighty-nine workers left for New Caledonia (152 of them under arrangements made by the Labour Inspection Service) to take part in the major projects launched in that territory.

There is no difficulty in placing workers employed in undertakings providing public entertainment.

*French Somaliland.*

During the period under review the Manpower Office received 1,500 applications for employment; 500 of the applicants were placed.

*French West Africa.*

Order No. 5851 IGTL/AOF of 13 July 1956.

This text was approved by the territorial orders referred to in section 6 of the Decree of 13 July 1955 to regulate the application of section 172 of the Act of 15 December 1952 (Labour Code). These territorial orders were referred to the Federal Consultative Committee on Labour Affairs for advice on 21 June 1956. Under the new regulations, the temporary exemptions granted are valid only until 1 January 1957 and apply only to ordinary labourers, domestic servants and, in some territories, specialised labourers in the first category. The exemptions are not to be renewed.

*Madagascar.*

The Regional Manpower Office provided for in section 174 of Act No. 52-1322 of 15 December 1952 has not yet been set up; at the moment the financial position and that of private undertakings is not such as to allow the establishment of an agency of this kind, but an employment office attached to the Labour Inspection Service has been operating in Tananarive since 1949. This office works in close co-operation with the Central Manpower Office of the Ministry of French Overseas Territories. It compiles statistics, does placement work and makes out application and vacancy cards that correspond to entries in registers and are filed in card indexes; it also publishes a monthly bulletin of vacancies and applications which is widely distributed in Madagascar, in Réunion and in France. In 1949, the office received 54 job offers and 706 applications; 51 persons were placed. In 1955 the figures were 971, 4,423 and 1,057 respectively.

Since there is no unemployment benefit scheme that would enable the unemployed to be counted, the extent of unemployment can only be estimated: in 1955 it was estimated that there were 1,250 unemployed Natives and 250 unemployed Europeans. These figures showed a 25 per cent. increase over those for the year 1954.

During the period under review 1,353 vacancies were notified and 5,732 applications for employment received; 1,200 persons were placed.

*New Caledonia.*

Order No. 176 of 31 January 1956 to establish a Manpower Office.

There is no unemployment in the territory. The Manpower Office is responsible, in particular, for receiving applications for employment and notifications regarding vacancies, and for placing workers if in a position to do so.

A draft Order concerning the operations of this Office is to be submitted to the next session of the General Council.

The system of insurance referred to in Article 3 of the Convention does not exist in the territory, in which there is quite a widespread labour shortage.

*Réunion.*

Unemployment exists in the form of total unemployment, which is increasing, and particularly of considerable seasonal unemployment. To maintain the existing position it would be necessary to create about 5,000 new jobs for men and 6,000 for women by 1960. Partial unemployment is the result of the economic position of the Island, in which the economy rests chiefly on the cultivation of sugar cane and on the sugar industry. It is difficult to give an exact figure for unemployment but it is very considerable and could be eliminated only by altering the structure of the economy.

A loan of 40 million francs granted by the Ministry of Labour enabled unemployment relief works to be begun in 1956. Assistance to the unemployed also takes the form of the distribution of foodstuffs. The experimental emigration of families from Réunion to Madagascar continues to be very successful, with a very small proportion of failures. Already about 100 families have settled in the Sakay Valley.

The employment services are still in embryo.

It would be premature to extend the legislation of metropolitan France to this territory. It would be preferable to try to improve the occupational qualifications of a large proportion of the working masses.

The few places of public entertainment (cinemas) are not such as to require special measures for the workers employed therein.

*St. Pierre and Miquelon.*

Order of 14 August 1954 to establish a Manpower Office.

During the year 1955 an average of 145 unemployed workers were employed on public works projects run by the administration.

The Manpower Office is run by a board including two employers' representatives and two workers' representatives. There is no unemployment insurance scheme, and in practice the unemployed are given employment on public works undertaken to eliminate unemployment.

In summer there is sometimes a manpower shortage for brief periods; in winter, on the other hand, the number of the unemployed rises (280 during the period under review). In 1955 public works run by the administration cost 27 million C.F.A. francs.

The conditions for admission to employment on relief works are the same for foreign workers residing in the territory as for French nationals. The application of administrative regulations is the responsibility of the Director of the Manpower Office, who is himself under the authority and supervision of the Inspector of Labour and Social Legislation.

*Netherlands.**Netherlands Antilles.*

The number of unemployed persons has diminished slightly.

*United Kingdom.**British Honduras.*

A registration of unemployed persons in the City of Belize was carried out from 8 to 15 September 1955. A total of 941 unemployed persons was registered, representing some 3½ per cent. of the estimated population of the city.

*Cyprus.*

Port Workers (Regulation of Employment) (Amendment) Law No. 47 of 1954.

A social security insurance scheme, to be administered by the Department of Labour, is to be introduced. During 1955, 38,554 vacancies were notified and 36,295 filled. Such involuntary unemployment as there was during 1955 was either seasonal or arose from the immobility of labour. The situation in regard to the placing of secondary school graduates and of aged persons improved during the year.

See also under Convention No. 25.

*Gambia.*

The number of unemployed at 30 June 1956 was 305.

*Gibraltar.*

Non-Contributory Social Insurance Benefit Ordinance, 1955.

During the period under review 6,001 applications for employment were received. The number of vacancies notified was 6,297 and 5,567 persons were placed in employment.

The Contributory Scheme of Social Insurance, which came into operation on 3 October 1955, does not provide for unemployment benefit. However, unemployment benefits are payable to British subjects and to foreigners residing in Gibraltar under the non-contributory scheme provided by the above-mentioned Ordinance and financed entirely from the revenues of the colony.

During the period under review the average percentage rates of unemployment registered among British subjects was 0.64 for men and 2.3 for women.

*Gold Coast.*

An additional labour advice centre has been established. Local employment committees consisting of three panels of representatives of employers, employees and independent members have been appointed to advise the labour employment exchanges on employment matters.

During the year under review 73,464 applications for employment were received; 22,863 vacancies were notified and 16,169 vacancies were filled.

*Guernsey.*

The President of the States of Guernsey has transmitted the observations of the Committee of Experts to the States and Labour Welfare Committee and is awaiting their comments. The President understands there is no lack of consultation between the Labour and Welfare Committee and representatives of employers and workers.

During the period under review the number of applicants registered was 3,065. The number of vacancies notified was 568; and the number of persons placed was 979.

Copies of the reports from the States Labour and Welfare Committee to the States of Guernsey concerning planned unemployment relief works for the 1955-56 winter period and the execution of such works were appended to the report.

*Jamaica.*

During the report year 1954-55, 7,142 persons were registered by the Kingston Employment Bureau, 7,877 vacancies were reported and 4,527 persons placed in employment. All subordinate staff required in government departments in Kingston must be engaged through the Bureau.

*Kenya.*

There is no significant degree of unemployment in Kenya. Four new employment offices for the placing of Africans were opened during the period 1954-55. The total number of wage earners in 1954 was 554,000. The report gives a table showing the increase in the number of workers making use of the public employment office from 1952 to 1954.

*Leeward Islands.*

At 30 June 1956, 185 workers from Antigua, 88 from St. Kitts, Nevis and Anguilla and 28 from Montserrat were employed in the United States, and 36 from Antigua, 16 from Anguilla and 36 from Nevis were employed in St. Croix. Voluntary emigration to the United Kingdom in search of employment continued: up to 30 June 1956, 2,162 workers from St. Kitts, Nevis, and Anguilla, 3,050 from Montserrat and an appreciable but unknown number from Antigua had so emigrated.

*Malta.*

Unemployment insurance was introduced in May 1956. The law provides for equality of treatment of national and foreign workers as regards unemployment insurance. The report includes statistics concerning registration for unemployment and placing in employment.

*Isle of Man.*

*Article 1 of the Convention.* Although statistics relating to unemployment have not hitherto been sent to the I.L.O. quarterly returns will be supplied in future.

*Article 2, paragraph 1.* There is one employment exchange in Douglas, the capital of the

Island. The sparsely populated areas outside Douglas are served by five district offices of the Board of Social Services where the Board's functions relating to National Insurance and allied schemes and employment services are carried out jointly under arrangements with the Board. The position is reviewed from time to time.

The Employment Advisory Committee constituted under the Employment Act, 1954, contains members representing employers and workers and advises the Governor from time to time on the organisation and operation of the employment service and on the development of employment service policy.

The total number of persons registered for employment during the year ended 1 March 1955 was 4,676. The number placed in employment was 4,389. Cumulative totals of vacancies are not kept.

Paragraph 2. There are no private free employment agencies.

*Article 3.* The reciprocal arrangements under the National Insurance Acts between the Isle of Man and Great Britain and between the Isle of Man and Northern Ireland enable persons going from one country to the other to obtain unemployment benefit in the new country to the same extent as if their National Insurance account in the old country had been in the new country. In addition, the Isle of Man has been included with Great Britain in reciprocal agreements between Great Britain and France, Italy, Switzerland, Australia, Luxembourg, Denmark and the Netherlands.

The employment service in the Isle of Man is administered by the Employment and National Service Division of Government Office and is under the direction of the Lieutenant-Governor.

#### *Mauritius.*

In June 1955 the number of unemployed persons registered at the free public employment agencies was 2,479; the corresponding figure in June 1956 was 2,631. During the period 1954-55, 5,520 vacancies were notified and 4,037 persons placed; the corresponding figures during the period 1955-56 were 4,398 and 3,579 respectively.

#### *Nigeria.*

During the period under review 47,748 applications for employment were received from adults, 4,358 vacancies were notified and 2,280 persons were placed in employment. The number of applications for employment received from juveniles was 5,401; 2,305 vacancies were notified and 1,549 were filled.

#### *Northern Rhodesia.*

As a result of strikes and the rationalisation of labour by certain employers there have been pockets of unemployment.

During the year 1954-55, 8,529 Africans registered at labour exchanges; 4,035 were placed in employment; 8,103 vacancies were notified by employers.

#### *St. Helena.*

The average number of unemployed persons throughout the period under review has been 230.

#### *Sierra Leone.*

Employers and Employed (Amendment) Ordinance No. 9 of 1956.

The Employment of Ex-Servicemen Ordinance has been repealed but the provisions pertaining to this Convention have been re-enacted in the Employers and Employed (Amendment) Ordinance of 1956.

*Article 2 of the Convention.* One branch employment exchange closed as from 8 February 1955 owing to a considerable reduction in its work over a long period. During the period 1954-55, 15,783 applications for employment were received by employment exchanges: 5,593 vacancies were notified and 5,066 vacancies were filled. In addition 20,383 placings were recorded by the Maritime Pool and 223,641 placings by the Harbour Pool. In 1955-56, 12,720 applications for employment were received by employment exchanges; 6,518 vacancies were notified and 5,876 vacancies were filled. In addition, 20,774 placings were recorded by the Maritime Pool and 281,042 placings by the Harbour Pool.

#### *Singapore.*

The number of manual workers in employment was 124,640 at 31 March 1956. During the report period 1955-56 there were 11,639 applications to the labour exchange for employment, 6,957 vacancies were notified and 4,361 persons were placed. A tripartite committee appointed to advise on the operation of the Seamen's Registration Bureau has recommended that the Bureau be operated by a tripartite board; the necessary legislation for this purpose is being prepared. The total number of seamen registered in June 1956 was 18,183. During the period 1955-56 the total number of seamen engaged by the Bureau was 6,003.

#### *Tanganyika.*

There were 16 employment exchanges situated in the main townships in the territory in operation during the year; 11,837 vacancies were notified to these exchanges, and 9,310 Africans were placed in employment, of whom 5,292 were unskilled workers.

#### *Trinidad and Tobago.*

During the period 1954-55 there were 2,127 registrations for employment; 2,521 vacancies were notified and 1,143 persons placed in employment.

#### *Uganda.*

*Article 1 of the Convention.* The position during 1954 and 1955 is summarised in the annual reports of the Labour Department for 1954 (paragraph 34) and 1955 (paragraphs 36 and 37).

*Article 2.* The number of applications for employment was 7,880 in 1954-55 and 9,459 in 1955-56; the number of vacancies notified, 6,189 and 4,929; the number of vacancies filled 3,707 and 3,661.

There were in 1956 ten registered trade unions in Uganda, including one employers' trade union. These trade unions represent only small groups of employees and one small group of employers.

*Zanzibar.*

During the period 1954-55, 1,507 applications for employment were received, 287 vacancies were notified, and 199 persons were placed in employment.

The reports concerning the other territories reproduce or refer to the information previously supplied.

### 3. Maternity Protection Convention, 1919<sup>1</sup>

*This Convention came into force on 13 June 1921*

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*France.* Ratification: 16 December 1950.  
No declaration: Algeria.  
Applicable with modification; all other non-metropolitan territories.

*Italy.* Ratification: 22 October 1952.  
Applicable with modification: Trust Territory of Somaliland.

*Spain.* Ratification: 4 July 1923.  
No declaration.

*United Kingdom.*  
Applicable with modification<sup>2</sup>: Fiji, Nigeria, South ern Rhodesia, Singapore, Solomon Islands.  
No declaration: Guernsey, Jersey and Isle of Man.  
Decision reserved<sup>2</sup>: all other non-metropolitan territories.

It is not possible at present to state the cost of this benefit, since it is not yet paid by the family benefit funds but is still borne directly by the employer. An Order will be issued to lay down rules for the recognition of entitlement to, and payment of, this benefit.

*French Guiana.*

Clause (c) of Article 3 of the Convention is no longer applied. The provisions governing maternity assistance which were applied in the territory have just been abolished at the national level because the new texts regarding family allowances (which are not yet applied) will make them redundant.

Breaches of the legal provisions may give rise to civil court proceedings which are usually not within the means of the injured party.

*France.*

*Comoro Islands.*

Order No. 54-81/C of 12 May 1954.

No decision has been taken to define the line of division which separates industry and commerce from agriculture; the question is settled by reference to the legislation in force in metropolitan France.

The benefit (one-half of the worker's wages) which pregnant women now receive under section 116 of the Act of 15 December 1952 is to be paid by the Family Benefits Compensation Fund, as from 1 October 1956.

The benefits payable under clause (c) of Article 3 of the Convention (one-half of the worker's wages) are to be financed partly by a special employers' contribution amounting to 0.2 per cent. and partly out of public funds, in an amount equal to the yield of the employers' contribution.

The total number of women employees is estimated at 114.

*French Equatorial Africa.*

Decree No. 55-567 of 20 May 1955, to amend section 116 of Act No. 52-1322 of 15 December 1952, to establish a Labour Code for Overseas France.

Under the above Decree the benefits (one-half of the worker's wages) payable to women workers during the suspension of their employment contract are paid by family benefits compensation funds and are part of the family benefit scheme:

*French West Africa.*

The report states that, at the request of a trade union organisation, the Ministry for Overseas France has been asked to give an explanation regarding the interpretation of the legal provisions concerning the duration of maternity leave and calling for "14 consecutive weeks, including six weeks after confinement". The question which arises is whether a woman who leaves work less than eight weeks before her confinement is entitled only to six weeks after the event (first interpretation) or whether the six weeks are only a compulsory minimum which may be extended as long as the total continuous period of leave does not exceed 14 weeks (second interpretation). The reply to this question has not yet been received.

*Martinique.*

When the raw materials are gathered on the estate the undertaking is governed by the regulations applicable to agriculture; when they are bought the regulations governing industry apply.

The legislation forbids an employer from terminating a contract of employment on the ground of cessation of work by the employee for a period of six weeks before the presumed date of confinement and eight weeks after confinement. The latter period may be extended by three weeks in case of sickness due to confinement. The insured are entitled, during 14 weeks, to social security benefits amounting

to one-half of their wages. Women nursing their children are entitled to two daily rest periods of one half-hour each (or 20 minutes where premises for nursing the child are provided in the undertaking).

The supervision over the application of the legislation is based on information gathered by employers concerning the family status of women workers.

The annual number of births is 5,500 (for about 40,000 women workers).

#### *New Caledonia.*

Collective agreements covering the main occupational branches (industry, mines and commerce) were signed at the end of 1955 and beginning of 1956.

The collective agreement for commerce offers a choice between (a) cessation of work for 14 consecutive weeks, including six weeks after confinement, which may be extended by three weeks in case of duly ascertained sickness resulting from pregnancy or confinement (in which case the woman is entitled during this period to free medical care and one-half of the wages which she earned at the time of leaving work, all payable by the employer); or (b) a total rest period of not more than six weeks following confinement, at full wages.

#### *St. Pierre and Miquelon.*

The provisions of the Convention are applied in all establishments without exception. It has not been necessary to define the line of division separating industry and commerce from agriculture.

The application of the laws and regulations is entrusted to the Inspectorate of Labour and Social Legislation.

All women workers in all undertakings must be granted a total of eight weeks' leave before

and after confinement, including six weeks after delivery. Moreover, every woman has the right to cease work for a period of 14 weeks in respect of her confinement. During and beyond this period she is entitled, in case of duly ascertained sickness, to a daily benefit which is now fixed at 200 C.F.A. francs and is paid by the local sickness insurance fund. A woman who, in addition, fulfils the requisite conditions for entitlement to a dismissal allowance receives from her employer, during a period equal to the period of advance notice covered by this allowance, the difference between her wage and the daily maternity benefit.

#### *Togoland.*

Decree No. 884-55/ITLS of 28 October 1955.

Decree No. 385-56/ITLS of 30 April 1956, laying down rules for the organisation and operation of the Family Benefits Compensation Fund.

The provisions governing the protection of women both before and after confinement are applicable to all establishments in the territory, including educational and charitable institutions. They also cover women employed by private persons.

The laws and regulations in force reproduce the provisions of the Convention, but in greater detail.

The Inspectorate of Labour and Social Legislation supervises the application of the laws and regulations relating to the Convention.

The payment of prenatal benefits commenced on 1 April 1956, and that of family benefits proper on 1 July 1956.

The various texts relating to the organisation and rules of the Family Benefits Compensation Fund are appended to the report.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 4. Night Work (Women) Convention, 1919<sup>1</sup>

*This Convention came into force on 13 June 1921*

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*Belgium.*<sup>2</sup> Ratification: 12 July 1924.

Applicable without modification: Belgian Congo and Ruanda-Urundi.

*France.*<sup>3</sup> Ratification: 14 May 1925.

Applicable without modification: all non-metropolitan territories.

*Italy.* Ratification: 10 April 1923.

Applicable with modification: Trusteeship Territory of Somalia.

*Netherlands.*<sup>4</sup> Ratification: 4 September 1922.  
No declaration.

*Portugal.* Ratification: 10 May 1932.  
Not applicable: all non-metropolitan territories.

*Spain.* Ratification: 29 September 1932.  
No declaration.

*Union of South Africa.*<sup>5</sup> Ratification: 1 November 1921.  
No declaration

*United Kingdom.*<sup>6</sup> Ratification: 14 July 1921.

Applicable *ipso jure* without modification<sup>7</sup>: Guernsey, Jersey and Isle of Man.

No declaration: all other non-metropolitan territories.

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<sup>1</sup> This Convention has been revised twice—in 1934 and in 1948. See under Conventions Nos. 41 and 89.

<sup>2</sup> Ratification denounced.

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

#### *France.*

#### *Algeria.*

During the period under review there were 150 infringements (affecting men, women and children) of the night work legislation in Algiers and Constantine and legal proceedings were instituted in 35 cases. Breaches of the law with respect to night work of women are very rare. Apparently the abundant supply of male labour

among the French Moslem population makes it unnecessary to engage large numbers of women for industry.

#### *Comoro Islands.*

The Inspectorate of Labour and Social Legislation is situated in the island of Anjouan, where 50 per cent. of the working population of the Archipelago is found. The Chief Labour Inspector undertakes three inspection tours per year in each of the other islands. In the course of these inspection tours all establishments (68 in the entire territory) under the control of the Labour Inspectorate are visited.

In the territory of the Comoro Islands there are no employers' and workers' organisations, and hence it has not been possible for the Government to communicate copies of the annual report to such organisations as required by the Constitution of the International Labour Organisation.

#### *Guadeloupe.*

See under Convention No. 89.

#### *St. Pierre and Miquelon.*

During the period under review 58 women were protected by the law.

#### *Italy.*

#### *Trusteeship Territory of Somalia.*

The report states that no authorisation with regard to continuous working was granted in the period ending 30 June 1956. It is thought that it will be quite unnecessary to grant such authorisations for the moment, since the only cloth factory in Somalia—in which it might have been necessary to employ two or three successive shifts—has had to reduce its purchases of yarn and accordingly reduce its hours of work.

The Government also states that when it revises Ordinance No. 4 of 27 February 1954 it will consider whether it is desirable to amend section 7, paragraph 1, in order to bring it into line with the provisions of the Convention.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 5. Minimum Age (Industry) Convention, 1919<sup>1</sup>

*This Convention came into force on 13 June 1921*

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*Belgium.* Ratification: 12 July 1924.  
Decision 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.  
No declaration: Algeria, French Guiana, Guadeloupe, Martinique, Réunion.  
Applicable without modification: all other non-metropolitan territories.

*Japan.* Ratification: 7 August 1926.  
Not applicable: Pacific Islands (League of Nations mandate).

*Netherlands.* Ratification: 21 July 1928.  
No declaration.

*Spain.* Ratification: 29 September 1932.  
No declaration.

*United Kingdom.* Ratification: 14 July 1921.  
Applicable *ipso jure* without modification<sup>2</sup>: Guernsey, Jersey and Isle of Man.  
No declaration: all other non-metropolitan territories.

#### *France.*

#### *Algeria.*

The number of protected children is 24,581. During the period under review 41 contraventions were reported and legal proceedings were instituted in 14 cases. Contraventions with regard to the age of entry to employment are becoming increasingly rare.

#### *Cameroons.*

Order No. 981 of 27 February 1954 regarding the work of women and young persons.  
Order No. 983 of 27 February 1954 to repeal provisions regarding the age of admission of children to employment in undertakings in the Cameroons.

Order No. 981 contains a list of types of work that are specifically and formally prohibited for children, while Order No. 983 authorises certain exceptions to the minimum age of admission to employment, but not as regards work of an industrial character.

The application of the provisions that implement the Convention is made difficult by the inadequate birth registration records in most areas at a distance from major centres.

#### *Comoro Islands.*

The report contains a model of the register that is provided for in Order No. 54-84/C of 12 May 1954 and which employers must keep for workers in their employment. One of the columns in this register is for the worker's age or date of birth.

#### *French Equatorial Africa.*

The Government refers to its report concerning Convention No. 10, which states that

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<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.*

The application of the provisions of the Convention is based on the observance *de facto* of the provisions of the Danish Act No. 145 of 18 April 1925 respecting the employment of children and young persons. As, however, this Act has not been promulgated in the Faroe Islands and no binding legislation covering this particular field thus exists, new legislation is being prepared by the local government of the Faroe Islands.

subject to permission being obtained from the labour inspector the local regulations allow the employment of children between 12 and 14 years of age on certain types of light work that cannot be done by others. Offenders against the regulations are liable to a fine.

#### *Martinique.*

The criterion most commonly used to determine whether undertakings must be covered by the legislation applying to industry and commerce or by that applying to agriculture is the way in which they are supplied with raw materials: when these materials are harvested in the undertaking the agricultural legislation applies; when they are bought the legislation taken into consideration is that for industry.

Section 5 of Book II of the Labour Code imposes restrictions on manual training for children of school age in orphanages and charitable institutions.

#### *Réunion.*

Two new schools have been opened, but they are not big enough to take all the children below the age of 14. The population increase is becoming steadily more marked (the excess of births over deaths was more than 10,000 in 1955), so that the situation will not become normal before two or three years have elapsed. At present only 75 per cent. of children can fit into the classrooms, the inadequacy of which is likely to give rise to certain difficulties in applying the provisions of the Convention in the future.

#### *Togoland.*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5).

Order No. 193-54/ITLS of 3 March 1954.

Order No. 276-54/ITLS of 19 March 1954 respecting apprenticeship.

Under section 118 of the Act of 1952 young persons may not be employed in any undertaking before they reach the age of 14 save in the case of exemptions proclaimed by order of the Governor of the territory after consulting the Advisory Labour Board, and in the light of local circumstances and of the tasks which the young persons may be called upon to perform.

Under sections 1 and 2 of Order No. 193-54 every employer must at all times keep up to date a register concerning the persons employed in his establishment. The first entries in the register give each worker's age.

Under section 13 of Order No. 276-54 no person may be accepted as an apprentice unless he has reached the full age of 14 years.

Neither the report nor the legislation listed therein contain any reference to the possibility of exceptions to the general rule laid down in section 118 of the Act of 1952, which fixes the minimum age for admission to employment at 14 years.

#### *United Kingdom.*

##### *Cyprus.*

During 1955 extensive inspections were carried out to check contraventions; a general

shortage of labour had led to the engagement of children and young persons and their employment for long hours.

##### *Gold Coast.*

During the year ending 31 March 1956 five cases involving infringements of the law relating to the employment of children were successfully prosecuted.

##### *Hong Kong.*

Mining Ordinance No. 33 of 1954.

Factories and Industrial Undertakings Ordinance No. 34 of 1955.

Factories and Industrial Undertakings Regulations, 1955 (Notice No. A. 103 of 1955).

*Article 1 of the Convention.* Section 2 (1) of the Factories and Industrial Undertakings Ordinance defines "industrial undertaking", "factory" and "mine"; no specific action has been taken to define the line of division separating industry from commerce and agriculture, in view of the detailed definitions contained in the Ordinance.

*Article 2.* Section 2 (1) of the Ordinance defines "child" as a person under the age of 14 years and Regulation 2 of the Regulations provides that no person shall employ any child in any industrial undertaking or dangerous trade.

*Article 3.* There is no legislative provision but the report includes information on institutions providing technical training.

*Article 4.* "Young person" is defined in the Factories and Industrial Undertakings Ordinance as any person of or over the age of 14 years and under the age of 18 years. All industrial undertakings are required to keep registers of young persons employed therein.

The Labour Department and the Mines Department are responsible for the application of the legislation. The report gives information on the staff available for inspection and the nature of the inspections undertaken. During the period under review 18,518 inspections were made in addition to regular inspections made by the Superintendent of Mines; there were 19 prosecutions for employing children in industrial undertakings.

##### *Leeward Islands.*

During the period under review 270 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.

##### *Isle of Man.*

Employment of Women, Young Persons and Children Act, 1930.

In its report for 1954-55 the Government had stated that the Employment of Women, Young Persons and Children Act, 1930, brought the law of the Isle of Man into complete conformity in all respects with the requirements of the Convention. The report for 1954-55 also supplies the following information:



*Article 1 of the Convention.* No decision defining the line which separates industry from commerce and agriculture has so far been given by the competent authority which, in the Isle of Man, would be the High Court of Justice.

*Article 3.* Work done by children working in technical schools under the supervision of a public authority does not come within the Act.

The Isle of Man Local Government Board and the inspectors under the Factories Acts are responsible for the administration of the Acts and the industrial undertakings are from time to time inspected by the officials appointed for that purpose. A high standard of enforcement is secured.

#### Singapore.

Labour Ordinance No. 40 of 1955.  
Order made under section 97 of the Labour Ordinance.

*Article 1 of the Convention.* Section 2 of the Labour Ordinance gives a definition of "industrial undertaking" which, by exclusion of other activities, constitutes the line of division separating industry from commerce and agriculture.

*Article 2.* "Child" is defined in section 2 of the Labour Ordinance as a person who has not yet completed his 14th year of age. In the case of a person employed or engaged to take part in any public entertainment, "child" means a person under the age of 16. Section 72 of the Ordinance provides that no child or young person shall be employed in any industrial undertaking except in accordance with the provisions of Part IX of the Ordinance.

*Article 3.* Section 77 of the Ordinance includes this provision.

*Article 4.* The provisions of this Article are applied by Part IX of the Ordinance.

The Commissioner of Labour and the Director of Social Welfare, and their staffs, are responsible for enforcement. The extension of schooling and other social services for children and the rise in the standard of living in recent years have reduced the temptation for parents to send children out to work.

#### Tanganyika.

During the period under review prosecutions were instituted in 12 cases and 12 convictions were obtained for contraventions of the legislation prohibiting the employment of children in industrial undertakings.

#### Trinidad and Tobago.

Three additional posts of labour inspector (one a woman) have been created.

#### Uganda.

The number of prosecutions for offences against the Employment of Children Ordinance was 11 in 1954 and three in 1955.

There are at present ten registered trade unions in Uganda which include one employers' trade union. These trade unions represent only small groups of employees and one small group of employers.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 6. Night Work of Young Persons (Industry) Convention, 1919<sup>1</sup>

*This Convention came into force on 13 June 1921*

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*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: all non-metropolitan territories.

*Italy.* Ratification: 10 April 1923.  
Applicable with modification: Trusteeship Territory of Somalia.

*Netherlands.*<sup>2</sup> Ratification: 17 March 1924.  
No declaration.

*Portugal.* Ratification: 10 May 1932.  
Not applicable: all non-metropolitan territories.

*Spain.* Ratification: 29 September 1932.  
No declaration.

*United Kingdom.*<sup>3</sup> Ratification: 14 July 1921.  
Applicable *ipso jure* without modification<sup>3</sup>: Guernsey, Jersey and Isle of Man.  
No declaration: all other non-metropolitan territories.

#### Denmark.

#### Faroe Islands.

The application of the provisions of the Convention is based on the observance *de facto* of the provisions of the Danish Act No. 145 of 18 April 1925 respecting the employment of children and young persons. As, however, this Act has not been promulgated in the Faroe Islands and no binding legislation covering this particular field thus exists, new legislation is being prepared by the local government of the Faroe Islands.

#### France.

#### Algeria.

The number of young persons given general protection by labour legislation in commerce and industry is 24,581. The contraventions reported with regard to the night work of young persons and adult men and women number 150. The provisions concerning the night work of young persons are rarely infringed, probably owing to

<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.

the fact that employers find abundant male labour among the French Moslem population.

#### *Comoro Islands.*

The heads of undertakings who wish to take advantage of the exemption regarding the employment of young persons of the male sex over the age of 16 in continuously operating factories in order to prevent accidents or to carry out repairs after accidents must immediately notify the Inspector of Labour and Social Legislation.

*Article 7 of the Convention.* The general suspension of the prohibition of the night work of young persons between 16 and 18 years of age could be decided on by the public authorities only under provisions specially enacted for that purpose by the legislature.

See also under Convention No. 5.

#### *French Equatorial Africa.*

Work done between 9 p.m. and 6 a.m. (Ubangi-Shari and Chad, between 10 p.m. and 5 a.m.; Gaboon, between 9 p.m. and 6 a.m.) is regarded as constituting night work, irrespective of the season. The hours of night work are fixed by collective agreements for each occupation or, failing such agreements, by the internal works rules of the undertakings.

Young persons must have a minimum rest period of 11 consecutive hours.

The administrative regulations do not provide for exceptional night work on the part of young persons in the event of an emergency.

The Inspectors of Labour and Social Legislation in French overseas territories may during the night enter premises where collective night work is patently being done.

#### *French Settlements in Oceania.*

Order No. 178/IT of 2 February 1956 respecting the employment of young persons.

Under sections 3 and 4 of the above-mentioned Order young persons may not be employed between 10 p.m. and 5 a.m. in industrial establishments; they must have a rest period of at least 11 consecutive hours, including the interval between 10 p.m. and 5 a.m.

Under sections 5 to 7 of the Order exemptions may be authorised as regards young persons over the age of 16 in industries engaged in the processing of materials that are apt to deteriorate very quickly, in order to prevent imminent accidents or to cope with damage done by accidents that have already occurred, and in continuously operating factories.

#### *Guadeloupe.*

During the period under review five officials of the Labour and Manpower Inspection Service were responsible for inspecting or supervising the application of the legislation.

#### *Martinique.*

Section 21, paragraph 2, of Book II of the Labour Code relates to undertakings engaged in the transport of passengers by road or rail and to undertakings engaged in loading and unloading operations.

Night work in bakeries is prohibited between 10 p.m. and 4 a.m.

Section 25 of Book II of the Labour Code lays down the conditions subject to which industrial undertakings may temporarily depart from the provisions of sections 21 and 22 of that Book.

#### *St. Pierre and Miquelon.*

The nightly rest period for young persons, lasting at least 11 consecutive hours, which is provided for in section 114 of Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories, includes the period between 10 p.m. and 7 a.m. (sections 3 and 4 of a local Order of 14 August 1954).

In industries in which the substances processed would be apt to deteriorate very quickly, temporary exemptions from the provisions of the above-mentioned sections 3 and 4 in respect of young persons over the age of 16 may be obtained simply by giving prior notice (section 5). The heads of undertakings must, however, notify the Inspector of Labour and Social Legislation before making use of this exception (section 6). In continuously operating factories exemptions may also be obtained, subject to the same conditions, from the provisions of the above-mentioned sections 3 and 4 as regards young persons of the male sex over the age of 16, who may be employed at night on essential work, provided a special permit is issued by the Inspector of Labour and Social Legislation (section 7).

The only industry in which young persons are employed is the processing of the fish catch, and no young person is so employed between 10 p.m. and 7 a.m.

#### *Togoland.*

The period considered as "night" for the purposes of employment, which was originally fixed as between 8 p.m. and 6 a.m., is soon to be extended by one hour—from 8 p.m. to 7 a.m. in accordance with the provisions of Article 3 of the Convention.

#### *Italy.*

##### *Trusteeship Territory of Somalia.*

The check made by the supervisory agencies shows that in no industry was the nightly rest period reduced during the period under review.

The reports concerning the other territories reproduce or refer to the information previously supplied.

7. Minimum Age (Sea) Convention, 1920 <sup>1</sup>

*This Convention came into force on 27 September 1921*

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*Australia.* Ratification : 28 June 1935.  
Not applicable : 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 : Trusteeship Territory of Somalia.

*Japan.* Ratification : 7 June 1924.  
Not applicable : Pacific Islands (League of Nations mandate).

*Netherlands.*<sup>2</sup> Ratification : 26 March 1925.  
No declaration.

*Spain.* Ratification : 20 June 1924.  
No declaration.

*United Kingdom.* Ratification : 14 July 1921.  
Applicable *ipso jure* without modification<sup>3</sup> : Guernsey, Jersey and Isle of Man.  
No declaration : all other non-metropolitan territories.

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*United Kingdom.*

*Jamaica.*

The existing legislation is sufficient to apply the provisions of the Convention.

*Isle of Man.*

The position in the Isle of Man is as shown in the United Kingdom reports on this Convention.

*North Borneo.*

On 30 June 1955 there were 162 vessels on the colony's Register of Shipping, 120 of them being under 100 tons net.

*St. Lucia.*

Existing legislation is sufficient to apply the provisions of the Convention and to ensure its application.

*Tanganyika.*

No definition of "vessel" is contained in the existing legislation, but proposed legislation now before the Legislative Council includes such a definition.

*Trinidad and Tobago.*

See under Convention No. 5.

The reports concerning the other territories reproduce or refer to the information previously supplied.

*Italy.*

*Trusteeship Territory of Somalia.*

The report states that the Administration will examine the possibility of withdrawing the reservations contained in the formal declaration of acceptance of the Convention after the publication of the new Maritime Code for Somalia and of the regulations to be issued thereunder. This legislation, the drafting of which has been completed, is to be submitted to the competent bodies in the near future for examination.

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

*This Convention came into force on 16 March 1923*

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*Australia.* Ratification : 28 June 1935.  
Applicable without modification : New Guinea, Papua.  
Not applicable : Nauru, Norfolk 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.

*Spain.* Ratification : 20 June 1924.  
No declaration.

*United Kingdom.* Ratification : 12 March 1926.  
Applicable *ipso jure* without modification<sup>1</sup> : Guernsey, Jersey and Isle of Man.  
No declaration : all other non-metropolitan territories.

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*France.*

*Cameroons.*

The Maritime Registration Service and the Labour Inspectorate try to ensure that the shipowner pays compensation.

*Comoro Islands.*

No steps have been taken to apply the Convention.

*New Caledonia.*

Collective agreements for the merchant marine that apply to officers and ratings on vessels commissioned for the coastal trade and having a displacement of more than 250 tons include the following provision : "Whatever the terms of his articles of agreement the seaman shall be paid for days spent by him in salvaging the wreckage of the vessel, of effects that were on

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

board and the cargo. In addition, he shall be entitled to an indemnity that shall be paid to him throughout the period during which he is actually unemployed as a result of the termination of his agreement, at a rate laid down in the agreement, provided, however, that the total amount of the indemnity may not exceed two months' wages."

*St. Pierre and Miquelon.*

Act of 13 December 1926 to establish the Maritime Labour Code.  
Act of 15 February 1929.

Unemployment indemnities in the event of shipwreck are provided for in the Acts cited above.

In case of an agreement for a single voyage it seems that the unemployment indemnity would not be payable beyond the date on which the voyage would normally have ended.

In general an indemnity equivalent to the seaman's board is added to his wage; the shipowner meets the cost of supplying such personal effects, limited to the clothing that is absolutely required in view of the region and the duration of the voyage, as are required to enable the men to return to their homes.

The provisions of Article 3 of the Convention are applied.

The Director of the Maritime Registration Service is responsible for applying and supervising the implementation of the laws and regulations.

*United Kingdom.*

*Hong Kong.*

During the year under review there was no loss or foundering of Hong Kong or United Kingdom registered ships.

*Isle of Man.*

See under Convention No. 7.

*North Borneo.*

See under Convention No. 7.

*Sarawak.*

A new draft Merchant Shipping Ordinance based on the Hong Kong Ordinance is in the process of being drafted for consideration by the Council Negri. This will incorporate a section giving effect to the Convention.

*Solomon Islands.*

No vessels were lost during the period 1954-55 and only one small vessel was lost during the period 1955-56; no loss of life or injury to personnel occurred. About 700 persons are employed in ships.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 9. Placing of Seamen Convention, 1920

*This Convention came into force on 23 November 1921*

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*Australia.* Ratification: 3 August 1925.  
Not applicable: 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.  
*Spain.* Ratification: 23 February 1931.  
No declaration.

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*France.*

*Cameroons.*

The Maritime Registration Service places seamen in employment on the basis of lists submitted by the unions or at the request of the unemployed seamen themselves.

The Maritime Registration Service and the Labour Inspectorate help to facilitate the enrolment of seamen.

*Comoro Islands.*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories made no special arrangements for the placing of seamen as such.

*French Equatorial Africa.*

In practice seamen apply to harbour masters and the heads of maritime districts, who place them free of charge.

*French Guiana.*

See under *Guadeloupe*.

*French Somaliland.*

About 50 seamen are engaged annually.

*Guadeloupe.*

The installation of offices for the placing of seamen is subject to the operational requirements of the departmental manpower offices. If there are no employment agencies the engage-

ment of seamen is carried out in accordance with French legislation, either directly or through information offices connected with the various unions of officers and ratings.

*New Caledonia.*

The contracts specify that engagement may be carried out directly, through joint maritime employment boards, through the offices of the manpower bureau or through employment offices attached to the trade unions.

*St. Pierre and Miquelon.*

No seaman may be required to pay any fee in respect of his placement. There is no employment agency for seamen. In fact, direct engagement is the only method used; a seamen's

union formed in January 1956 is contemplating the establishment of such an agency. In 1956, 16 Canadian seamen were enrolled for employment on board the trawlers of the territory; they were engaged directly by the shipowner.

*Netherlands.*

*Surinam.*

Negotiations are in progress concerning the placing of Surinam seamen on Netherlands merchant vessels. The Surinam Government is participating in the preparation of arrangements for the signing on and placing of these seamen.

The reports concerning the other territories reproduce or refer to the information previously supplied.

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

*This Convention came into force on 31 August 1923*

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*Belgium.* Ratification : 13 June 1928.  
Decision 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 : Trusteeship Territory of Somalia.

*Japan.* Ratification : 19 December 1923.  
Not applicable : Pacific Islands (League of Nations mandate).

*Netherlands.* Ratification : 28 November 1956.  
Applicable without modification : Netherlands Antilles.  
No declaration : all other non-metropolitan territories.

*New Zealand.* Ratification : 8 July 1947.  
No declaration.

*Spain.* Ratification : 29 August 1932.  
No declaration.

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*France.*

*Cameroons.*

Order of 27 February 1954 respecting the employment of young persons.

The above Order provides for an exception to the minimum age of admission to employment for young persons, which is lowered to 12 years instead of 14 provided that the children are employed exclusively in domestic work or on light seasonal work. However, no exemption may be granted if it is likely to hinder the implementation of the regulations concerning compulsory school attendance. In centres where school education is normally available, the minimum age of admission remains fixed at 14 years.

The employment of young persons is always subject to express permission being obtained from the parents or guardian. The labour inspector is entitled to withdraw an employ-

ment permit when children below the age of 14 are employed on work that is too heavy for them. During the period under review no such permit was applied for and no employment permit was withdrawn.

No court sentence was imposed to punish any offender for contravention of the statutory provisions. There would be no difficulty in the way of applying the Convention.

*Comoro Islands.*

The measures adopted to apply the Convention are the same as those taken to apply the Minimum Age (Non-Industrial Employment) Convention, 1932. Reference should therefore be made to the report for 1956 concerning that instrument.

*French Equatorial Africa.*

The age limit of 14 years is lowered to 12 for certain types of light domestic work, as well as for picking, gathering and sorting operations in agricultural undertakings.

It is prohibited during the school term to employ children below the age of 15 years who are attending a public or private educational establishment. There is no arrangement whereby young persons may be employed on agricultural work during the period of school attendance.

The prohibitions do not apply to work done by children in technical schools under the supervision of the administrative authorities.

*French Guiana.*

*Articles 1 to 3 of the Convention.* Compulsory school attendance exists up to the age of 14, which is the minimum age for admittance into regular employment in agriculture.

As regards practical application, the Government states in its report that the Convention is applied in localities where there are schools.

*French Settlements in Oceania.*

Order No. 178/IT of 2 February 1956 to determine the nature of the operations and the kinds of undertakings in which young persons may not be employed, and the minimum age to which the prohibition applies.

*Réunion.*

The endeavours to provide new schoolrooms did not slacken during the period under review, and new schools have been opened but not to such an extent as to allow all children under 14 years of age to attend school. The rate of population growth continues to rise. Thus, the surplus of births over deaths was more than 10,000 in 1955. This means that, besides filling the present gap as regards school facilities, 200 new schoolrooms should be provided each year. The Government considers that it will still take two or three years to reach a satis-

factory situation. In the meantime, in spite of the difficulties met by the school authorities, the capacity of the schools has not exceeded 75 per cent. of the number of children under 14 years of age. The Labour Inspectorate is therefore instructed to apply with a certain flexibility the prohibition on working before the age of 14 years.

*New Zealand.**Western Samoa.*

A proposed Labour Ordinance will include provisions concerning minimum ages for entry into different types of employment.

The reports concerning the other territories reproduce or refer to the information previously supplied.

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

*This Convention came into force on 11 May 1923*

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*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.

*Spain.* Ratification: 29 August 1932.  
No declaration.

*United Kingdom.* Ratification: 6 August 1923.  
Applicable *ipso jure* without modification<sup>1</sup>: Guernsey, Jersey 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.*

Decree of 11 February 1926 respecting Native trade unions and occupational organisations.  
Decree of 21 June 1944 respecting penalties in the case of interference with the right of association.  
Legislative Ordinance No. 82/A.I.M.O. of 17 March 1946 respecting Native industrial organisation, together with the relevant measures for application, and in particular Ordinance No. 128/A.I.M.O. of 10 May 1946 respecting the organisation of Native trade unions (L.S. 1946—Bel. 10), as amended by Ordinance No. 21/417 of 12 December 1954.

*Article 1 of the Convention.* In the legislation mentioned above no discrimination is made between agricultural workers and workers in other occupations.

*France.**Cameroons.*

No difficulty would arise to prevent the application of the Convention.

*Comoro Islands.*

See under Convention No. 84.

*French Settlements in Oceania.*

The regulations are in conformity with Article 1 of the Convention, and agricultural workers have the same rights of association and combination as industrial workers.

Agricultural workers, who are not numerous, have formed no unions of their own, but some of them have individually joined a general union of manual workers and labourers.

*Guadeloupe.*

There are 27 unions of agricultural workers.

There was a strike of agricultural workers in February and March 1956. During the period under review the representatives of unions of agricultural workers took part as members of the Joint Committee on Agricultural Labour in the drafting of proposed labour regulations.

*Madagascar.*

The 15 employers' organisations have 1,961 members; the 33 workers' organisations have 32,213 members.

*Martinique.*

Twelve thousand agricultural workers are distributed as follows among three trade union organisations: General Confederation of Labour, 6,000; General Confederation of Labour—*Force ouvrière*, 4,000; French Confederation of Christian Workers, 2,000.

*Réunion.*

Several unions of agricultural workers were formed in 1955. At present there are four of them, with from 800 to 1,000 members in all. Two of these unions belong to the General Confederation of Labour, one is affiliated to the French Confederation of Christian Workers and the other is independent.

*St. Pierre and Miquelon.*

See under Convention No. 84.

*Togoland.*

Act No. 56-416 of 25 April 1956.  
Order of 16 May 1956.

See under Convention No. 87.

*Netherlands.**Netherlands New Guinea.*

The legislation applicable in the Netherlands New Guinea with regard to freedom of association and protection of the right to organise makes no distinction between agricultural workers and industrial workers nor between workers in general and other persons, neither does it make a distinction between trade unions and other associations. When considered necessary for the sake of public order the Governor may declare an association to be at variance with public order and every activity of such an association is prohibited. Before such a prohibition, however, the leading members of the association are heard or duly summoned to appear. Public meetings which are not of a political nature and which are not held in the open air are not subject to any permission from or notification to any authority. Every association who wishes it may be incorporated through recognition by the Governor; such recognition is only refused for reasons of public interest. In practice there are no trade unions of agricultural workers or employers' organisations. There are no statutory regulations providing for a restriction or prohibition of the affiliation of trade organisations existing in Netherlands New Guinea with recognised national or international trade organisations.

*New Zealand.**Western Samoa.*

The requirements of the Convention in relation to existing conditions in the territory are at present being studied.

*United Kingdom.**Cyprus.*

At the end of 1955 there were seven registered trade unions of agricultural workers with a total paid-up membership of 2,766.

*Fiji.*

In 1954-55 there were ten farmers' organisations.

*Hong Kong.*

The one agricultural trade union in the territory has 102 members.

*Kenya.*

See under Convention No. 84.

*Leeward Islands.*

On 30 June 1956 the only workers' organisation registered in Antigua had a paid-up membership of 12,700, the majority of whom were agricultural workers.

*Isle of Man.*

The report states that it has not been necessary to enact special legislation for the Isle of Man to enable the provisions of the Convention to be applied.

Legislation and practice do not distinguish between agricultural workers and workers in other occupations as regards the right of association.

*Mauritius.*

Out of a potential membership of approximately 60,000, 8,728 agricultural workers were paying members of a trade union during the period 1954-55; the corresponding figure was 9,931 during the period 1955-56.

*Singapore.*

The Trade Union Adviser is a trained trade unionist from the United Kingdom whose duties are to encourage and foster the growth of trade unions in Singapore and to teach officials of trade unions how to organise workers and to carry out trade union duties.

*Tanganyika.*

At the end of the period under review there were 17 registered trade unions of commercial and industrial workers. No application for the registration of a trade union of agricultural workers has yet been received.

*Uganda.*

There are now ten registered trade unions in Uganda, none of whose members are employed in agriculture.

The reports concerning the other territories reproduce or refer to the information previously supplied.

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

*This Convention came into force on 26 February 1923*

*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: Trusteeship Territory of Somalia.

*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.

*Spain.* Ratification: 1 October 1931.  
No declaration.

*United Kingdom.* Ratification: 6 August 1923.  
Applicable *ipso jure* without modification<sup>1</sup>: Guernsey, Jersey 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.*

See under Convention No. 17.

### *France.*

#### *Cameroons.*

No difficulty would arise to prevent the application of the Convention.

#### *Comoro Islands.*

See under Convention No. 17.

#### *French Settlements in Oceania.*

Some employers have taken out policies with insurance companies to protect their staff against occupational accident risks.

#### *Martinique.*

Act of 13 August 1954.

This Act, which extends the Ordinance of 19 October 1945, makes the social insurance scheme and the legislation regarding the prevention of occupational accidents and the payment of compensation in respect of such accidents applicable to overseas departments.

#### *Réunion.*

In 1956 the number of agricultural workers covered by the social security scheme was about 32,000, out of a total of about 55,000.

#### *St. Pierre and Miquelon.*

No distinction is made between agricultural workers, of whom there are very few, and workers in other occupations.

See also under Convention No. 17.

#### *Togoland.*

Compensation for occupational accidents in agriculture is governed by exactly the same principles as compensation for such accidents in industry.

See also under Convention No. 17.

#### *Netherlands.*

##### *Netherlands Antilles.*

Decree No. 5104 of 24 June 1946 concerning the publication in the official gazette of the text as now applicable of the Ordinance of 18 June 1936 respecting compensation for industrial accidents and occupational diseases (L.S. 1936—Cur. 1).

The Ordinance of 1936 for the payment of compensation to persons injured in accidents arising out of or in connection with their employment also applies to workers in agricultural undertakings. Benefits in kind are taken into account in calculating benefit.

The application of the Ordinance is entrusted to the Department of Social and Economic Affairs. The notification of accidents is compulsory. On the basis of the notifications a check is made with the insurance companies in order to discover whether compensation has actually been paid. Insurance is compulsory; if the employer does not take out an insurance policy or does not pay his premiums regularly, the undertaking must close down.

#### *New Zealand.*

##### *Cook Islands and Niue.*

In reply to the suggestion made in 1956 by the Committee of Experts the report states that the Convention is still not fully applicable to the territory, and that it is still not possible to cover all employees as much labour is engaged on a casual short-term basis.

##### *Western Samoa.*

A select committee of the Legislative Assembly is considering the possibility of applying the workmen's compensation Conventions to Western Samoa but it has not as yet proved practicable to introduce legislation in this respect.

#### *United Kingdom.*

##### *British Honduras.*

During 1955, 59 accidents were reported in agricultural undertakings. A total of \$459 was paid in compensation.



*Cyprus.*

During 1955 one non-fatal accident was reported in agriculture.

See also under Convention No. 17.

*Jamaica.*

Workmen's Compensation (Amendment) Law No. 57 of 1954.

This Law has the effect of including in the coverage of the workmen's compensation legislation of the territory persons employed on agricultural holdings of 25 acres or more.

*Kenya.*

During the period 1954-55, 254 accidents occurred, of which 34 were fatal. The total benefits paid were £2,400. The number of wage earners in agriculture covered by the legislation was 223,000.

*Leeward Islands.*

Workmen's Compensation Ordinance No. 21 of 1955 (Saint Christopher, Nevis and Anguilla).

The above Ordinance, resulting from the decision to repeal the federal legislation and replace it by legislation on a presidential basis, was due to come into force on 1 July 1956. Similar legislation in respect of Antigua, Montserrat and the British Virgin Islands was still under consideration during the period under review. During this period the number of agricultural workers covered by workmen's compensation legislation was estimated to be 3,620 in Antigua, 6,311 in St. Kitts-Nevis-Anguilla and 2,000 in Montserrat. In St. Kitts-Nevis-Anguilla there were 266 accidents in agriculture during the period, one of which was fatal. Compensation paid by employers on sugar estates amounted to \$4,510 in 1955.

See also under Convention No. 17.

*Malta.*

National Insurance Act No. VI of 1956.

No distinction is made in the National Insurance Act between agricultural wage earners and other wage earners.

See also report on Convention No. 17.

*Mauritius.*

During the period 1954-55 there were 3,287 industrial injuries in respect of which 58,402 rupees were paid in compensation, and three fatal accidents in respect of which 8,198 rupees were paid. During the period 1955-56, 70,951 rupees were paid in respect of 3,338 industrial injuries.

*Nigeria.*

During the year under review 742 accidents were dealt with by government departments.

*North Borneo.*

Workmen's Compensation Ordinance No. 14 of 1955.

This Convention has been applied to agricultural undertakings without modification as from 1 February 1956. The effect of section 2 of the Ordinance is to extend to all agricultural workers the law governing the payment of compensation for personal injury by accidents arising out of and in the course of employment. No declaration has been made under subsection (1) (i).

The administration of the Workmen's Compensation Ordinance, 1955, is principally entrusted to the Commissioner of Labour and officers of the Department of Labour. The Commissioner may fix certain compensation by agreement with the workman and the employer or he may hold an inquiry to determine the compensation payable. In the event of failure to reach an agreement on any question it shall be decided by the High Court. Agreements or orders are enforceable as a judgment of the High Court.

It is obligatory on employers to report within ten days the occurrence of any accident on their premises resulting in the death or disablement of any person. During the year 1955, 49 cases were reported, of which one was fatal. A total of \$14,480 was paid in compensation.

*Northern Rhodesia.*

During the year 1954-55 the Select Committee of the Legislature rendered its report which related to the basis on which compensation should be calculated.

*St. Lucia.*

The number of persons to whom the legislation applied was approximately 12,000 in 1954-55 and 15,000 in 1955-56.

*Sierra Leone.*

Workmen's Compensation Ordinance No. 18 of 1954.

Workmen's Compensation Ordinance, 1954 (Commencement) Order, 1954 (Public Notice No. 109 of 1954).

Workmen's Compensation (Amendment) Ordinance No. 21 of 1955.

Workmen's Compensation (Notification of Injuries) Rules, 1955 (Public Notice No. 26 of 1955).

Workmen's Compensation (Insurers' Returns) Rules, 1955 (Public Notice No. 27 of 1955).

The new legislation represents no advance in this territory's law with regard to workmen's compensation for agricultural workers.

*Singapore.*

Workmen's Compensation Ordinance No. 31 of 1954.

Workmen's Compensation Regulations, 1955.

Agricultural workers are covered by this legislation, the application of which is entrusted to the Commissioner of Labour and his staff.

During the period 1955-56, it was estimated that there were 1,352 agricultural wage earners in the territory, 1,064 of whom were employed in rubber and pineapple plantations.

See also under Convention No. 17.

*Solomon Islands.*

During the period 1954-55 about 2,520 agricultural workers were covered by the Workmen's Compensation Regulation, 1952.

*Southern Rhodesia.*

Workmen's Compensation Act No. 12 of 1941.  
Workmen's Compensation Amendment Act No. 47 of 1948.  
Government Notice No. 976 of 1948.

*Article 1 of the Convention.* Agricultural workers are not covered by a special system of workmen's compensation or accident insurance. Only those workers earning less than £1,200 per annum are covered by the provisions of the above-mentioned legislation and regulations (an increase in the present salary limitation is under consideration).

The legislation and administrative regulations are within the competence of the Southern Rhodesia Minister of Labour and a government officer called the "Workmen's Compensation Commissioner". Supervision and enforcement are undertaken by the inspection services of the Department of Labour.

The inspection services of the Department of Labour and the submission of the annual returns by employers, prescribed under the terms of the above-mentioned legislation, ensure the application of the Convention.

No statistical data regarding the number of workers or the number of accidents in agriculture are available at present.

*Swaziland.*

Swaziland Workmen's Compensation Proclamation No. 25 of 1939, as amended by Proclamation No. 64 of 1948.  
High Commissioner's Notice No. 120 of 1939.  
Swaziland Workmen's Compensation (Amendment) Proclamation No. 89 of 1955.  
High Commissioner's Notice No. 256 of 1955.

The High Commissioner is empowered to apply the Proclamation No. 89 of 1955: (a) to

any employment, or to any class of employment in any specified part of Swaziland; or (b) to any class of workman, or to any class of workman in any specified part of Swaziland.

The High Commissioner is thus empowered to apply the Proclamation in full to agricultural wage earners.

By the High Commissioner's Notice No. 256 of 1955 the Proclamation has been applied to workmen—which includes agricultural wage earners—employed in connection with any engine or machine driven by mechanical power, with effect from 1 April 1956.

Agricultural workers are not covered by any special system of workmen's compensation or accident insurance. The employers concerned are arranging the necessary insurance cover.

The application of the legislation is entrusted to the courts of the territory.

*Tanganyika.*

On 31 August 1954 the number of persons in agricultural employment (excluding tradesmen and clerical workers) was 197,845. The total number of injuries reported during the year 1954, in respect of all workers employed in agricultural undertakings, was 958 (nine of which were fatal).

*Trinidad and Tobago.*

The report of the committee appointed to consider and make recommendations for the revision of the existing legislation governing workmen's compensation was published in June 1955.

*Uganda.*

Workmen's Compensation (Amendment) Ordinance No. 43 of 1955.  
Workmen's Compensation (Amendment) Regulation, 1956 (Legal Notice No. 135 of 1956).

The reports concerning the other territories reproduce or refer to the information previously supplied.

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

*This Convention came into force on 31 August 1923*

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*Belgium.* Ratification: 19 July 1926.  
Decision reserved: Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 19 February 1926.  
Applicable without modification: all non-metropolitan territories.

*Italy.* Ratification: 22 October 1952.  
No declaration.

*Netherlands.* Ratification: 15 December 1939.  
No declaration.

*Spain.* Ratification: 20 June 1924.  
No declaration.

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*France.**Cameroons.*

Order No. 6675 of 5 October 1956 to prohibit the use of white lead, sulphate of lead and any product containing these pigments in the painting of buildings.

Order No. 6676 of 5 October 1956 to regulate the use of white lead and lead compounds in painting operations in cases in which the use of such substances is still authorised.

In reply to the observation made in 1956 by the Committee of Experts the report refers to the promulgation of the two Orders cited above, and states that their provisions apply all the Articles of the Convention. The report adds that not a single case of lead poisoning has ever been recorded in the territory.

*Comoro Islands.*

*Article 2 of the Convention.* Provisions which are to be submitted in the near future for an opinion to the Advisory Technical Committee (a tripartite body comprising representatives of public departments, employers and workers)

define the expression "other work" as meaning the application of paint or varnish in the form of spray.

Dry rubbing down and scraping are prohibited in all cases.

*Article 3.* Similarly, section 1 of these provisions will prohibit the employment of young persons under 18 years of age and women on industrial painting operations involving the use of white lead and products containing lead.

*Article 5.* The provisions to be adopted include four sections regarding sanitary measures and the precautions to be taken, one section on medical examinations and one section relating to the information to be given to the workers regarding the dangers of lead poisoning through a notice conforming to a model to be established by the Governor after consulting the Advisory Technical Committee.

*Article 6.* Workers and employers are consulted when the regulations are being prepared by the Advisory Technical Committee, on which all the interests concerned (public health service, public and private employers and workers) are represented. The workers' and employers' representatives are appointed by order of the Governor, on the proposal of the Inspector of Labour and Social Legislation in the absence of workers' organisations, which would normally be allowed to put forward candidates.

Before the special provisions governing the cases in which and the conditions subject to which white lead may be used in painting were submitted to the Advisory Technical Committee, the chief undertakings that were likely to be covered by the regulations received a written request for their opinions: two replied that they did not use white lead, red lead or lead compounds in any form whatsoever; one replied that cases in which such products were used were practically non-existent; and the last replied that it used zinc white instead of white lead, that for painting work generally it used only commercial paints which contained only linseed oil and zinc white as prescribed in the Decree of 30 September 1948, and that instead of red lead use was made chiefly of red ochre, which was used only for a few special joints.

#### *French Equatorial Africa.*

The Government's report recalls that the use of white lead and sulphate of lead and of linseed oil containing lead in all the external and internal painting of buildings was prohibited by an Order of the Governor-General of French Equatorial Africa dated 7 September 1951.

The report also states that a new Order is to be promulgated in the near future to regulate the use of white lead in cases in which the use of that substance is authorised. The provisions of that Order are in conformity with those of the Convention.

#### *French Settlements in Oceania.*

The report states that an Order will be issued in the near future reproducing and extending the provisions of Local Order No. 1486/IT of 12 December 1950, which made some provision for the application of the Convention.

#### *French Somaliland.*

Order No. 1635 of 13 December 1955 to prohibit the use of white lead in the painting of buildings. Order No. 1337 of 28 September 1956 to regulate the use of white lead in cases in which its use is still authorised.

The report states that the above-mentioned Orders are supplementary to the general prohibition of the use of white lead and that the regulations are in conformity with the provisions of Articles 1 to 5 of the Convention.

Since paint containing lead is not used in French Somaliland, no special measure has been taken to apply Article 6 of the Convention.

No case of lead poisoning was recorded during the period under review.

#### *French West Africa.*

General Order No. 8229 IGTL/AOF of 14 November 1955 respecting the prohibition of the use of white lead, sulphate of lead and linseed oil containing lead in painting work on buildings in French West Africa.

The above-mentioned Order constitutes at present the only set of regulations issued to apply the Convention. Its inadequacy has been recognised, and to remedy this shortcoming a new Order to govern the use of white lead in cases in which such use is still permitted is now under consideration. According to the report this Order will comply with all the Articles of the Convention.

#### *Madagascar.*

On 23 August 1956 the Advisory Technical Committee adopted an Order which has now been submitted to the Governor for his signature; it will regulate the use of white lead and of all products containing lead in cases in which the use of such substances is still permitted.

According to the copy of the Order given in the report the provisions relate to the application of Articles 3 (1), 5 (I (a) and (c), II (a), (b) and (c), III (b) and IV), and 6.

#### *St. Pierre and Miquelon.*

The report states that an Order laying down the precautions to be taken in cases in which the use of white lead is still authorised outside the building trades is now under consideration, and is to be adopted in the near future; the report adds that no undertaking engaged in industrial painting operations involving the use of white lead, sulphate of lead or any product containing these pigments is to be found in St. Pierre and Miquelon.

#### *Togoland.*

The report states that there are no limitations on the prohibition of the use of paint containing lead in building work. The employment of women and young persons under 18 years of age on industrial painting operations is prohibited under the provisions of Order No. 884/55 of 28 October 1955.

The only paint containing lead that is used in work other than building work is red lead

paint, which is used in the automobile industry, for the manufacture of railway equipment and on metal structures.

The labour inspector, the labour superintendent and the district officer establish contraventions of the prohibition of the use of white lead and are entitled to draw up police reports in accordance with the provisions of the Labour Code (section 88) and to impose the penalties laid down in section 225 of the Code.

The report states that the provisions of Articles 5 and 7 of the Convention are not applicable to Togoland, since the use of white lead is prohibited.

An Order which is now being drafted will extend the prohibition of the use of white lead, sulphate of lead, etc., to cover all painting work outside the building trade.

*Netherlands.*

*Netherlands Antilles.*

Safety Decree No. I of 1955.

Sections 134 and 135 of the Safety Decree prohibit the use of paints containing white lead or lead sulphate. No cases of lead poisoning have been reported as occupational diseases. The Department of Social and Economic Affairs is responsible for enforcement and inspection. No dispensations have been granted or requested concerning the use of white lead.

The reports concerning the other territories reproduce or refer to the information previously supplied.

#### 14. Weekly Rest (Industry) Convention, 1921

*This Convention came into force on 19 June 1923*

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*Belgium.* Ratification: 19 July 1926.

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.

No declaration: Algeria, French Guiana, Guadeloupe, Martinique, Réunion.

Applicable without modification: all other non-metropolitan territories.

*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.

*Spain.* Ratification: 20 June 1924.

No declaration.

*United Kingdom.*<sup>1</sup>

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: Guernsey, Jersey, Isle of Man, British Somaliland.

Applicable without modification: all other non-metropolitan territories.

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

#### *Belgium.*

##### *Belgian Congo and Ruanda-Urundi (First Report).*

Decree of 25 June 1949 respecting contracts of employment.

Decree of 30 June 1954 respecting contracts of employment.

Legislative Ordinance No. 22/140 of 21 April 1955.

Decree of 27 July 1955 respecting company rules.

*Article 1 of the Convention.* All the statutory provisions regarding weekly rest are applicable to all wage earners and salaried employees in commerce, agriculture and industry.

*Article 2.* All employees are granted the statutory rest period. This rest is generally granted on Sundays, and if possible simultaneously to all members of the staff.

*Article 3.* No exceptions are made in favour of industrial undertakings in which only the members of a single family are employed.

*Articles 4 to 6.* The law of the Congo provides for no exception or reduction in respect of weekly rest. The Ordinance of 21 April 1955 allows the employer to grant the weekly rest at any time within the fortnight preceding or following the day on which such rest falls due, subject to prior authorisation being obtained from the district commissioner, who must himself consult the labour inspector.

*Article 7.* The company rules of 27 July 1955 specify the compulsory entries which the employer must make in a register.

Proposed regulations on hours of work, which include a section on weekly rest, have been drafted and are to be substituted for existing provisions. Natives and non-Natives will be covered by the same provisions.

#### *Denmark.*

##### *Faroe Islands.*

In reply to the observations made by the Committee of Experts in 1956 the report states that the local government of the Faroe Islands, which is responsible for the application of the Convention, has stated that Royal Order No. 441 guarantees to all who are covered by the Convention a day of weekly rest.

The report adds that the local government of the Faroe Islands has also stated that there exist no rules providing for compensatory periods of rest for work carried out on Sundays or other national holidays, but that such compensatory periods of rest are likely to be granted in pursuance of collective or individual agreements.

*France.**Algeria.*

Act of 13 July 1906.  
Decree of 19 September 1909.  
Decree of 12 June 1930.  
Decree of 30 October 1935.

During the period under review 631 contraventions were reported and proceedings were instituted in 138 cases. The contraventions were reported both in small and in large undertakings, particularly in those where there is a roster system for rest days and where supervision is difficult.

As regards the amendment made by the Decree of 30 October 1935 to the legislation on weekly rest, it will be understood that labour inspectors are often embarrassed when faced with provisions that are practically impossible to apply because the necessary regulations do not exist.

*Cameroons.*

Order No. 6549 of 31 December 1953 respecting hours of work in railway undertakings.

In response to the Committee's request the Government states that special provisions for the application of the principle of weekly rest in the Labour Code, for workers employed on railways, are contained in the above-mentioned Order. The Order requires that 52 periodical rest periods be granted during the year, distributed at the rate of four rest periods in a month or 13 in a quarter. A single rest period of 36 hours or a double period of 60 hours may be granted at one time.

As the number of waterway transport undertakings in the territory is small, special regulations have not been made for the workers concerned who are, therefore, subject to the general weekly rest provisions.

*Comoro Islands.*

During the period under review two cases of non-observance of the principle of weekly rest were reported in commercial establishments, and the employers were requested to comply. No legal proceedings were taken during the period.

*French Equatorial Africa.*

*Articles 4 and 5 of the Convention.* The legislative provisions do not provide for compensatory rest in respect of urgent work performed in connection with accidents to equipment or buildings, except for workers specially engaged for this kind of work. Exceptions in connection with workers required to handle perishable goods or to cope with an unusual pressure of work are also permitted without compensatory rest (not more than twice a month nor more than six times a year); any time worked on the weekly rest day for these reasons is counted as overtime work. The industries in which the latter type of exceptions

are permissible are listed in an annex to the relevant Order.

*Madagascar.*

Order No. 1855-1GT of 23 September 1953 respecting road transport.  
Order No. 392-1GT of 16 February 1954 respecting railways.  
Order No. 393-1GT of 16 February 1954 respecting air transport.

The above Orders contain provisions relating to weekly rest for workers in transport undertakings and have been referred to by the Government in response to the request made by the Committee of Experts in 1956. There are no special provisions relating to weekly rest for workers employed in waterways transport.

*Martinique.*

The regulations apply to all industrial undertakings, of whatever kind, except undertakings engaged in water and rail transport, which are covered by special provisions.

In the event of the reduction or abolition of Sunday rest compensatory leave is to be granted under sections 34, 40, 41, 41(a), 42 and 44 of Book II of the Labour Code.

About 9,000 employees are covered by the legislation. Observations have been made by the Labour and Manpower Service, but no proceedings have been instituted for breaches of the regulations.

*New Zealand.**Cook Islands.*

In response to the request of the Committee of Experts in 1956 the Government confirms that no use is made in the Cook Islands of the exceptions permissible under Article 3 of the Convention, since in general no undertakings work on the religious day of rest. A partial exception may be made under Article 4 in the case of work required to load perishable goods for shipment to metropolitan markets. Such occasions are rare and provision for the exception is made in an agreement of 18 May 1952 with the Cook Islands Industrial Union of Workers. The agreement provides for double rates of pay for work performed on the religious rest day.

*Western Samoa.*

In reply to the observations of the Committee of Experts in 1956 concerning the application of Article 5 of the Convention, the Government states that compensatory rest periods for work performed on the weekly rest day are granted in practice but that all cases are not covered by formal provisions.

The reports concerning the other territories reproduce or refer to the information previously supplied.

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

*This Convention came into force on 20 November 1922*

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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: Trusteeship Territory of Somalia.

*Japan.* Ratification: 4 December 1930.  
Not applicable: Pacific Islands (League of Nations mandate).

*Netherlands.* Ratification: 17 June 1931.  
No declaration.

*Spain.* Ratification: 20 June 1924.  
No declaration.

*United Kingdom.* Ratification: 8 March 1926.  
Applicable *ipso jure* without modification<sup>1</sup>: Guernsey, Jersey and Isle of Man.  
Not applicable<sup>2</sup>: Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland.<sup>1</sup>  
Decision reserved<sup>2</sup>: Bahamas, Barbados, Brunei, Falkland Islands, Gilbert and Ellice Islands, British Honduras, Leeward Islands.  
No declaration: British Somaliland.  
Applicable with modification<sup>2</sup>: Fiji, Federation of Malaya, Nyasaland, Solomon Islands.  
Applicable without modification<sup>2</sup>: all other non-metropolitan territories.

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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.

*France.*

*Comoro Islands.*

See under Convention No. 10.

*St. Pierre and Miquelon.*

On commercial vessels of more than 200 tons, ships' boys may not be made to stand night

watches between p 8.m. and 4 a.m., and boys and apprentices may not be employed in the stokeholds and bunkers.

The date of birth of each seaman is mentioned on the crew list.

The Director of the Maritime Registration Service and the Inspector of Maritime Navigation and Labour are responsible for supervising the application of the laws and regulations.

*United Kingdom.*

*Isle of Man.*

See under Convention No. 7.

*Mauritius.*

The provisions are adequate to cover both vessels registered in the metropolitan country and vessels registered locally, except that the minimum age is 16 instead of 18.

*North Borneo.*

See under Convention No. 7.

*Trinidad and Tobago.*

In reply to the Committee's request in 1955 for further information, the report states that this Convention is fully applied in the colony in respect of both vessels registered in the colony and those registered elsewhere by the United Kingdom Merchant Shipping (International Labour Conventions) Act, 1925, as applied to the colony by Order-in-Council Merchant Shipping (Colonies) Order, 1927.

The reports concerning the other territories reproduce or refer to the information previously supplied.

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

*This Convention came into force on 20 November 1922*

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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: Trusteeship Territory of Somalia.

*Japan.* Ratification: 7 June 1924.  
Not applicable: Pacific Islands (League of Nations mandate).

*Netherlands.* Ratification: 9 March 1928.  
No declaration.

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*Spain.* Ratification: 20 June 1924.  
No declaration.

*United Kingdom.* Ratification: 8 March 1926.  
Applicable *ipso jure* without modification<sup>1</sup>: Guernsey, Jersey and Isle of Man.

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.

Applicable with modification<sup>2</sup>: Fiji, Kenya, Federation of Malaya.

Applicable without modification<sup>2</sup>: all other non-metropolitan territories.

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

<sup>2</sup> See footnote 2 to Convention No. 15.

*France.**Cameroons.*

The legislative provisions and regulations respecting the medical examination of young persons apply to maritime work as to all other kinds of work. (See under Conventions Nos. 77 and 78.) In fact, no minor is engaged to work on vessels registered in the territory.

The supervision of the application of the laws and regulations is the responsibility of the Inspectors of Labour and Social Legislation and of the officials and agents of the Maritime Registration Service.

*Comoro Islands.*

See under Convention No. 77.

*French Equatorial Africa.*

In practice, shipowners arrange for children and young persons below 18 years of age to be medically examined.

*St. Pierre and Miquelon.*

Act of 13 December 1926 to promulgate the Maritime Labour Code.

Under Section 115 of this Act no young person may be enrolled without producing a certificate of physical fitness, issued free of charge by a medical practitioner appointed by the maritime authorities; if the certificate states that the young person is fit only for one kind of navigation, employment in such navigation is the only type allowed.

The Director of the Maritime Registration Service and the medical officer for seafarers are responsible for supervising the application of the laws and regulations.

*United Kingdom.**Jamaica.*

See under Convention No. 7.

*Kenya.*

Children or young persons are now engaged for service on board ships.

*Isle of Man.*

See under Convention No. 7.

*Mauritius.*

The provisions are adequate to cover both vessels registered in the metropolitan country and vessels registered locally.

*North Borneo.*

See under Convention No. 7.

*St. Lucia.*

See under Convention No. 7.

*Tanganyika.*

The Employment Bill, which will include a definition of the term "vessel", is under consideration by the Legislative Council.

*Trinidad and Tobago.*

See under Convention No. 15.

The reports concerning the other territories reproduce or refer to the information previously supplied.

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

*This Convention came into force on 1 April 1927*

*Belgium.* Ratification: 3 October 1927.  
Applicable without modification: Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 17 May 1948.  
Applicable without modification: French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration: all other non-metropolitan territories.

*Italy.*<sup>1</sup>  
Applicable without modification: Trusteeship Territory of Somalia.

*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.

*Spain.* Ratification: 22 February 1929.  
No declaration.

*United Kingdom.* Ratification: 28 June 1949.  
Applicable *ipso jure* without modification<sup>2</sup>: Guernsey, Jersey 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 Trusteeship Territory of Somalia, 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.*

Ministerial Order of 23 November 1955 to fix the rate of the employer's contribution to the financing of the Guarantee Fund established in respect of compensation for employment injuries for indigenous workers.

Decree of 23 February 1956 to amend the Decree of 20 December 1945, as amended by the Decrees of 31 December 1946 and of 28 February 1947 to organise compensation for industrial accidents suffered by non-indigenous persons.

Royal Order of 17 April 1956 respecting employment injuries suffered by indigenous workers.

The Decree of 23 February 1956 liberalises the workmen's compensation scheme for non-indigenous persons but does not affect the basic principles of the Decree of 20 December 1945. It provides compensation for accidents occurring on the way to work; raises the maximum remuneration to be reckoned in computing the contribution; authorises the judge to increase the annual allowance to persons who have suffered severe injuries and who require constant attendance; provides that the insurer shall pay surgical and hospital expenses and the cost of transport from the day of the accident as well as the cost of furnishing and receiving orthopaedic and prosthetic appliances; and provides that from the 61st day medical and pharmaceutical and dental care shall be at the expense of the employer or of the insurer. The agreement or final judgment fixes the amount of the additional capital to cover the probable cost of the appliances required by the injured person. The capital for the purchase of appliances remains the property of the injured person.

The Royal Order of 17 April 1956 refers to the scheme for indigenous workers. It allows the employer to ask the insurer to cover each benefit and reimburse the cost of medical, surgical, pharmaceutical and hospital expenses and of prosthetic and orthopaedic appliances from the 16th day of incapacity; previously such requests could be made only in respect of payments from the 31st day onwards. The Ministerial Order of 23 November 1955 fixes the employer's contribution to the Guarantee Fund under the scheme for indigenous workers at 0.40 franc per thousand of the remuneration on which the contributions are reckoned.

Statistical data contained in the report show that 701,208 workers were insured with the Colonial Invalidity Fund (8,400 employers), 220,563 workers with the Mutual Fund of Employers of the Belgian Congo and Ruanda-Urundi (196 employers), 40,000 workers with the Common Union Fund (9 employers) and 45,000 workers with the Social Solidarity Fund of the Belgian Congo and Ruanda-Urundi.

In 1955, 986 accidents occurred among non-indigenous workers, and 4,439 among indigenous workers. The Colonial Fund paid out 7,266,809 francs in cash benefits, the Mutual Fund of Employers of the Belgian Congo and Ruanda-Urundi, 3,016,172 francs, and the Common Union Fund, 584,046 francs. The total cost of the application of the legislation was as follows: Colonial Invalidity Fund, 27,225,783 francs; Mutual Fund of Employers of the Belgian Congo and Ruanda-Urundi, 15,028,191 francs; Common Union Fund, 994,434 francs.

#### *France.*

#### *Algeria.*

Decree of 11 January 1956.  
Order of 30 April 1956.

The Order cited above revised pensions as follows, as from 1 March 1956: the new minimum wage taken into account for calculating pensions is now fixed at 320,422 francs; the first income group is at 640,844 francs; a co-efficient of 1.085 has been introduced for

accident pensions dating back to 31 August 1955 or earlier; if assistance is given by another person, the minimum rate is 232,000 francs.

#### *Cameroons.*

An enactment which is now being considered by the Ministry for French Overseas Territories is to bring the two existing workmen's compensation schemes into line with each other in the near future.

Several contraventions were reported during the period under review. All of them related to failure to notify occupational accidents within the specified period; legal proceedings were instituted in six cases.

In 1955, 3,232 industrial accidents were notified; 83 of them were fatal.

#### *Comoro Islands.*

Circular No. 243/IT of 31 January 1955 respecting compensation for industrial accidents, which was cited in an earlier report, binds the Administration but is not mandatory on private employers, who do, however, observe its provisions in calculating the pensions and allowances due to workers injured in industrial accidents. The circular relates solely to workers from overseas territories; those from metropolitan France or from overseas départements are subject to the metropolitan legislation on industrial accidents.

Injured workers who are permanently incapacitated are entitled to a pension equal to their annual wage multiplied by their rate of incapacity, subject to a preliminary reduction of half the part of the rate not exceeding 50 per cent., the part of the rate exceeding 50 per cent. being increased by a half. In the event of a fatal accident a pension amounting to a certain percentage of the annual wage of the deceased is granted to his dependants. As a rule, the pension may not be commuted into a lump sum until five years have elapsed. When the pension amounts to less than 10,000 francs a year, it may be commuted subject to the authorisation of the Inspector of Labour and Social Legislation, by agreement with the parties. In exceptional circumstances, a pension may be commuted when it exceeds 10,000 francs a year, after inquiries have been instigated by the Inspector of Labour and Social Legislation.

During the period of temporary incapacity, an injured worker is entitled to his whole wage for the first five days as from the day following the accident, the day of the accident being regarded as a normal working day; he is entitled to half his normal wage as from the sixth day until he is cured or until his wound has healed. A pension for permanent invalidity is paid by the employer and is due as from the day when the wound heals. No additional compensation is payable for persons who have become invalids and require the constant assistance of another person.

The supervision of the application of these provisions is carried out by the territorial Inspectorate of Labour and Social Legislation.

The amount of the benefits may be revised at any time during the first two years following



the date of apparent cure or of the healing of the wound. Workers injured in an accident receive free care or medical or surgical attendance under the local medical assistance scheme.

No steps have been taken to apply Articles 10 and 11 of the Convention.

#### *French Equatorial Africa.*

During the period of notice, which ranges from a week to three months, an injured worker may claim a daily incapacity allowance equal to 50 per cent. of his daily wage for the period running from the first to the 28th day of incapacity and equal to two-thirds of that wage as from the 29th day; he may also claim a supplementary allowance corresponding to the difference between the daily incapacity allowance and his daily wage. Once the period of notice has expired the only allowance paid is the daily incapacity allowance, which is payable by the employer, but the amount involved is refunded by the territory.

In the event of permanent incapacity an injured person is entitled to a pension equal to the product of his normal wage multiplied by his rate of incapacity, subject to a preliminary reduction of one-half that part of the rate not exceeding 50 per cent., the part of the rate exceeding 50 per cent. being increased by a half. Local regulations do not provide for the payment of additional compensation to injured persons requiring the constant assistance of another person; workers engaged in metropolitan France do, however, receive such additional compensation, which is provided for in the metropolitan legislation.

The employer is required to notify the Inspectorate of Labour and Social Legislation within 48 hours of any occupational accident that occurs in his undertaking. The amount of the allowance is revised at regular intervals in the light of various factors, including the cost of living. The supply and replacement of prosthetic and orthopaedic appliances are governed by the provisions of the metropolitan Act of 30 October 1946.

The Inspectors of Labour and Social Legislation ensure that employers or their insurers fulfil their obligations. In the event of a refusal to pay compensation or in the event of bankruptcy, injured persons or their dependants may apply to the courts to enforce their claims in accordance with sections 1381 to 1384 of the Civil Code.

During the period under review 2,054 accidents were reported.

#### *French Guiana.*

See under *Guadeloupe*.

#### *French Settlements in Oceania.*

For seafarers the employer must provide the necessary care and pay wages for a period of four months, after which the seamen's needs are met by the Welfare Fund. During the year 1955, 168 industrial accidents were reported, the main causes being falls of objects, slipping, handling operations, lifting appliances and hand tools.

#### *French West Africa.*

Industrial accidents that are not covered by the Decree of 2 April 1932 must be notified to the Labour Inspectorate, and compensation fixed by local Orders and based on a lump sum proportionate to the degree of permanent incapacity or fixed by agreement between the parties is payable to the injured worker.

New legislation providing for uniform and equal compensation is to be introduced shortly.

#### *Guadeloupe.*

The Government states that the Convention is applicable to Overseas Departments (Martinique, Guadeloupe, French Guiana and Réunion) as well as in metropolitan France, and that reference should be made to the reports relating to the metropole.

#### *Madagascar.*

In 1955, 2,656 industrial accidents were notified, of which 107 were fatal; the main causes of these accidents were handling operations, vehicles, hand tools and machinery.

#### *Martinique.*

See under *Guadeloupe*.

#### *Réunion.*

See under *Guadeloupe*.

#### *St. Pierre and Miquelon.*

In the event of an accident involving temporary incapacity for work the insured person receives, as from the day following the accident, a daily allowance fixed since 1 September 1955 at 300 C.F.A. francs for the first 30 days of incapacity and 390 C.F.A. francs as from the 31st day.

The amount of compensation granted may be revised at any time during the first two years following the date of apparent cure or the date of the healing of the wound. After this period has expired, such a revision may be carried out only at intervals of a year or more. There is no limit on the duration of medical, surgical and pharmaceutical benefit. This benefit is provided by the social security fund of the territory.

There are 800 workers covered by the general regulations on industrial accidents; 250 persons (officials and similar workers) are covered by a special scheme.

During the period under review the total amount spent in cash benefits was 757,330 C.F.A. francs, which represents an average amount of 920 C.F.A. francs per worker. The total amount spent on benefits in kind was 228,364 francs, which represents an average amount of 285 francs per worker. The number of industrial accidents reported was 151, the main causes being handling operations and hand tools. The amount spent by the Industrial Accident Insurance Fund on the purchase of equipment was 188,388 C.F.A. francs. The staff costs of the Insurance Fund are met from the budget of the territory and from

employers' contributions, fixed at one franc per hour and per worker, which totalled 1,865,050 C.F.A. francs; on the average they represent 1.3 per cent. of wages, and are more than sufficient to cover the expenses of the Fund.

#### *Italy.*

##### *Trusteeship Territory of Somalia.*

The number of accidents reported in the period covered was 5,073, six of which were fatal. The number of insured persons receiving benefits from the Social Insurance Fund was 4,485, of whom 4,393 were Africans. The total amount of these payments was 187,610 somalos.

The estimated number of insured persons was 12,739, of whom 11,914 were Africans.

#### *Netherlands.*

##### *Netherlands New Guinea.*

During the period under review 109 accidents were reported, ten of which were fatal.

#### *New Zealand.*

##### *Cook Islands and Niue, and Western Samoa.*

See under Convention No. 12.

#### *United Kingdom.*

##### *Bechuanaland.*

According to the revised statistics for 1955-56 the total number of workers was distributed as follows: commerce and industry, 2,000; construction, 300; domestic service, 2,000; government service, 3,360 (including about 2,100 casual workers).

##### *British Honduras.*

During 1955, 291 accidents arising out of and in the course of employment were reported; of these, one was fatal and two led to permanent incapacity. A total of \$7,431 was paid in compensation.

##### *Brunei.*

The report states that a draft Workmen's Compensation Bill has been prepared which, when passed by the Council, will comply with the Convention.

At present 8,825 workmen, employees and apprentices are covered by the general provisions regarding workmen's compensation. During the period under review \$19,280 was paid out in cash benefits, representing an average cost of \$2.18 for benefits in cash per person covered by the legislation. Seventy-four accidents were reported, three of which were fatal.

##### *Cyprus.*

Workmen's Compensation (Amendment) Law No. 67 of 1955.

Some 75,000 workers are covered by the workmen's compensation provisions. During 1955, £13,097 was paid in compensation. The number of accidents reported was 923, four of

which resulted in death, two in permanent total incapacity and 32 in permanent partial incapacity.

##### *Falkland Islands.*

The Convention does not apply to persons whose remuneration exceeds £350 per annum. Where permanent incapacity or death results from an injury, the compensation is not payable in the form of a pension but may be payable in a lump sum; the authorities are entitled to supervise the proper utilisation of the sum paid.

In case of temporary incapacity, compensation is payable by the employer on the 16th day from the date of incapacity and half-monthly thereafter. These half-monthly payments may be reviewed at any time. The cost of medical, surgical and pharmaceutical aid is defrayed by the employer.

##### *Fiji.*

During the period 1954-55, the total number of workmen, excluding some fishermen and agricultural workers, was estimated at 18,331. During the same period 365 accidents were reported, six of which were fatal.

##### *Gambia.*

Workmen's Compensation (Amendment) Ordinance No. 9 of 1956.

*Article 1 of the Convention.* The provisions of this Article are applied and the Governor-in-Council may order that employers may insure themselves against liability for workmen's compensation. The employer is now liable for expenses incurred by a workman within and outside the Gambia as a result of an accident arising out of and in the course of his employment. The amount of compensation payable in cases of permanent partial incapacity is increased and a scale of fees and charges for medical aid prescribed.

*Article 2.* The amending Ordinance provides adequate legislation and covers the requirements of this Article.

*Article 7.* Where the nature of total incapacity is such that the injured workman must have the constant help of another person, provision is made for the payment of additional compensation amounting to one-quarter of the amount which is otherwise payable.

*Article 8.* The court is enabled to allow a higher degree of incapacity where it considers it equitable to do so.

*Article 9.* The amending Ordinance provides that, in case of accident, the worker may be examined and treated free of charge by a medical practitioner named by him and approved by the employer.

*Article 10.* It is provided that the employer shall defray the reasonable expenses incurred by a workman within the Gambia or, with the approval of the director of medical services, outside the Gambia as a result of an accident arising out of and in the course of his employment. Such reasonable expenses would include medical, surgical and hospital treatment, skilled

nursing services, the supply of medicines to an amount not exceeding £100, the supply, maintenance, repair and renewal of non-articulated artificial limbs and apparatus and of artificial eyes and hearing aids to an amount not exceeding £50.

The approximate number of workmen who were covered by the general provisions regarding workmen's compensation was 5,200. During the year under review 12 accidents were reported, four of which were fatal. A total amount of £679 10s. 10d. was paid out in cash benefits, representing an average amount of £61 16s. 5d. per accident compensated.

#### *Gibraltar.*

Employment Injuries Insurance (Collection of Contributions) (Amendment) Regulations, 1955.

Injury benefits are paid up to a maximum of 182 days. After this period disablement benefit becomes payable and, if this is on a provisional assessment, there must be periodical reviews until a final assessment can be made.

Out of a total labour force of approximately 20,000, 18,500 persons are covered by this scheme and of the remainder about 170 are covered by the United Kingdom Treasury Injury Warrants No. 2. Benefits in cash paid out during 1955 totalled £12,001, giving an average cost of 13s. per insured person. The cost of benefits in kind (most of which represent the cost of hospital treatment) was £3,158. The number of reported industrial accidents was 1,187.

It is estimated that the total cost of applying the legislation did not exceed £2,000.

#### *Gilbert and Ellice Islands.*

There have been no accidents in respect of which compensation was payable during the period under review.

#### *Gold Coast.*

Returns submitted by employers indicate that at least 239,700 persons were engaged in wage-earning employment as at 31 December 1954; of these it is estimated that approximately 228,310, including workers in agriculture, are covered by the provisions relating to workmen's compensation.

During the period 1 April 1955 to 30 June 1956, 3,534 accidents were reported, of which 167 were fatal. The total benefit paid in cash was £47,781, or an average of 4s. 2d. per person covered.

#### *Grenada.*

The average number of persons employed during 1955 and coming within the scope of the legislative provisions was 1,850. There were 85 cases involving the payment of compensation during the period under review and the total compensation awarded amounted to \$2,116.

#### *Hong Kong.*

*Article 9 of the Convention.* The provision in local legislation stipulating that, where an injured workman is not being treated by a

medical practitioner he must, if required by the employer, submit himself for treatment at the employer's expense to a medical practitioner, has been taken by most employers as implying that they are responsible for charges in respect of medical treatment. The report also includes details of the inspection personnel available.

#### *Jamaica.*

Workmen's Compensation (Amendment) Law No. 57 of 1954.

The above Law has the effect of including in the coverage of the workmen's compensation legislation of the territory domestic servants employed in hotels, guest houses, boarding houses, residential clubs or other establishments of a like nature.

See also under Convention No. 12.

#### *Kenya.*

During the period 1954-55 the total number of persons covered by the Workmen's Compensation Ordinance, including fishermen and agricultural workers, was roughly 540,000 (of whom 493,000 were Africans). The number of accidents (excluding fishermen and agricultural workers) was 3,072, and the cash benefits paid were £30,700.

#### *Leeward Islands.*

Workmen's Compensation Ordinance No. 21 of 1955 (Saint Christopher, Nevis and Anguilla).

In June 1956 the total number of workmen, employees and apprentices employed in Antigua and covered by workmen's compensation legislation was approximately 7,000. During the period under review the Administration paid to its employees \$456 in respect of 126 compensation claims. The number of accidents reported during the year was 72, two of which were fatal. In St. Kitts-Nevis-Anguilla \$8,432 was paid in compensation during 1955; 360 accidents were reported, two of which were fatal. No accidents were reported in respect of Montserrat and the British Virgin Islands.

#### *Malta.*

National Insurance Act No. VI of 1956.

*Article 1 of the Convention.* The principle is applied by section 19 of the Act.

*Article 2.* Under sections 3 and 4 of the Act, the provisions apply to every person over the age of 14 years employed under a contract of service or apprenticeship, written or oral and whether expressed or implied, including employment by or under the Crown, subject to exceptions which are given at length in the report.

*Article 3.* The Act applies to seamen and fishermen but excepts employment as a member of any of the regular naval military or air forces of the Crown, except as otherwise provided in the Act, as well as employment by Her Majesty's Government in the United Kingdom when the person employed was engaged outside Malta.

*Article 4.* The Act also applies to agricultural workers.

*Article 5.* A pension is paid to insured persons in case of permanent disablement where the degree of disablement is assessed at 20 per cent. or over; otherwise the injured worker receives a disablement gratuity. In case of death resulting from injury a pension is payable to widows and orphans.

*Article 6.* Injury benefit is paid during the period of 12 months beginning with the day of the accident, provided that no payment is made for the first three days of any period of interruption of employment. Benefit is paid out of the National Insurance Fund which derives its income from contributions paid in equal shares by employers, workers and the State.

*Article 7.* This Article is not applied in view of strong family ties existing in the territory.

*Article 8.* All claimants for benefits are examined by members of a panel of doctors as often as necessary to determine the duration and extent of incapacity and disablement.

*Articles 9 and 10.* These Articles are applied by section 27 of the Act.

*Article 11.* Section 53 of the Act enables the Minister to make such amendments as are likely to make the Fund sufficient to discharge its liabilities, where the need arises.

The Act is administered by the Department of Emigration, Labour and Social Welfare and enforcement is entrusted to inspecting labour officers. The Act came into force on 7 May 1956.

#### *Isle of Man (First Report).*

Family Allowances (Isle of Man) Act, 1946.  
National Insurance (Industrial Injuries) (Isle of Man) Act, 1948, as amended in 1949 and 1954.  
Isle of Man Health Services Board Act, 1948.  
National Health Services (Isle of Man) Act, 1948, as amended in 1950.  
Family Allowances, National Insurance and Social Services Act, 1952.  
National Insurance Act, 1954.  
National Insurance (No. 2) (Isle of Man) Act, 1955.  
Various Regulations and Orders, issued from 1949 to 1954, relating to industrial injuries insurance and national health service.

*Article 2 of the Convention.* All persons employed in the Isle of Man under a contract of service are compulsorily insured under the above legislation against personal injury caused by accident arising out of and in the course of such employment. Casual employment is excluded, however, if not for purposes of the employer's trade or business or certain other purposes, as also are prescribed forms of subsidiary and inconsiderable employment. Employment by a spouse is also excluded, as well as that by other relatives if carried on in a private dwelling where both employer and employee reside and not for business purposes.

*Article 3.* Seamen and fishermen are covered if the contract of service is entered into in the Isle of Man, and if the vessel is registered there or the owner or manager resides or has his principal place of business there.

*Article 4.* Although the Convention does not apply to agriculture, the above legislation covers agricultural workers in the same way as other workers.

*Article 5.* A weekly injury benefit is payable to persons incapable of work for a period not exceeding 26 weeks after an accident, at a rate of 67s. 6d. per week for an adult plus 25s. for an adult dependant and 11s. 6d. for the first or only child and 3s. 6d. for each additional child. Disablement benefit is payable for loss of faculty which remains when incapacity for work ceases or when the 26-week injury benefit period ends. The rate of the latter depends on the percentage assessment of disablement, the highest basic rate being 67s. 6d. per week plus in certain cases increases for dependants. In some circumstances, disablement pensions may include special supplements in respect of unemployability, special hardship, or need for hospitalisation. A lump-sum disablement gratuity of up to £225 is normally paid if the degree of disablement is assessed at less than 20 per cent. If an insured person dies as the result of an industrial accident, death benefits are payable under certain conditions to the surviving widow or widower, children, parents or other relatives. Death benefits are normally paid in the form of a pension, but in certain circumstances a lump-sum gratuity may be paid to parents or close relatives.

*Article 6.* Injury benefit is paid for all days of incapacity for work, except that no payment is made for the first three days unless there are at least 12 days of incapacity due to the accident. Benefits are paid by the Isle of Man Board of Social Services.

*Article 7.* An injured worker found to be 100 per cent. disabled may have his disablement pension increased if he requires constant attendance. The amount of the increase depends upon the extent to which he is dependent upon attendance for the necessities of life, up to a maximum normally of 30s. per week; in exceptionally severe cases, 60s. per week may be awarded.

*Article 8.* Provision is made for review of benefit awards and other decisions.

*Articles 9 and 10.* Medical services for all residents of the Isle of Man are provided by the National Health Service, under which injured workers can obtain any medical, surgical or pharmaceutical aid they require, in addition to artificial limbs and surgical appliances. Power also exists to make payments out of the industrial injuries fund to ensure that injured workers are provided with artificial limbs and surgical appliances, and that these are renewed and maintained.

*Article 11.* Since all payments in respect of industrial injuries are made from the State industrial injuries fund, they are not affected by the insolvency of employers.

General responsibility for administration of the scheme is vested in the Isle of Man Board of Social Services, a 12-man statutory body that includes representatives of employers, workers, and the medical profession. Claims for benefit are determined by insurance officers appointed by the Board, with appeal being allowed from their decisions to a tripartite appeal tribunal.

Approximately 17,500 persons are insured under the industrial injuries scheme. The total

cost of cash benefits in the year ended 31 March 1955 was £6,420, and the cost of administration was £753. During the last year for which statistics are available there were 258 industrial accidents.

#### *Mauritius.*

During the report period 1954-55, out of a total insurable labour force of 32,500, the number of persons covered was 30,000. Total compensation paid in respect of injuries was 74,121 rupees and in respect of deaths 23,057 rupees. During the period 1955-56, total compensation paid in respect of injuries was 90,450 rupees and in respect of deaths 4,866 rupees.

#### *Nigeria.*

The number of cases reported in government service was 437 of which 25 were fatal; 202 did not involve permanent disability and no compensation was paid. The amount paid to 135 workers was £11,530, representing an average cost per beneficiary of £85 8s. 2d.

The Workmen's Compensation Ordinance is being examined with a view to providing increased benefits to insured workmen.

#### *North Borneo.*

Workmen's Compensation Ordinance No. 14 of 1955.

Government Notices Nos. S. 15, S. 16 and S. 17 of 24 December 1955.

Government Notice No. S. 18 of 23 December 1955.

*Article 2 of the Convention.* The Convention is applied with effect from 1 February 1956 save that the following are outside the scope of the Workmen's Compensation Ordinance, 1955: casual workers; outworkers; any member of the family of the employer who lives with him in his house; any person employed otherwise than by way of manual labour whose earnings exceed \$400 a month; domestic servants; members of the armed forces; civil servants; police officers. Compensation at statutory rates is payable by the employer if personal injury by accident arising out of and in the course of the employment is caused to a workman.

*Article 3.* The report states that members of the armed forces, civil servants and police officers are covered by special schemes, the terms of which are not less favourable than those of the Convention.

*Articles 4 and 5.* Compensation payable in the case of permanent incapacity or death is by way of lump sum, and is in practice made direct to the Commissioner who has full discretionary powers to invest, apply or otherwise deal with such lump sums for the benefit of the person for whom they are paid.

*Article 6.* Compensation for incapacity is not payable in respect of the first four days unless the disablement lasts for a period of at least 14 days. Compensation is payable by the employer. Powers exist in the Ordinance to require employers or classes of employers to insure but these powers have not yet been exercised.

*Article 7.* Where permanent total disablement necessitates the constant help of another person additional compensation shall be paid amounting to one-quarter of the amount which is otherwise payable.

*Article 8.* All payments of compensation for temporary incapacity must be the subject of an agreement and all lump-sum agreements must be sent to the Commissioner for recording. Any half-monthly payment payable either under an agreement between the workman and the employer and consented to and recorded by the Commissioner, or under the award of a court of law, may be reviewed by the Commissioner on the application either of the employer or of the workman, accompanied by a certificate of a registered medical practitioner that there has been a change in the condition of the workman. Any half-monthly payment may, on review, be continued, increased, decreased or ended.

*Article 9.* An injured workman is entitled to medical examination and treatment free of charge to himself and, in addition, to medical, surgical and recuperative treatment in approved or special hospitals at the employer's expense. Necessary medical, surgical and pharmaceutical aid is provided at the employer's expense.

*Article 10.* An injured workman is entitled to receive free of charge such artificial limbs and surgical appliances as are certified by the registered medical practitioner in charge to be reasonably necessary and which are in fact supplied to such workmen.

The administration of the Workmen's Compensation Ordinance 1955 is principally entrusted to the Commissioner of Labour and officers of the Department of Labour. The Commissioner has powers to settle compensation by agreement with the workman and the employer or may hold an inquiry to determine the compensation payable. In the event of failure to reach an agreement on any question it shall be decided by the High Court. Agreements or orders are enforceable as a judgment of the High Court.

The total number of workmen (excluding seamen, fishermen and agricultural workers) is estimated at 15,000, of which 13,587 are engaged in undertakings employing more than 20 workers. The total number of such workmen covered by the workmen's compensation legislation was estimated to be 14,500 at the end of 1955.

During the year 1955 the total cost of benefits in cash amounted to \$87,421, i.e. \$428.53 per accident compensated or \$6.03 per person paid in benefits during the year. The report contains detailed statistics showing accidents by industrial groups and compensation paid by causation and severity, by age and sex, by part of body injured and nature of injury, by duration of incapacity, and by time of day of occurrence.

#### *Northern Rhodesia.*

During the year 1 March 1954 to 28 February 1955 there were 5,454 accidents; of these 103 were fatal.

The benefits paid amounted to £102,460.

See also under Convention No. 12.

*St. Helena.*

During the period under review two payments were made concerning members of the agricultural and forestry department, one of £125 to dependants in respect of a death resulting from an accident, and one of £45 in respect of a partial disablement.

*St. Lucia.*

The total number of cases of disablement was 155 during the period 1954-55 and 336 during the period 1955-56. The total compensation paid was \$3,364 during the period 1954-55 and \$6,249 during the period 1955-56.

*Sarawak.*

A draft Workmen's Compensation Bill on the lines of the Singapore Workmen's Compensation Ordinance has been drawn up complying with the Convention. This has recently been passed by the Council Negri (State Council) and is intended to become effective from January 1957.

Workmen's compensation legislation covers 17,321 workers. During the period under review 48 accidents were reported, of which 14 were fatal. The total compensation (cash benefits) amounted to \$48,949, or \$2.89 per person covered.

*Sierra Leone.*

Workmen's Compensation Ordinance No. 18 of 1954.

Workmen's Compensation Ordinance, 1954 (Commencement) Order, 1954 (Public Notice No. 109 of 1954).

Workmen's Compensation (Amendment) Ordinance, 1955 (Ordinance No. 21 of 1955).

Workmen's Compensation (Notification of Injuries) Rules, 1955 (Public Notice No. 26 of 1955).

Workmen's Compensation (Insurers' Reports) Rules, 1955 (Public Notice No. 27 of 1955).

*Article 1 of the Convention.* The terms and provisions of the Ordinance are not in material respects less favourable than those laid down in the Convention.

*Article 2.* The scope of the Ordinance is as provided in this Article and domestic servants are so defined as not to be excepted from the scope of the Workmen's Compensation Ordinance.

The Ordinance does not define employment which is of a casual nature and is not for the purpose of the employers' trade or business but an "outworker" is defined as well as "member of the employer's family"; £500 is the limit set.

*Article 3.* "Seamen and fishermen" are not excluded from the scope of the Ordinance.

*Article 5.* No provision exists to pay compensation in the form of a pension in respect of permanent incapacity or death. However, the court determines whether compensation should be paid in a lump sum or periodically. At the end of the period of immediate disability a lump sum is payable based on the degree of disability. In allotting any part of the compensation to a dependant the courts have the power to make an order for the sum to be paid to him or be invested, applied or otherwise dealt with for his benefit in such manner as the courts think fit.

*Article 6.* Compensation is payable as from the first day of disability but no compensation is payable in respect of an accident which does not incapacitate the worker for at least four consecutive days. Compensation for incapacity lasting less than four weeks is only payable by the employer, but in respect of his liability under the Ordinance an employer may be required to insure with an approved insurer.

*Article 7.* The condition governing the award of additional compensation in the circumstances mentioned is that the injury must at least be permanent incapacity, the additional compensation payable not exceeding one-quarter of the amount normally due.

*Article 8.* No measure of supervision is provided for but a review may be made by the court under certain specified circumstances.

*Article 9.* The employer is liable to provide this aid up to an amount not exceeding £100. There is no limitation as to the duration of the medical aid. In an amending Bill action is being taken to define the medical aid to which an injured workman is entitled.

*Article 10.* A limit of £50 has been set as to the expense to be incurred by an employer in respect of the supply, maintenance, repair and renewal of non-articulated artificial limbs and surgical appliances.

*Article 11.* In the event of the employer's insolvency, the worker has the right to claim compensation from the employer's insurer and, if the full compensation due is not met, the balance may be sought from the distribution of the property or assets of the employer or from the winding-up of the employer's company.

It is estimated that of the 80,000 workmen, employees and apprentices (other than articulated seamen, fishermen and agricultural workers) in employment, about 65,000 come within the scope of the general provisions of the Convention. During the year ended 31 December 1954 £5,185 was paid as benefit in cash representing an average of £15 1s. 6d. per person. The number of accidents reported during the year was 328, eight of these being fatal. Under the new Ordinance a total of 68 accidents has been reported in the half-year ending 30 June 1955, 14 of these being fatal.

During the year ended 31 December 1955 £16,129 was paid as benefit in cash representing an average of £47 6s. per person insured. During the year 341 accidents were reported; 28 were fatal.

*Singapore.*

Workmen's Compensation Ordinance No. 31 of 1954.

Workmen's Compensation Regulations, 1955.

The principal changes effected by the above legislation are the provision of increased rates of compensation and extension of the term "workman".

*Article 2 of the Convention.* The term "workman" is defined as any person who has, either before or after the coming into force of the Ordinance, entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour or

otherwise, whether the contract is express or implied or is oral or in writing, whether the remuneration is calculated by time or by work done and whether by the day, week, month or any longer period. The classes of persons excepted from the application of the Ordinance are indicated in detail.

*Article 3.* The Ordinance applies to seamen, subject to certain modifications in procedure and also to fishermen where they fall within the definition of "workman". No persons are excluded because of any special scheme.

*Article 4.* Agricultural workers are covered.

*Article 5.* Compensation in case of permanent disablement or death is paid in a lump sum.

*Article 6.* Compensation in case of temporary disablement is payable by half-monthly instalments, the first of which is due on the 16th day after disablement. Unless disablement lasts for more than 14 days compensation is not payable in respect of the first four days. Compensation is payable by the employers; most employers insure against risks covered by the Ordinance.

*Article 7.* Where permanent total disablement necessitates the constant help of another person, additional compensation amounting to 25 per cent. of the amount due for the injury is payable.

*Article 8.* Provision is made for review, except in the case of lump-sum payments.

*Article 9.* The employer is required to have an injured workman examined within five days of an accident and to pay the cost of treatment and medicines which may be ordered as a result of medical examination. Where an injured worker is admitted to hospital the employer is required, without limit of duration, to pay ward and treatment fees and the cost of medicines, artificial limbs and surgical appliances.

*Article 10.* Maximum amounts of fees and costs for which the employer may be liable have been fixed. The injured workman must be treated in an approved or special hospital.

*Article 11.* Provision is made for transfer to an injured workman of a bankrupt employer's rights against the insurers. The Minister for Labour and Welfare is empowered to require any employer or class of employers to insure.

Enforcement is the responsibility of the Commissioner of Labour and his staff. Employers are required to notify accidents. Disputes are settled by an arbitrator for workmen's compensation where the parties cannot reach agreement.

During the period 1955-56, 124,645 workmen were covered by the Ordinance and the total amount paid in compensation in respect of injuries resulting in death or permanent disablement was \$429,693. The report also includes statistics concerning the number of accidents.

#### *Solomon Islands.*

The Regulation now applies to approximately 1,150 workmen (excluding seamen, fishermen and agricultural workers).

#### *Swaziland.*

Swaziland Workmen's Compensation (Amendment) (Proclamation No. 89 of 1955).

High Commissioner's Notice No. 256 of 1955.

*Article 2, paragraph 2 (d), of the Convention.* The limit prescribed in respect of non-manual workers is an annual wage of £500.

By the Swaziland Workmen's Compensation (Amendment) (Proclamation No. 89 of 1955) the High Commissioner is empowered to apply the Proclamation (a) to any employment, or to any class of employment in any specified part of Swaziland; or (b) to any class of workmen, or to any class of workmen in any specified part of Swaziland.

With effect from 1 April 1956 the Proclamation is applied to workmen employed in connection with any engine or machine driven by mechanical power.

#### *Tanganyika.*

Workmen's Compensation (Amendment) Ordinance No. 28 of 1954.

This Ordinance which is to be brought into force on a date to be fixed, provides for a number of amendments to the principal Ordinance which experience has shown to be desirable. The main effects of these are: (a) to extend the benefit of the Ordinance to non-manual workers earning up to 16,800 East African shillings a year (the previous upper limit was 10,000 shillings); (b) to provide for compensation to be payable to a workman who is incapacitated for three or more days instead of five or more days as hitherto; (c) to provide that the employer shall be liable for expenses incurred in transporting workmen to and from the place where necessary medical attention is available, subject to a limit of 1,000 shillings; (d) to make certain administrative changes to facilitate the submission of claims.

On 31 August 1954 the total number of workmen, employees and apprentices employed by all enterprises, undertakings and establishments (excluding seamen, fishermen and agricultural workers) was 221,000 (total employees—all enterprises, etc.: 439,094).

During the year 1954 the amount of cash benefits paid as compensation for industrial injuries, including mining accidents, was 402,770 East African shillings. The number of injuries reported was 2,389 (82 of which were fatal).

#### *Trinidad and Tobago.*

See under Convention No. 12.

#### *Uganda.*

For legislation see under Convention No. 12.

*Article 2 of the Convention.* The Ordinance as amended provides for exceptions as regards members of the employer's family living in his house or curtilage thereof, and any person employed otherwise than by way of manual labour whose earnings exceed 16,800 shillings a year.



*Article 6.* Payment is due from the first day of the incapacity provided the duration of the incapacity is three days or more.

*Article 9.* The benefits for medical aid and artificial limbs or any other artificial appliances have been increased. Transport charges are permitted up to a maximum of £50.

During the period 1955-56, the total amount of benefits paid in cash was 458,079 shillings.

During the period 1954-55, 2,624 accidents were reported and during the period 1955-56, there were 2,645. Further information is con-

tained in tables 9 (A), (B), (C), (D) and (E) of the annual report of the Labour Department for 1955.

#### *Zanzibar.*

Thirty-eight accidents were reported during the year 1954. Table IX of the Labour Report, 1954, gives details of accidents for the year 1954.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 18. Workmen's Compensation (Occupational Diseases) Convention, 1925 <sup>1</sup>

*This Convention came into force on 1 April 1927*

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*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: Trusteeship Territory of Somalia.

*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.

*Spain.* Ratification: 29 September 1932.  
No declaration.

*United Kingdom.*<sup>2</sup> Ratification: 6 October 1926.  
Applicable *ipso jure* without modification<sup>3</sup>: Guernsey, Jersey and Isle of Man.  
No declaration: all other non-metropolitan territories.

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<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.*

Ordinance No. 22/338 of 31 October 1955 to amend Ordinance No. 23/157 of 12 May 1950 (occupational diseases affecting Native workers).

Ordinance No. 22/342 of 2 November 1955 to amend Ordinance No. 149/Trav. of 16 May 1947 (compensation for injuries to non-Natives) caused by occupational diseases.

These two Ordinances amend the schedule of industries, processes or operations that give rise to compensation in respect of poisoning by lead, its alloys or compounds, epithelioma of the skin and pneumoconiosis.

The report gives statistics which show that in 1954 there were 23 cases of disease notified as affecting wage earners and involving an expenditure (pension benefits) of 87,294 francs, while among salaried employees there were 11 cases of notified disease, and seven cases of increased invalidity involving an expenditure of 5,650,354 francs. In the year 1955, 18 cases of notified disease involved an expenditure (pen-

sion benefits) of 150,649 francs for wage earners and 13 cases of notified disease, and three cases of increased invalidity involved an expenditure (pension benefits) of 5,453,750 francs for salaried employees.

#### *Denmark.*

##### *Faroe Islands.*

In reply to the request made by the Committee of Experts in 1955 and 1956 for information on the number of notified cases of occupational disease, the Government states that no such cases were notified during the year under review.

#### *France.*

##### *Algeria.*

Order of 15 May 1950.  
Order of 4 December 1950.  
Order of 24 January 1951.  
Order of 26 November 1951.  
Order of 6 October 1955.

The Orders cited above amend the schedules of occupational diseases.

The requisite co-ordination has been arranged between Algeria and metropolitan France with regard to the check on the workers involved.

##### *Cameroons.*

There are no laws or regulations on the subject. In practice the labour inspection service tries to ensure that the same treatment is given to workers with occupational diseases as to those injured in industrial accidents, and to obtain similar compensation.

The provisions that are being drafted and that were mentioned in the report on Convention No. 17 will make adequate arrangements for compensation in respect of occupational diseases.

##### *Comoro Islands.*

See under Convention No. 17.

##### *French Equatorial Africa.*

So far as entitlement to compensation is



concerned, occupational diseases are covered by the same regulations as industrial accidents. The local regulations do not as yet list the diseases that are regarded as being occupational. See also under Convention No. 17.

#### *French Settlements in Oceania.*

Many employers have taken out occupational accident and sickness policies with private insurance companies for their staff.

During the period under review no case of lead or mercury poisoning or anthrax was discovered.

#### *St. Pierre and Miquelon.*

During the period under review two or three cases of allergic reaction to fish were established among workers in the fish freezing works.

#### *Togoland.*

Compensation for occupational diseases is governed by the same principles as for occupational accidents.

See also under Convention No. 42.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 19. Equality of Treatment (Accident Compensation) Convention, 1925

*This Convention came into force on 8 September 1926*

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*Belgium.* Ratification: 3 October 1927.  
Applicable without modification: 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.  
No declaration: all other non-metropolitan territories.

*Italy.* Ratification: 15 March 1928.  
Applicable without modification: Trusteeship Territory of Somalia.

*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.

*Spain.* Ratification: 22 February 1929.  
No declaration.

*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>: Guernsey, Jersey and Isle of Man.  
No declaration: British Somaliland.

Decision reserved<sup>1</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.

#### *French Guiana.*

See under Convention No. 17.

#### *Guadeloupe.*

See under Convention No. 17.

#### *Martinique.*

See under Convention No. 17.

#### *Réunion.*

See under Convention No. 17.

#### *St. Pierre and Miquelon.*

Fifteen foreign workers were counted in the territory during the period under review.

#### *Togoland.*

Equality of treatment with regard to industrial accidents applies in practice, although compensation is still based on custom.

#### *Italy.*

#### *Trusteeship Territory of Somalia.*

Out of a total of 10,400 workers insured against industrial accidents, 750 are Europeans (mostly Italians).

#### *Netherlands.*

#### *Netherlands New Guinea.*

See under Convention No. 17.

#### *Surinam.*

With reference to the observation made by the Committee of Experts regarding section 6, paragraph 7, of the Ordinance of 1947, which provides that foreigners who are entitled to an invalidity pension receive, when they leave Surinam, a lump sum in lieu of a pension, the Government replies that no distinction is made between Native and foreign workers. Under

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

<sup>2</sup> See footnote 2 to Convention No. 15.

#### *France.*

#### *Comoro Islands.*

See under Convention No. 17.

#### *French Equatorial Africa.*

No special agreements have been concluded between this territory and foreign countries.

section 6 the Native worker also has the possibility of receiving a lump sum when he leaves the country. However, when the industrial accident regulations are revised, the Committee's observations will be taken into account and a clear text will be aimed at. The Government is considering asking the advice of the I.L.O. in this matter.

#### *United Kingdom.*

#### *Gibraltar.*

The report states that provision will be made through the consular authorities for payments of benefits in Spain if possible. During 1955 there were 905 industrial accidents involving foreign workers.

#### *Hong Kong*

During the period under review seven immigrant workers were victims of fatal injuries; in respect of four of these 7,650 Hong Kong dollars and 8,518 Malayan dollars were paid in compensation; three cases were still under investigation at the end of the period.

See also under Convention No. 17.

#### *Kenya.*

During the period 1954-55, there were 15,300 non-Kenya Africans recorded as working in the territory, but the number of accidents occurring to such workers cannot be separated from the over-all totals. Accidents occurred to six foreign, non-African workers in 1954; a total of £210 was paid in workmen's compensation.

#### *Malta.*

National Insurance Act No. VI of 1956.

No distinction is drawn between Maltese and foreigners in the application of the National Insurance Act. Benefit is payable, except in the case of seamen, only in respect of accidents occurring in Malta. No special arrangements or agreements have been entered into with other member States.

See also under Convention No. 17.

#### *Nigeria.*

See under Convention No. 12.

#### *North Borneo.*

Workmen's Compensation Ordinance No. 14 of 1955.

See under Convention No. 17.

#### *Sierra Leone.*

Workmen's Compensation Ordinance No. 18 of 1954.  
Workmen's Compensation Ordinance, 1954 (Commencement) Order, 1954 (Public Notice No. 109 of 1954).

Workmen's Compensation (Amendment) Ordinance, 1955 (Ordinance No. 21 of 1955).

Workmen's Compensation (Notification of Injuries) Rules, 1955 (Public Notice No. 26 of 1955).

Workmen's Compensation (Insurers' Returns) Rules, 1955 (Public Notice No. 27 of 1955).

*Article 1 of the Convention.* There is no discrimination against foreign workers and their dependants with regard to the award of compensation.

*Article 3.* A system of workmen's compensation exists in this territory. Employers may be statutorily required to insure with an approved insurer.

*Article 4.* So far as this Convention is concerned, the modifications introduced by the above legislation are in respect of improved compensation benefits. A further improvement is that in respect of permanent incapacity resulting from temporary incapacity no deduction from the full amount of compensation payable shall be allowed from periodical payments or a lump-sum payment made between the dates of the accident and the dates when the degree of permanent incapacity is certified.

See also under Convention No. 12.

#### *Singapore.*

See under Convention No. 17.

#### *Tanganyika.*

For legislation see under Convention No. 17.

Statistics relating to non-Africans coming within the scope of the Workmen's Compensation Ordinance are not available. The number of African workers not of Tanganyika origin known to be in employment on 31 August 1954 was 42,989.

#### *Uganda.*

For legislation see under Convention No. 12.

From figures derived from the population census held in 1948, it is estimated that some 750,000 non-indigenous Africans are in Uganda, of whom a probable 320,000 are adult males. The annual enumeration of employees held on 30 June 1955 indicated that some 63,600 non-indigenous workers were employed on that date and it is estimated that at the peak of the cotton ginning season earlier in the year a further 6,000 were employed. The balance of non-indigenous adult males is composed of persons resting between periods of employment, persons cultivating land rented from other Africans, and persons employed in domestic service and small industries.

Table 9 (D) of the annual report of the Labour Department for 1955 shows the distribution of accidents to employees by races.

#### *Union of South Africa.*

#### *South-West Africa.*

During the period 1953-54 five aliens were killed and seven were severely injured, i.e. incapacitated for 14 days or more; during 1954-55 and 1955-56 no deaths occurred and six and three persons respectively were severely injured.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 21. Inspection of Emigrants Convention, 1926

*This Convention came into force on 29 December 1927*

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*Australia.* Ratification : 18 April 1931.  
No declaration.

*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 jure* without modification<sup>2</sup> : Guernsey, Jersey and Isle of Man.  
No declaration : all other non-metropolitan territories.

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<sup>1</sup> Conditional ratification.

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

The reports received reproduce or refer to the information previously supplied.

## 22. Seamen's Articles of Agreement Convention, 1926

*This Convention came into force on 4 April 1928*

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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 : Trusteeship Territory of Somalia.

*Netherlands.* Ratification : 15 December 1937.  
No declaration.

*New Zealand.* Ratification : 29 March 1938.  
No declaration.

*Spain.* Ratification : 23 February 1931.  
No declaration.

*United Kingdom.* Ratification : 14 June 1929.  
Applicable *ipso jure* without modification<sup>1</sup> : Guernsey, Jersey 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.*

*Cameroons.*

There are no special laws or regulations governing the engagement of seamen. They are covered by the provisions of the Labour Code for Overseas Territories and the Orders issued under that Code. The peculiarities and special needs of the engagement of seamen are such that these provisions are applicable only to a very limited extent; very few seamen are employed on vessels registered in the territory.

*Comoro Islands.*

No measure has been taken to apply the Convention in this territory, which has no vessels of the type to which this instrument relates.

*New Caledonia.*

Vessels registered in this territory are subject to the rules laid down in the Commercial Code, the Decree of 21 December 1911, and Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories.

For vessels registered in the territory disputes come within the jurisdiction of the Maritime Transport Division of the Labour Court. For vessels registered in France disputes are settled in accordance with the procedure laid down in the Act of 13 December 1926.

Court decisions have been given in cases involving pay or days of leave.

*St. Pierre and Miquelon.*

The report mentions the various subjects dealt with in the Maritime Labour Code, which applies to all types of navigation.

Seamen's articles of agreement are concluded under the supervision of the Director of the Maritime Registration Service.

Each seaman is issued with a seaman's workbook, just like registered seamen in metropolitan France. The regulations provide for seamen's articles of agreement for an unspecified period; the period of notice must be specified in the agreement and may in no case amount to less than 24 hours.

The report cites the provisions of section 101 of the Maritime Labour Code with regard to the period of notice.

The Director of the Maritime Registration Service is responsible for supervising the application of the laws and regulations.

During the year 1955, 416 seamen were enrolled, 56 of them for trading vessels, 33 for deep-sea fishing and 327 for in-shore fishery.

Since 1 January 1956 a union of officers and ratings in commercial navigation and deep-sea

fishing has been formed. It is affiliated to the General Confederation of Labour—*Force ouvrière*.

#### *United Kingdom.*

##### *Bermuda.*

During the periods 1 July 1954 to 30 June 1955 and 1 July 1955 to 30 June 1956, respectively, 700 and 889 seamen were engaged and discharged in Bermudian ports.

##### *Fiji.*

The number of seamen entering into articles of agreement between 1 July 1954 and 30 June 1955 was 698. There are now six ships registered in the colony which are not employed on short-coasting or inter-insular trade.

##### *Gibraltar.*

The number of seamen signed on during the period under review was 847.

##### *Hong Kong.*

During the year under review 25,393 seamen were engaged and 22,842 discharged at the Mercantile Marine Office; 1,984 discharge books were issued.

##### *Isle of Man.*

See under Convention No. 7.

##### *North Borneo.*

See under Convention No. 7.

##### *Sarawak.*

A Merchant Shipping Bill is now being prepared which will incorporate sections covering this subject and will be consistent with the Articles of the Convention.

##### *Sierra Leone.*

During the period 1954-55, 438 men were signed on under articles; for the period 1955-56 the number was 378.

##### *Solomon Islands.*

The report for the period 1954-55 states that two vessels have crews engaged under the Merchant Shipping Act; neither vessel was absent from the Protectorate for any great length of time in the preceding year.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 23. Rapatriation 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: Trusteeship Territory of Somalia.

*Netherlands.* Ratification: 5 May 1948.  
No declaration.

*Spain.* Ratification: 23 February 1931.  
No declaration.

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#### *France.*

##### *Cameroons.*

There are no laws or regulations on the subject. In practice no problem has ever arisen with regard to the repatriation of seamen.

##### *Comoro Islands.*

See under Convention No. 22.

##### *New Caledonia.*

For vessels registered in the territory the arrangements for repatriation are at present laid down in statutory provisions and collective

agreements. The shipowner must refund the cost of the voyage between the seaman's place of residence and his port of embarkation when the seaman is recruited at his place of residence. The cost of the return voyage must be refunded by the shipowner after six months at sea unless the seaman is put ashore for disciplinary reasons or leaves the ship of his own accord.

##### *St. Pierre and Miquelon.*

No exception is made for the home trade.

A foreign seaman put ashore from a French ship must be brought back to his port of embarkation unless there is an agreement to the contrary. The competent authorities with regard to repatriation are the Director of the Maritime Registration Service in France and the French Union and the French consuls abroad. These authorities requisition travelling accommodation and may grant advances.

During the year 1955 the Maritime Registration Service issued six requisition orders for the purpose of repatriation at the shipowner's expense with regard to seamen employed in deep-sea fishing who had been put ashore in the territory on account of sickness.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 24. Sickness Insurance (Industry) Convention, 1927

*This Convention came into force on 15 July 1928*

*France.* Ratification: 17 May 1948.  
Not applicable: French Guiana, Guadeloupe, Martinique, Réunion.

No declaration: all other non-metropolitan territories.

*Spain.* Ratification: 29 September 1932.  
No declaration.

*United Kingdom.* Ratification: 20 February 1931.  
Applicable *ipso jure* without modification<sup>1</sup>: Guernsey, Jersey and Isle of Man.

No declaration: all other non-metropolitan territories.

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

*France.*

*Algeria.*

Contributions and benefits are calculated within the limit of 44,000 francs a month.

*Cameroons.*

Orders of 23 June 1956 to apply sections 47 and 48 of Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories.

The present economic and financial position of the territory does not permit the establishment of a compulsory sickness insurance scheme of the type recommended in the Convention.

*Comoro Islands.*

The report cites the provisions of sections 47 and 48 of Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories.

*French Equatorial Africa.*

If a worker falls sick his contract of employment is suspended during his absence provided this does not exceed six months, though such period may be extended until someone takes his place. In such a case the worker receives compensation equal to the amount of his remuneration for the normal period of notice.

Each territory pays a certain proportion of these benefits.

*French Settlements in Oceania.*

A worker who receives no more than the basic wage is given free treatment since it is felt that he cannot meet the cost of hospital care. In the event of sickness or accident the private insurance companies with which many employers have taken out staff insurance policies pay two-thirds of the wage during the first 26 weeks of sickness and one-third during the following 26 weeks.

*French West Africa.*

Order No. 5347/IGTLS.AOF of 7 July 1955 to lay down rules for the accelerated training of staff for employment as nurses in undertakings.

The Labour Code and the regulations issued in French West Africa to apply it do not in fact provide for a sickness insurance scheme. The main responsibility for making care available to the population as a whole lies with the public health service, which levies no charge for its services.

The regulations provide for preventive measures of occupational health comprising the introduction of periodical examinations for all workers, examinations on engagement for migrant workers or workers employed under contracts for a specified term of more than three months, and the medical examination of women and young persons with a view to making sure that the work they are expected to do is not beyond their strength. These examinations are compulsory whatever the size of the undertaking, and the cost is charged to the employer. In addition the employer is responsible for providing care; the extent of his responsibility varies according to the size of the undertaking.

The federal collective agreements, one of which (building and public works) was signed on 6 July 1956, grant the workers larger cash benefits and more comprehensive medical care than are provided for in the legislation; for example, in the event of sickness full or half pay is to be payable even after a period equal to the period of notice for workers who have been employed in the undertaking for over 18 months.

An agreement signed at the same time as the collective agreement of 6 July 1956 provides that "the signatory organisations are also agreed on the desirability of contemplating the general introduction of medical services covering groups of undertakings".

While considering that the implementation of the Labour Code constitutes a step forward, the trade unions would like the worker to receive free medical care, whatever the particular arrangement used.

*St. Pierre and Miquelon.*

The sickness insurance scheme does not apply to domestic servants. Benefit is payable for six months. Once that period has expired a patient is transferred to the long-term sickness insurance scheme, and he then receives a monthly allowance of 4,000 C.F.A. francs if single, or 6,000 francs if he has a spouse or other dependants. Benefit under the long-term sickness insurance scheme is granted for a period of six months, which may be renewed for a further six months. The sickness insurance fund, which is managed by the Social Security Department, is directed by a governing body including workers' and employers' representatives, who consider any disputed claims.

The scope of the scheme is the same as that of the scheme for occupational accidents. During the period under review the total amount spent on cash benefits was 2,664,608 C.F.A. francs, which represents an average amount of

3,330 C.F.A. francs per insured person; the total amount spent on benefits in kind was 2,241,100 C.F.A. francs, which represents an average amount of 2,801 francs per insured person.

The sickness insurance scheme is financed exclusively from employers' contributions. During the period under review these contributions amounted to 4,696,188 C.F.A. francs.

The regulations do not provide for any contribution by insured persons, and the public authorities have not had to contribute since the scheme was set up in 1948.

#### *United Kingdom.*

#### *Cyprus.*

A Bill to give effect to a social insurance scheme was published in the *Government Gazette* of 14 January 1956. During the year under review the Government social insurance scheme covered 3,203 contributors having 9,148 dependants. Total benefits in cash amounted to £7,744 and in kind to £4,145. Statistics are also provided in the report concerning the financial position of the scheme.

See also under Convention No. 25.

#### *Gibraltar.*

In the absence of a system of sickness insurance, an administrative scheme of financial assistance to British subjects who satisfy the conditions for the grant of such assistance was in operation for the year under review. Adult persons who are incapacitated from following their employment due to sickness, and are in need, are eligible for assistance up to a maximum of 40s. per week if married or 26s. per week if single. In addition a rent allowance of 10s. per week is granted and dependants' allowances are paid.

During the period under review a total of 42 persons received assistance under this scheme. The total expenditure on this service was £3,400.

#### *Hong Kong.*

The Government health centre at Tsun Wan has been extended and 38 permanent clinics have now been established by the Chinese Welfare Associations.

#### *Malta.*

National Insurance Act No. VI of 1956.

*Article 1 of the Convention.* The principle is applied by sections 3, 4 and 12 of the Act.

*Article 2.* Under sections 3 and 4 of the Act the provisions apply to every person over the age of 14 years employed under a contract of service or apprenticeship, written or oral and whether express or implied, including employment by or under the Crown, subject to exceptions which are stated at length in the report. The Act applies to seamen and fishermen.

*Article 3.* An insured person is entitled to sickness benefit for any day of incapacity for work which forms part of a period of interruption of employment, provided he satisfies the

relevant contribution conditions and, if a man, is between the ages of 19 and 65, and, if a woman, is between the ages of 19 and 60. The report indicates in detail conditions relating to entitlement to and disqualification from benefit. The waiting period is three days in the case of a man and six days in the case of a woman.

*Articles 4 and 5.* Medical benefit is not provided for by the Act.

*Article 6.* The Sickness Insurance Scheme is administered centrally by the Department of Emigration, Labour and Social Welfare.

*Article 7.* Benefit is paid out of the National Insurance Fund.

*Article 9.* Appeal is in the first instance to an umpire appointed by the Minister and to the Court of Appeal in case of a dispute concerning a claim for benefit.

#### *Isle of Man (First Report).*

Mental Diseases Act, 1924, as amended in 1932 and 1946.

Family Allowances (Isle of Man) Act, 1946.

Isle of Man Health Services Board Act, 1948.

Mental Diseases Act, 1948.

National Health Services (Isle of Man) Act, 1948, as amended in 1950.

National Insurance (Isle of Man) Act, 1948, as amended in 1950, 1951 and 1955.

Family Allowances, National Insurance and Social Services Act, 1952.

Mental Diseases Act, 1954.

National Insurance Act, 1954.

Various Regulations and Orders, issued from 1949 to 1954, relating to national insurance and the national health service.

*Article 2 of the Convention.* All persons between school-leaving age (15 years) and pensionable age (65 years for men and 60 for women) who are employed under a contract of service or who are self-employed are insured in respect of sickness benefit, excepting those married women and self-employed persons with incomes of less than £104 a year who opt out of the scheme. No differentiation is made between manual or non-manual work, and gainfully occupied apprentices and domestic servants are included. Employees working less than four hours a week for any one employer (eight hours if domestic service) who ordinarily receive less than 20s. per week from such employer are excluded. Outworkers are insurable as self-employed persons if not employed under a contract of service.

*Article 3.* An insured person who has paid 26 weekly contributions since entry into insurance, and who has also paid or been credited with 50 weekly contributions in the immediately preceding contribution year, may receive a cash sickness benefit amounting for an adult to 40s. per week plus dependants' supplements, 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. A person who has paid between 26 and 156 weekly contributions may receive sickness benefit for up to 52 weeks; thereafter, he must pay 13 additional weekly contributions to requalify. After a total of 156 weekly contributions has been paid, however, the limit on duration of benefit is removed altogether.

Payment of benefit is subject to the expiry of a waiting period of three days at the beginning of a "period of interruption of employment", but, subject to certain conditions, payment is made for the three days as well. Benefit is not payable while an injury benefit is being received for disability which does not affect capability for work, and may be reduced or withheld altogether if a sick person is entitled to other benefits from public funds. A person is disqualified for benefit for up to six weeks if his incapacity is caused by his own misconduct or if he fails without good cause to submit himself for examination and treatment.

*Articles 4 and 5.* Any person in the Isle of Man may avail himself of the benefits in kind provided under the national health service. This scheme includes medical, dental and ophthalmic services, drugs, medicines and appliances and nursing, hospital and specialist services. Apart from certain charges for dental and ophthalmic treatment, prescriptions and a limited number of appliances, this comprehensive health service is available free of direct charge. There is no insurance qualification.

*Article 6.* Responsibility for general administration of the insurance scheme is vested in the Isle of Man Board of Social Services, a 12-man statutory body which includes employee and employer representatives. Claims for benefit are decided in the first instance by insurance officers appointed by the Board. Sickness benefit is usually paid in cash each week, postal drafts being issued only in outlying areas. The health service is administered by the Isle of Man Health Services Board.

*Article 7.* Benefits are out of the Manx National Insurance Fund into which all contributions are paid. Contributions in respect of employed persons are paid by employers and employees, and a supplement is paid by the State. Contributions in respect of self-employed persons are paid by the insured person, and a supplement is similarly paid by the State. Contributions are in the form of flat weekly amounts.

*Article 9.* An applicant dissatisfied with the decision of an insurance officer has a right of appeal to an appeal tribunal. The latter consists of three members including a chairman who

must be a lawyer, an employer representative and an employee representative. In certain circumstances, a claimant may appeal to the National Insurance Commissioner against a decision of the tribunal.

Approximately 16,500 employed persons are covered by the sickness benefit scheme, which is the only form of state protection against the risk of sickness. The total amount of cash sickness benefits paid to employed persons in the year ended 31 March 1955 was approximately £63,500. It is not possible to classify health services expenditure according to the occupational status of persons receiving the services. Sickness benefit is but one of several types of cash benefit available under the national insurance scheme, so that it is not possible to apportion contribution income among the different types of benefit.

#### *Singapore.*

Labour Ordinance No. 40 of 1955.

Under the provisions of the Labour Ordinance, any workman who has served an employer for 12 months or more is entitled to an aggregate of 28 days' paid sick leave in each year at the employer's expense, subject to a medical certificate. A survey of social security is being undertaken by an I.L.O. expert under the United Nations Expanded Programme of Technical Assistance. The reports include statistics on the percentage of employers providing sick leave and free medical treatment to their employees.

#### *Tanganyika.*

For legislation see under Convention No. 17.

The Master and Native Servants (Medical Care) Regulations, 1947, impose a legal obligation upon employers to provide for the medical care of their African employees. In the event of the admission of such employees to a government hospital being necessary, the charge hitherto made against the employer in respect of the first 14 days during which the employee remains in hospital is no longer made.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 25. Sickness Insurance (Agriculture) Convention, 1927

*This Convention came into force on 15 July 1928*

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*Spain.* Ratification : 29 September 1932.  
No declaration.

*United Kingdom.* Ratification : 20 February 1931.  
Applicable *ipso jure* without modification<sup>1</sup> : Guernsey, Jersey 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.*

#### *Cyprus.*

The Social Insurance Scheme envisaged in a Bill published in the *Government Gazette* of 14 January 1956 is to provide for unemployment and sickness benefit, old-age, widows' and orphans' pensions and maternity, marriage and death grants; it is to be financed by equal

contributions from the worker, the employer and the Government.

*Malta.*

See under Convention No. 24.

*Isle of Man (First Report).*

See under Convention No. 24.

*Singapore.*

Labour Ordinance No. 40 of 1955.

There is no system of compulsory sickness insurance in Singapore, but the above Ordinance defines employers' responsibilities in respect of the provision of first-aid equipment and hospitals for workers and in certain cases for members of workers' families, and makes provision for maternity leave and benefit. The number of agricultural workers on Singapore Island was estimated to be 1,657 during the period 1954-55.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 26. Minimum Wage-Fixing Machinery Convention, 1928

*This Convention came into force on 14 June 1930*

*Australia.* Ratification: 9 March 1931.  
Decision reserved: all non-metropolitan territories.

*Belgium.* Ratification: 11 August 1937.  
Applicable without modification: Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 18 September 1930.  
No declaration: Algeria, French Guiana, Guadeloupe, Martinique, Réunion.  
Applicable without modification: all other non-metropolitan territories.

*Italy.* Ratification: 9 September 1930.  
No declaration.

*Netherlands.* Ratification: 10 November 1936.  
No declaration.

*New Zealand.* Ratification: 29 March 1938.  
No declaration.

*Spain.* Ratification: 8 April 1930.  
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>: Guernsey, Jersey and Isle of Man.  
No declaration: all other non-metropolitan territories.

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

*Australia.*

*Nauru.*

The minimum wage fixed applies to 286 Nauruan employees of the administration. The minimum wage is observed by other employers in respect of 225 Nauruan employees.

*New Guinea and Papua.*

At 31 March 1956 a total of 71,477 Native workers were in employment in New Guinea and Papua.

*Belgium.*

*Belgian Congo and Ruanda-Urundi.*

Decree of 25 June 1949 respecting contracts of employment.  
Ordinances No. 22-408 of 12 December 1954 and 22-282 of 24 August 1955 respecting the procedure for fixing minimum wages.

*Article 2 of the Convention.* The machinery for fixing minimum wages applies to all persons bound by contracts of employment.

*Article 3.* The procedure for establishing minimum wage rates is laid down by the Governor-General. The provincial governors fix the rate for each region, having regard to the needs of an unmarried worker. These needs may not normally be lower than those included in a model budget approved by the Governor-General. There are three classes of minimum wage—for light workers, ordinary workers and heavy workers. Jobs are classified by the Government in consultation with the African Labour and Social Progress Committees. Minimum wages are calculated on the basis of average local retail prices over the year. Provincial governors are required to consult with their district commissioners who in turn must submit the draft order to the regional African Labour and Social Progress Committee. The draft, whether or not it is amended, is then forwarded to the provincial governor who consults with the provincial African Labour and Social Progress Committee. All these Committees comprise equal numbers of workers and employers on a footing of complete equality. The Governor then issues the order which applies to all workers; normally such orders are issued once a year. The minimum rates are calculated on the basis of an eight-hour day or an equivalent amount of task work. No exceptions are allowed under either collective or individual agreements and no authority for such exceptions may be given.

With regard to non-African workers, section 14 (3) of the Decree of 25 June 1949 stipulates that their remuneration must be equal to not less than three-quarters of the lowest salary paid by the Government of the Belgian Congo to its full-time officials. The salaries of government officials are tied to a cost-of-living index and representatives of the employees sit on the committee which establishes the index.

*Article 4.* The enforcement and supervision of these provisions are the responsibility of the labour inspectorate, the Public Prosecutor's Department and the officials of the territorial service. The Governors' orders are published in the *Bulletin administratif* and posted up in



district offices. The minimum rates for salaried employees are also published in the bulletin in the form of notices. The law makes provision for the recovery of the balance due whenever wages lower than the statutory minimum are paid.

*Article 5.* The minimum wage orders affect the entire labour force of the Congo totalling some 1,200,000 workers. These orders also lay down minimum standards for food rations, housing, etc., and prescribe the over-all minimum wage above which employers are not required to provide benefits in kind. The report also mentions the minimum monthly average remuneration of the salaried employees covered by the Decree of 25 June 1949.

#### *France.*

#### *Algeria.*

In practice, all unskilled labourers (approximately 30 per cent. of the labour force) draw the guaranteed minimum wage.

During the period under review 1,000 infringements were brought to light and proceedings were taken in 250 cases.

#### *Cameroons.*

Order No. 123 of 5 January 1956.

Order No. 123, which rescinded the earlier Orders of 31 July 1953 and 7 October 1954, established wage zones and fixed guaranteed minimum wages for all occupations. These minimum wages range from 19 francs an hour in the first zone to 7 francs an hour in the ninth zone for occupations in general and from 19 francs to 6 francs in agriculture. They affect all unskilled labourers, who total approximately 75,000. At the same time the collective agreements, of which seven have been signed since April 1955, lay down wage scales which apply to approximately 20,000 semi-skilled or skilled workers.

During this period the Labour Inspectorate brought over 100 infringements to light; detailed reports on 83 of these were forwarded to the Public Prosecutor's Department for legal proceedings to be taken.

#### *Comoro Islands.*

The employers' and workers' delegations meet under the chairmanship of the labour inspector for the territory. A draft order is drawn up for submission to the chief of the territory who in practice accepts the committee's recommendations. The members of these delegations are chosen in such a way that different occupations and branches of the islands' life are fairly represented.

The Comoro Islands have 11,097 wage earners. Minimum wage rates are only important for the unskilled labourers, most of whom work on farms (9,229). Other things being equal, women's wages are the same as men's. The wages of young persons under the age of 18 are fixed as a proportion of adult wage rates in accordance with an official scale.

#### *French Equatorial Africa.*

Sections 95 and 97 of the Overseas Labour Code and the following Orders issued thereunder:

Order No. 37/ITT.LS dated 19 January 1954 for Chad.

Order No. 137/IT.LS of 19 January 1956 (erratum issued on 15 March 1956) for the Middle Congo.

Order No. 669/IT.GA.LS of 20 March 1956 for Gaboon.

Order No. 732/ITT.OC dated 4 August 1956 for Ubangi-Shari.

Although there is no provision to this effect in the regulations the minimum wage is in fact calculated on the basis of a budget of a worker's minimum needs drawn up in accordance with the results of a survey by the labour inspector in the territory. This budget usually comprises the following eight items: food, light, clothing, bedding, furniture, health, housing and miscellaneous.

Publicity for these minimum rates is achieved by putting them in the official gazette of the territory, and by posting them up wherever workers draw their wages and in the employers' offices. Enforcement is facilitated by the employers' obligation to issue the workers with pay slips and to maintain a payroll.

The minimum wage applies to all classes of workers irrespective of whether they are employed in commerce, industry or agriculture. The report gives detailed statistics of the number of African workers employed in various branches of private and public employment in each of the four territories. The total number of such workers is 138,024 (of whom 121,811 are in private employment and 16,213 in public employment). The report also quotes the guaranteed minimum wage rates at present in force. The hourly rates in C.F.A. francs for a 40-hour week vary according to the wage zone from 6 to 18 francs in the Middle Congo, from 9.45 to 17.25 francs in Gaboon, from 7.50 to 12.50 in Ubangi-Shari and from 7.0 to 8.50 francs in Chad. In agriculture and similar occupations the rates vary from 5 to 15 francs in the Middle Congo, from 7.90 to 15.40 francs in Gaboon, from 6.25 to 10.60 francs in Ubangi-Shari and from 6 to 7.50 francs in Chad.

#### *French Guiana.*

Decree No. 56-528 of 1 June 1956 respecting the raising of the lowest wages in the departments of French Guiana, Guadeloupe and Martinique.

The system of payment by the task, which cannot be abolished in the present state of the economy, makes it impossible to check hours of work or, as a result, minimum wages.

The guaranteed minimum wage, which was 95.50 francs an hour on 1 January 1955 was increased to 104.75 francs an hour with effect from 1 July 1955.

#### *French Somaliland.*

Order No. 998 of 21 July 1955 to establish wage zones and to fix the guaranteed inter-occupational minimum wage for the territory.

The model budget was revised in July 1955 and as a result a new minimum wage was established for the whole of the territory under Order No. 998 dated 21 July 1955.

The guaranteed inter-occupational minimum wage rates apply to all workers with the exception of apprentices who have signed official articles of apprenticeship; the total number of workers affected is approximately 7,000.

#### *French West Africa.*

The available statistics on the distribution of workers by occupation and type of minimum wage (whether guaranteed for all occupations or for particular grades) are included in the general statistics supplied to the I.L.O. The numbers of workers covered by the procedure for fixing minimum wages, whether guaranteed for all occupations or for particular grades, is 232,000, which the report classifies according to the collective agreements by which they are covered.

#### *Guadeloupe.*

Decree No. 56-528 of 1 June 1956 respecting the raising of the lowest wages in the departments of French Guiana, Guadeloupe and Martinique.

By virtue of the above Decree the minimum earnings of workers over the age of 18 and of normal physical capacity may not be lower than 4,374 francs for a full 40-hour week in occupations other than agriculture; this is equal to 109.35 francs an hour. This minimum applies to workers of both sexes.

This rate may be scaled down as follows for workers under the age of 18: by 20 per cent. if between the ages of 17 and 18, by 30 per cent. if between 16 and 17, by 40 per cent. if between 15 and 16 and by 50 per cent. if between 14 and 15.

Owing to the absence of any workers' or employers' organisations in certain occupations and the minor importance of the local press, it is difficult to bring the regulations regarding the guaranteed inter-occupational minimum wage to the notice of the employers and workers concerned.

#### *Madagascar.*

Following the request for additional information by the Committee of Experts, the Government states that the minimum wage regulations affect 205,158 workers in private employment and 42,404 workers in public employment (other than civil servants), making a total of 247,562 workers.

#### *Martinique.*

Decree of 30 June 1955.

Decree No. 56-528 of 1 June 1956 respecting the raising of the lowest wages in the departments of French Guiana, Guadeloupe and Martinique.

The foregoing Decrees fix the guaranteed minimum wage which may not be lowered by any collective agreement. The hourly rates are 109.35 francs an hour for non-agricultural occupations and 91 francs for agricultural occupations.

This legislation covers 15,000 workers (of whom there are 900 under the age of 18 in industry and commerce).

It is enforced by the departmental Director-

ate of Labour, which is made up of one departmental director, one chief inspector and three inspectors.

#### *New Caledonia.*

Minimum wages are fixed by collective agreements signed in 1955 and 1956, which lay down a sliding scale. This scale, which is enforced, is well above the subsistence level.

#### *Réunion.*

Decree No. 56-529 of 1 June 1956 respecting the raising of the lowest wages in the department of Réunion.

#### *St. Pierre and Miquelon.*

The report contains a table of minimum wage rates and real wages for various grades of worker in each branch of public and private employment. It emphasises that the figures show that real wages are such that the Convention is fully applied.

The regulations are applicable to all wage earners in the territory, who number 1,100, including 255 women. They are enforced by the labour inspector in a number of ways, e.g. by making it compulsory to post up minimum wage rates and actual wages, by checking pay-rolls and pay-slips, etc. Further publicity on minimum wage rates is given through the employers' and workers' organisations and also through the local broadcasting station whenever the rates are changed.

#### *Togoland.*

Minimum wage rates affect 3,684 workers in the public sector. In the private sector minimum rates affect 6,362 workers, the main groups being in commerce (1,625), on the railways (1,476), in domestic service (1,330), in building and public works (687), in industry (418), in agriculture (385) and in mining (196).

The report sets out the minimum hourly rates in agricultural and non-agricultural undertakings (which remain as indicated in the previous report) and the minimum monthly wage rates for cooks (varying, according to the wage zone and the number of persons served, from 2,750 francs to 5,600 francs) and for Native domestic workers (similarly varying from 2,400 francs to 4,500 francs).

Five cases of underpayment of wages were settled by the Labour Inspectorate during the period 1955-56.

#### *Netherlands.*

##### *Netherlands Antilles.*

For 1956 minimum wage rates were fixed for shop assistants generally; in previous years such rates had applied only to female shop assistants.

#### *New Zealand.*

##### *Western Samoa.*

During the year under review a Wages Tribunal was appointed. There was no statutory authority for setting up such a tribunal and

therefore its function was on an *ad hoc* basis with any decisions arrived at being incapable of enforcement if they were not acceptable to the employers. However, the composition of the Tribunal was sufficiently representative to meet the demands of the employees and it is understood that all the recommendations of the Tribunal as approved by the Government have been implemented by the employers. The terms of reference of the Tribunal are (a) to inquire in a general way into the cost of living having regard to the present current daily rates of pay for casual labour, and the relation which such daily rates bears to the cost of living; (b) to recommend what increase in the daily rates of pay for casual labour (if any) should be introduced and to recommend the rates of overtime which should be paid for casual work and for Sundays and holiday work. The Tribunal has made a number of recommendations regarding basic rates of pay and these have been approved by the Government to be effective as from 5 December 1955. Four recommendations effective as from 9 May 1956 cover overtime and stevedoring.

It is hoped that a proposed labour Ordinance will extend the provisions of this Convention to Western Samoa.

#### *United Kingdom.*

##### *Aden.*

Government Notice No. 12 of 1956.

The above Notice introduced an Order under section 4 (1) of the Minimum Wage and Wages Regulation Ordinance. This Order established the working day in respect of which the statutory minimum wage would be payable as one of eight hours and, in addition, fixed the rate of overtime payments for employees working for less than one week, the rate of overtime for employees working for more than one week and the minimum hourly rate.

##### *Cyprus.*

During 1955 special attention was given to enforcement of minimum wage legislation; in most cases arrears were paid without the necessity of resorting to prosecution.

##### *Falkland Islands.*

The minimum wages of workers are fixed by collective and individual agreement.

##### *Gibraltar.*

Regulation of Wages and Conditions of Employment Ordinance (Chapter No. 159).

Nine thousand seven hundred persons out of approximately 18,500 in insurable employment are covered by the above-mentioned Ordinance, which applies to all employed persons whether engaged on manual or clerical work, but excluding seamen, machinery workers and domestic workers and employees of the three service departments.

The service departments (which are not bound by the Ordinance), the Colonial Government

and the City Council operate a uniform basic wage structure for industrial workers. It consists of a minimum weekly amount varying from 57 shillings for adult skilled work to 85 shillings for a skilled artisan in engineering trades. A cost-of-living allowance of 48 shillings per week in the case of alien workers is paid additionally to adult male workers. In the case of the City Council of Gibraltar the cost-of-living allowance paid to alien workers is 30 shillings per week. These rates are based on a 44-hour, 5-day week and cover approximately 48 per cent. of the total labour force.

Adult women workers are in general paid at two-thirds of the men's rates and juveniles and young persons at proportionate rates according to age.

##### *Grenada.*

During 1955 the average number of persons employed on holdings of 10 acres and over was 5,433; 633 persons were employed in the preparation of spice for export and 1,047 as shop assistants and clerks.

##### *Hong Kong.*

The number of workers in registered factories rose from 118,568 to 138,836 during the period. The cost-of-living index showed a slight decline. Because of a shortage of labour in the more poorly-paid trades, wages in these trades had to be increased and it was therefore unnecessary to establish any trade board to determine minimum wages in any section of industry.

##### *Jamaica.*

Minimum Wage (Printing Trade) Proclamation, 1954.

Advisory Board (Retail Petrol Trade) Regulations, 1954.

Minimum Wage (Catering Trade) (Amendment) Proclamation, 1955.

Minimum Wage (Hotel Trade) Proclamation, 1955.

Occupation Record (Hotel Trade) Notice, 1955.

Minimum Wage (Bread, Bun and Cake Baking Trade) (No. 1 Proclamation, 1955).

Minimum Wage (Bread, Bun and Cake Baking Trade) (No. 2 Proclamation, 1955).

Occupation Record (Baking Trade) Notice, 1955.

During the period 1954-55 the courts ordered payments of arrears totalling £316 under the terms of the minimum wage legislation; in addition, £3,030 in arrears was paid to workers without recourse to court action.

##### *Kenya.*

The report mentions several Orders under the Regulation of Wages and Conditions of Employment Ordinance, 1951, which have been enacted during the period 1954-55.

##### *Malta.*

Transport Equipment, Metal and Allied Industries Wages Council Wage Regulation Order, 1955.

Government Notice No. 479 of 6 September 1955.

The above Order is the fourth Wage Regulation Order made. Two further Wages Councils were set up during the period under review.

*Isle of Man.*

Trades Disputes Act, 1936.  
Employment Act, 1954.

There exist joint industrial councils for the building industry and for general workers, through which agreements are negotiated between the employers' federation and the union concerned, based upon the prevailing rates in England for the particular grade of worker, with an additional cost-of-living allowance.

Any trade disputes are determined under either the Trades Disputes Act or the Employment Act.

*Northern Rhodesia.*

Minimum Wages, Wages Councils and Conditions of Employment (Amendment) Ordinance, 1955.  
Minimum Wages and Conditions of Employment (Amendment) Rules, 1955 (Government Notice No. 114 of 1955).  
General Notice No. 118 of 1955.

The above Ordinance amended section 7 of the principal Ordinance, especially by deleting the appeal to the High Court, and also provided that no determination shall have effect until affirmed by the Chief Secretary and published again in the *Gazette*.

The above Rules provided for the keeping of wages records by employers.

*Article 5 of the Convention.* In 1954 a Wages Council was appointed for Africans employed in hotels, clubs and restaurants in certain districts of the territory, the first determination of this Council being published in the above-mentioned General Notice.

*Nyasaland.*

The Convention has been made to apply in full without modification under the provisions contained in the Wages and Conditions of Employment Ordinance No. 32 of 1949, as amended by the Wages and Conditions of Employment (Amendment) Ordinance No. 4 of 1954.

During the year under review section 8 of the principal Ordinance was amended by the Wages and Conditions of Employment (Amendment) Ordinance No. 22 of 1955, to permit of deductions authorised under the provisions of the African Employment Ordinance, 1954, being made from the prescribed minimum rate of wages.

During the year the Standing Advisory Board Rules, 1956, were amended to provide for a Provincial Commissioner's Deputy to act as Chairman in the absence from any cause of the Provincial Commissioner.

*St. Lucia.*

Wages Councils (Baking Industry) Order (Statutory Rules and Orders, 1955, No. 50 of 17 December 1955).  
Wages Councils (Building Industry) Order (Statutory Rules and Orders, 1955, No. 51 of 17 December 1955).  
Wages Councils (Agricultural Workers) Order (Statutory Rules and Orders, 1955, No. 52 of 17 December 1955).  
Wages Councils (Clerks) Order (Statutory Rules and Orders, 1955, No. 53 of 17 December 1955).

Wages Regulation (Sugar Industry) (Workers) Order (Statutory Rules and Orders, 1956, No. 2 of 11 February 1956).

*Sarawak.*

The report states that, owing to the high demand for labour, no legislation has in fact been necessary, but the position is constantly kept under review and the minimum wage-fixing legislation of other colonies is now being studied for adoption in Sarawak.

*Sierra Leone.*

Government Notices Nos. 250/51 of 1954 (*Royal Gazette* No. 4552 of 18 March 1954).  
Government Notice No. 297 of 1954 (*Royal Gazette* (Extraordinary) No. 4554 of 29 March 1954).  
Government Notice No. 732 of 1954 (*Royal Gazette* No. 4584 of 26 August 1954).  
Government Notice No. 1045 of 1954 (*Royal Gazette* No. 4606 of 16 December 1954).  
Government Notice No. 1063 of 1954 (*Royal Gazette* No. 4607 of 23 December 1954).  
Public Notices Nos. 45 and 46 of 1955.  
Government Notice No. 573 (*Royal Gazette* (Extraordinary) No. 4653 of 29 June 1955).  
Government Notice No. 574 (*Royal Gazette* (Extraordinary) No. 4653 of 29 June 1955).  
Public Notice No. 93 of 1955.  
Public Notice No. 117 of 1955.  
Government Notice No. 639 (*Royal Gazette* (Extraordinary) No. 44 of 31 July 1956).

Public Notices No. 93 and No. 117 of 1955 prescribe variations of minimum rates of wages. The other notices are on matters of procedure.

*Singapore.*

Labour Ordinance No. 40 of 1955.

Section 76 of the Labour Ordinance introduces additional minimum wage fixing machinery applicable to children and young persons. The machinery for minimum wage fixing provided for in the Wages Councils Ordinance has not so far been utilised, as collective bargaining has proved effective. The Labour Department is responsible for enforcement.

*Southern Rhodesia.*

Industrial Conciliation Act No. 21 of 1945 and the agreements framed thereunder.  
Native Labour Boards Act No. 26 of 1947, as amended by Acts Nos. 52 of 1948, 18 of 1953 and 17 of 1954, including the administrative regulations framed thereunder.  
Rhodesia Railways Act No. 6 of 1949.

*Article 1 of the Convention.* This is already provided for in existing legislation.

*Article 2.* Minimum wage fixing is accomplished by discussions between representatives of the employers' and workers' organisations of the trades or industries concerned in conformity with the provisions of the Industrial Conciliation Act, or by recommendations made under the terms of the Native Labour Boards Act (as amended). There are no home trades carried on in Southern Rhodesia, and therefore the latter part of the Article is inapplicable.

*Article 3.* All the provisions set out in paragraphs 1 and 2 of this Article are provided for in existing legislation.

The machinery for the regulation of African conditions of service is through the medium of Native Labour Boards appointed under the terms of Native Labour Boards Act, 1947, as amended. A Board is set up for each industry, and the members are appointed with due regard to the interests of employer and employees. The objects of the Board are : (1) to regulate conditions of employment of Africans in any industry; (2) to prevent industrial unrest amongst Natives employed in any industry; (3) to prevent and settle disputes between employer and Natives employed in any industry.

The Board makes recommendations to the Minister, and in due course the recommendations which have been accepted by the Government are implemented in the form of Administrative Regulations, which cover conditions of service, including the fixing of minimum wages. There are general regulations which lay down minimum conditions of service for all industries except mining and domestic service.

Native Labour Boards are appointed for each industry, with a view to separate regulations being made for each industry, which will in due course replace the general regulations.

Every Labour Board consists of a Chairman, chosen by the Minister, two employers who represent employers' interests on the Board, and two other persons representing the interests of the African employee.

In terms of the Industrial Conciliation Act, registered trade unions and employers' organisations, or in the absence of employers' organisations, individual employers, form an Industrial Council. The main purpose of such a council is to fix minimum wages and conditions of employment in the trade or industry concerned. In the absence of registered trade unions, groups of employees can apply for a Conciliation Board to be set up, which would comprise an umpire and representatives of both employers and employees.

Under the terms of the Rhodesia Railways Act a similar procedure as outlined above is adopted for fixing minimum wages and regulating conditions of employment for Rhodesia Railways employees.

*Article 5.* All the information relating to the trades in which minimum wage fixing has been applied, the methods and application of the machinery and the minimum wages fixed is contained in the agreements and regulations mentioned.

No statistics of the type required are kept; they will only be available on completion of the analysis of the figures obtained from the recent census carried out by the Department of Census and Statistics of the federal Government of Rhodesia and Nyasaland.

Supervision and enforcement is undertaken by the inspection services (industrial inspectors and labour officers) of the Department of Labour of the Southern Rhodesia Government,

which keep in contact with the trade unions, organisations and individuals concerned.

Wages are recoverable by legal process in the courts of law, and there is no prescription on the employer's liability. There have been no decisions on any question of principle relating to the application of the Convention.

In terms of the Industrial Conciliation Act, the provisions of the Convention are applied under the Industrial Council system, while in terms of the Native Labour Boards Act the provisions of the Convention are applied by a Board on which the employees are represented.

#### *Tanganyika.*

No form of wage fixing machinery under the provisions of the Regulation of Wages and Terms of Employment Ordinance, 1951, has yet been brought into operation, although consideration is being given to the establishment of a Minimum Wage Board for Dar-es-Salaam.

#### *Trinidad and Tobago.*

A survey of distributive establishments undertaken by the Government Statistician disclosed among other things that the workers employed in the distributive trades in the Island of Trinidad numbered approximately 11,000. The Council has given notice of its intention to submit proposals for fixing the statutory minimum remuneration to apply to the following categories of workers engaged in the dry goods and allied distributive trades in the two main urban areas of Trinidad : (1) office boys of the age of 19 years and under; (2) cash boys of the age of 19 years and under; (3) sales clerks.

See also under Convention No. 5.

#### *Uganda.*

*Article 5 of the Convention.* In September 1954 the number of persons covered by the Minimum Wage Order was 45,585. The general level of wages of the lowest paid workers in the areas to which the Minimum Wage Orders made in 1950 apply is about twice as high as the minimum wage, which has not been adjusted since its introduction for the reasons explained under Article 4 in a previous report. For this reason in December 1956 only about 1,000 workers fell within the scope of the wage fixing legislation.

#### *Zanzibar.*

The revision of the Orders concerning carters and produce-packers was made in January 1955.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 27. Marking of Weight (Packages Transported by Vessels) Convention, 1929

*This Convention came into force on 9 March 1932*

*Australia.* Ratification : 9 March 1931.  
Applicable without modification : all 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 June 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.

*Spain.* Ratification : 29 August 1932.  
No declaration.

*Union of South Africa.*<sup>1</sup> Ratification : 21 February 1933.  
No declaration.

*United Kingdom.*<sup>2</sup>  
No declaration : Guernsey, Jersey and Isle of Man.  
Decision reserved : all other non-metropolitan territories.

<sup>1</sup> Conditional ratification.

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

*France.*

*Comoro Islands.*

No steps have been taken to apply the Convention.

*French Equatorial Africa.*

In practice it is very uncommon for packages of more than 1,000 kilos to be loaded in this territory, with the exception of logs, regarding which the sender gives full details to the master of the boat by which they are shipped.

*Italy.*

*Trusteeship Territory of Somalia.*

The report states that the question dealt with by the Convention is of no practical significance as far as this territory is concerned, since packages made up of the goods that are normally exported never weigh 1,000 kilos.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 29. Forced Labour Convention, 1930

*This Convention came into force on 1 May 1932*

*Australia.* Ratification : 2 January 1932.  
Applicable without modification : 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.  
Applicable without modification<sup>1</sup> : all non-metropolitan territories.

*Italy.* Ratification : 18 June 1934.  
Applicable without modification<sup>1</sup> : Trusteeship Territory of Somalia.

*Japan.* Ratification : 21 November 1932.  
Applicable without modification : Pacific Islands (League of Nations mandate).

*Netherlands.* Ratification : 31 March 1933.  
Applicable without modification : Netherlands Antilles, New Guinea, Surinam.

*New Zealand.* Ratification : 29 March 1938.  
Applicable without modification<sup>1</sup> : all non-metropolitan territories.

*Portugal.* Ratification : 26 June 1956.  
Applicable without modification<sup>1</sup> : all non-metropolitan territories.

*Spain.* Ratification : 29 August 1932.  
Applicable without modification.<sup>1</sup>

*United Kingdom.* Ratification : 3 June 1931.

Applicable *ipso jure* without modification<sup>2</sup> : Guernsey, Jersey 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.*

The comments and recommendations expressed by the Committee of Experts and endorsed by the Conference Committee were examined by the Government. The question has been referred to the Administrator of New Guinea and Papua for consideration of the repeal of Regulation 127 of the Native Regulation Ordinance.

*Belgium.*

*Belgian Congo.*

Decree of 29 December 1955 to amend the Decree of 5 December 1933 respecting Native districts.

*Article 1 of the Convention.* The only surviving obligation is to perform agricultural work as prescribed by law. This obligation is carried

out in accordance with the instructions given by the Administration and is exclusively for the benefit of the Natives themselves.

It is not at present possible to fix a date by which the obligation to grow certain export crops, which was imposed for educational purposes, can be lifted.

The Native authorities may not require compulsory work to be performed unless there is a shortage of voluntary labour to carry out certain tasks which the Native districts are required to perform. This obligation is confined to able-bodied adult males and may not cover a period of more than 15 days (unless public health requirements are such that a longer period has to be worked) and the work must be paid for at the statutory rate.

*Article 2.* Compulsory agricultural labour must be looked upon as an obligation imposed for educational purposes, partly in order to counteract the natural improvidence of the inhabitants and partly in order to raise their standard of living. This labour is carried out solely for the personal benefit of the farmers concerned subject to control and supervision by the territorial and agricultural authorities and within the clearly defined limits laid down by law.

*Article 8.* Programmes of compulsory agricultural labour are drawn up by the Governor of the province in accordance with the procedure laid down under Article 2.

*Article 10.* The number of taxpayers liable to compulsory labour during the year 1955 was 7,851 out of a total of 3,039,637, i.e. 2.5 per cent.

Compulsory agricultural labour is in practice a form of educational labour imposed in the population's own interest and does not fall under the heading of "compulsory labour" as defined in the Convention. The Native authorities themselves are responsible for allocating this agricultural labour fairly among the various subdivisions of their districts and in each subdivision the work is then shared among the inhabitants, making allowance where possible for each individual's circumstances.

*Article 11.* Compulsory labour must be taken to mean compulsory agricultural labour.

*Article 12.* The Decree of 29 December 1955 states that no person may be required to perform more than 45 days' agricultural labour unless public health or the food supply of the African population is such that urgent work is necessary.

*Article 13.* The provisions apply to the Belgian Congo.

In the event of a shortage of voluntary labour, any man who is required to perform compulsory labour for a period not exceeding 15 days must be paid at the statutory rate and is also covered by the regulations governing contracts of employment.

*Articles 14 and 15.* As mentioned earlier, any man who is forced to perform compulsory labour owing to shortage of voluntary labour is covered by all the current provisions of social legislation.

*Articles 16 and 17.* These Articles have no relevance, since compulsory agricultural labour

involves no transfer or removal of populations from their normal place of residence.

*Article 19.* Compulsory agricultural labour accounts for not more than 45 days' work a year.

The sale of agricultural products is unrestricted and the proceeds are the exclusive personal property of the farmers themselves.

*Article 23.* Compulsory agricultural labour is carried out in accordance with the regulations and subject to supervision by the appropriate authorities to whom any Native may make a complaint either directly or through the councils of head men.

All crops are sold by the Natives themselves and for their own exclusive benefit.

*Article 24.* Compulsory agricultural labour is mainly supervised by the territorial service and the agricultural service.

The report also refers to the reply made in 1956 to the Conference Committee.

#### *France.*

##### *Comoro Islands.*

French legislation has now gone a good deal further than the Convention: compulsory labour can only be exacted subject to the French Penal Code (ruling of the *Conseil d'Etat* on 31 March 1953), i.e. in the event of a threat to law and order or an emergency.

It follows that the exceptions allowed by Articles 7, 9, 10, 11 and following of the Convention are no longer lawful. This was confirmed during the drafting of the Overseas Labour Code, since during the parliamentary discussions on this subject all the exceptions allowed by the Convention were set aside and the ban on forced labour was made absolute.

The work required of an individual as a result of a conviction in a court of law is invariably carried out under supervision by the authorities and consists of tasks of value to the community, e.g. upkeep and sweeping of streets, and various types of handling jobs for public services.

##### *St. Pierre and Miquelon.*

As the inhabitants of St. Pierre and Miquelon are exempted by law from compulsory military service in peacetime, there is no danger that the exaction of services for a military purpose will be used for other than purely military purposes.

No work is exacted "in cases of emergency" or for "minor communal services".

No form of compulsory service or labour not required of French citizens is exacted from the inhabitants of non-metropolitan territories.

Freedom of employment is thus as complete as it is in France itself.

##### *Togoland.*

*Article 2, paragraph 2 (a), of the Convention.* The report states that the law in Togoland does not allow compulsory military recruitment.



*New Zealand.**Tokelau Islands.*

This Convention has now been formally extended to the Tokelau Islands.

*Netherlands.**Netherlands New Guinea.*

In regard to Articles 3 and 4 of the Convention the Government proposes to abandon the reservations made under Article 26.

The services of the villagers when building and maintaining small buildings and works on a small scale, which are for the direct benefit of the Native community, such as village schools, *pasanggrahans* (night-shelters for travellers), landing stages, out-patients' departments, etc., and the cleaning of village paths, are included with the "minor communal services" referred to in Article 2, paragraph 2 (*e*).

Special penal provisions on the unlawful requisition of forced or compulsory labour as referred to in this Convention do not exist, but this is covered by the general penal provisions of sections 335 and 421 of the Penal Code.

With respect to Article 2, paragraph 2 (*d*) a sentence by judicial decision to perform forced labour or services is not provided for by law (section 10 of the Penal Code).

However, the person sentenced to imprisonment or detention is, in virtue of the sections 14 and 19 of the Penal Code, under an obligation to perform the duties assigned to him, with the provision that lighter work shall be assigned to those who have been sentenced to detention than to those who have been sentenced to imprisonment.

Section 24 of the Penal Code provides that the activities to be performed may be assigned both inside and outside the prison walls.

Section 29 of the Penal Code provides, *inter alia*, that it shall be determined by decree in which institutions the convicts are to undergo their punishment. The decree shall also provide for a regulation concerning the work these convicts are to perform and the remuneration they are to receive.

In Chapter VIII of this regulation concerning work and its remuneration it is once more laid down that all convicts shall work. However, those sentenced to life-long imprisonment, unmanageable or dangerous convicts, women, and those who are unfit to work from a medical point of view and who have been exempted by judicial decision, shall not be set to work outside the prison walls.

The nature of the work and the remuneration to be paid have been fixed by the Director of the Service of Home Affairs in charge of the prison system, the Director of the prison being in charge of the regulation of the activities.

The convicts who may be set to work outside the prison may be employed for a consideration and subject to certain conditions on behalf of other branches of the public service. Convicts may not be employed on behalf of private individuals or institutions.

*United Kingdom.**Bechuanaland.*

The Government states that, because of the small total of medical staff in the territory, it is not possible to examine medically all the Africans who are called upon by the tribal authorities to undertake unpaid labour in terms of section 33 of Proclamation No. 24 of 1956 (African Administration) which replaced Cap. 56 of the Laws of the Bechuanaland Protectorate. Tribal law and custom recognise the need to exempt those who are not capable of performing such labour, i.e. the aged and unfit. Unpaid labour is not called upon very frequently and, even on such rare occasions when it is, a small commutation fee may be paid by the individual under section 33 (2) of Proclamation No. 24 of 1956. In any event, if an age regiment is called upon for unpaid labour, the site of the work may easily be many miles away from the tribal headquarters where the Government medical officer or missionary doctor is stationed.

General measures during the current year to improve health and to provide curative facilities include—

- (1) additions to tuberculosis block at Lobatsi;
- (2) additions to tuberculosis block at Serowe;
- (3) erection of new tuberculosis block at Maun;
- (4) erection of new health centre at Gaberones;
- (5) tuberculosis assessment campaign throughout the territory;
- (6) anti-diphtheria/whooping cough inoculation campaign throughout the territory.

Considerable expansion in existing medical services is planned during the next four years throughout the Protectorate.

Section 33 (1) of Proclamation No. 24 of 1956 states that any period(s) of unpaid labour shall not exceed 60 days in one year, including the time spent in going to and from the place of work. It would not be practicable to issue certificates to individuals giving the period worked. The system of regimental labour, however, by which different regiments are called out at different times, and the decreasing use of this type of labour in effect ensure that the maximum stipulated by law is not exceeded.

On such occasions normal hours of work are adopted.

*British Honduras.*

The proposed legislation is still in the preparatory stage.

*Kenya.*

Emergency (Communal Services) Regulations, 1953.  
Communal Service Order in Government Notice No. 891 of 28 May 1955.

Communal Service Order in Government Notice No. 937 of 27 June 1955.

Communal Service Order in Government Notice No. 988 of 24 June 1955.

Emergency (Embu District) Communal Services Order 1955, in Government Notice No. 1014 of 1 January 1955.

The above additional Orders were made during the year.



*Isle of Man.*

In reply to the Committee of Experts' query, the Government confirms that any work exacted from any person as a consequence of a conviction in a court of law is carried out in the Isle of Man Prison under the supervision and control of the warders and with the over-all control of the Lieutenant-Governor of the Isle of Man and checked by the visiting justices. Any convicted person is not hired to or placed at the disposal of private individuals, companies or associations.

There is no statutory law expressly providing that the legal exaction of forced or compulsory labour shall be punishable as a penal offence, but on the other hand there is no statutory law which enables this to be done. There are ample provisions in the Criminal Code to deal with offences against persons which, of course, would depend upon the circumstances of each case, e.g. it might be assault or battery or wrongful imprisonment.

*Nigeria.*

Labour Code (Amendment) Ordinance No. 3 of 1956.

The exaction of labour which is forced labour within the meaning of Article 18 of the Convention was abolished by the passing into law of the above Ordinance, which repeals sections 113 to 116 and 118 of the Labour Code Ordinance. Although the provisions now abolished had never been in effect and had in fact become a dead letter, a formal step had to be taken to bring the labour legislation of the Federation of Nigeria into complete conformity with the requirements of the Convention.

*Singapore.*

A new Labour Ordinance was passed on 30 November 1955 and brought into force on

1 December 1955. The new Ordinance repealed the Labour Ordinance (Chapter 69) and omitted the provisions permitting the imposition of some forms of forced labour.

Forced labour is prohibited under section 374 of the Penal Code (Chapter 20) which states: "Whoever unlawfully compels any person to labour against the will of that person shall be punished with imprisonment of either description for a term which may extend to one year, or with a fine, or with both".

The Government of Singapore does not propose to use forced or compulsory labour.

*Tanganyika.*

The new Employment Bill was before the Legislative Council at the end of the period under review, and the redrafting of the Memorandum on the Recruitment, Care and Employment of Government Labour must await its enactment.

Whilst there has been a decrease in the total number of man-days worked by persons from whom forced labour was exacted compared with last year, there has been an increase of approximately 50 per cent. in the number of persons from whom forced labour has been exacted under the provisions of Article 18 of the Convention. This is mainly due to the initiation of community development schemes in the more undeveloped areas, necessitating increased touring in these areas by government officers directly concerned with such schemes.

The report contains also very detailed statistics on the labour requisitioned during the period under review.

The reports concerning the other territories reproduce or refer to the information previously supplied.

**30. Hours of Work (Commerce and Offices) Convention, 1930**

*This Convention came into force on 29 August 1933*

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*New Zealand.* Ratification: 29 March 1938.

No declaration.

*Spain.* Ratification: 29 August 1932.

No declaration.

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The reports received reproduce or refer to the information previously supplied.

**32. Protection against Accidents (Dockers) Convention (Revised), 1932<sup>1</sup>**

*This Convention came into force on 30 October 1934*

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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.

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*Spain.* Ratification: 28 July 1934.

No declaration.

*United Kingdom.* Ratification: 10 January 1935. Applicable *ipso jure* without modification<sup>2</sup>: Guernsey, Jersey 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.

*United Kingdom.**Gibraltar.*

Factories Ordinance, 1956 (came into force 1 August 1956).

Regulations required under the above-mentioned Ordinance are in course of preparation, and it is envisaged that Dock Regulations similar to those in force in the United Kingdom will be enacted.

About 350 dockworkers are covered by the Factories Ordinance. During the period under review 14 accidents were sustained by dock workers, one of which was fatal.

*Hong Kong.*

Factories and Industrial Undertakings Ordinance No. 34 of 1955.

During the period under review wharf and stevedoring companies regularly employed some 3,158 workers per day; about 1,500 more were employed as casual waterfront workers. Thirty-five accidents occurred on ships working at buoys where ships' gear was used and 128 on wharves where wharf company gear was used.

*Kenya.*

During the period 1954-55 the average number of workers in Mombasa docks was about 5,000. The total number of persons to whom accidents occurred in the docks was 274.

*Isle of Man.*

Explosive Substances Act, 1883 (Isle of Man).  
Factories and Workshops Act, 1909.  
Dangerous Goods Act, 1928.  
Factories and Workshops (Amendment) Act, 1931.  
Factories and Workshops (Amendment) Act, 1936.  
Factories and Workshops (Amendment) Act, 1939.  
Isle of Man Dock Workers (Regulation of Employment) Act, 1947.

The report states that regulations have been made adopting, with the necessary modifications, the Model By-laws made under the Explosives Act, 1875, and the Petroleum (Consolidation) Act, 1928, of the United Kingdom.

There are, strictly speaking, no docks in the Isle of Man, goods being unloaded from quays in the harbour. Apart from the legislation referred to above, the safety precautions taken in loading or unloading ships in such harbours are based, according to the report, upon the standard required in the Liverpool docks, modified to local requirements. It has therefore not been found necessary to make regulations

under the Factories and Workshops (Amendment) Act, 1936, but a safe method of working is observed.

In addition to this the dockworkers are all members of the union which, in conjunction with the Isle of Man Harbour Board, ensures that a safe method of working is adopted. The number of men employed under the Dock Workers (Regulation of Employment) Scheme is about 35, with the addition of a stevedore.

The existing regulations are enforced by the Isle of Man Harbour Board in conjunction with the police.

No inspection reports or statistics are available.

*Nigeria.*

The report states that the Factories Ordinance No. 33 of 1955 comes into effect on 4 September 1956. Section 60 of this Ordinance empowers the Minister to make specific Docks Regulations dealing with safety, health and welfare. Such Regulations have been drafted but are not yet promulgated.

*St. Lucia.*

During the year 1954-55 the question of implementing the provisions of the Convention was examined by the Labour Advisory Board; no further progress was made in this respect during the period 1955-56.

*Tanganyika.*

The number of industrial accidents reported during the calendar year 1954 under the industrial classification of "Ports and Shipping" was 81, three of which were fatal.

These figures refer to industrial injuries sustained by workers employed under the above-mentioned classification and not specifically to dockworkers, for whom separate statistics are not maintained.

The number of workers covered by the legislation is about 4,000 (based on the labour enumeration which was carried out on 31 August 1954).

*Uganda.*

During the period January 1954 to December 1955 only 37 reportable accidents were notified in respect of dock operations.

The reports concerning the other territories reproduce or refer to the information previously supplied.

33. Minimum Age (Non-Industrial Employment) Convention, 1932<sup>1</sup>

*This Convention came into force on 6 June 1935*

*Belgium.* Ratification: 6 June 1934.  
Decision reserved: Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 29 April 1939.  
No declaration: Algeria, French Guiana, Guadeloupe, Martinique, Réunion.

Applicable without modification: all other non-metropolitan territories.

*Netherlands.* Ratification: 12 July 1935.  
No declaration.

*Spain.* Ratification: 22 June 1934.  
No declaration.

<sup>1</sup> This Convention was revised in 1937.

*France.**Algeria.*

During the period under review 41 infringements were brought to light and proceedings were taken in 14 cases.

Breaches of the law are becoming less and less common.

*Cameroons.*

See under Convention No. 5.

*Comoro Islands.*

The regulations issued under section 118 of the Overseas Labour Code do not as yet make any distinction between one occupation and another, and the minimum age of admission to employment is the same for all branches of the economy.

No child between the ages of 14 and 18 may be employed on Sundays and public holidays, even on maintenance work in workshops.

It is forbidden to employ children under the age of 16 years in public performances given in theatres, cinemas, café-concerts or circuses involving dangerous feats of agility or contortions of any kind.

The Government appends a list of the employments forbidden to children under the age of 18 years and a list of establishments in which such children may be employed subject to certain conditions.

*French Equatorial Africa.*

See under Convention No. 5.

*French Settlements in Oceania.*

Local Order No. 178/IT of 2 February 1956 respecting the employment of children.

The above-mentioned Order, a copy of which is appended to the Government's preport, prescribes the conditions of employment of children between the ages of 14 and 18 years.

*St. Pierre and Miquelon.*

Local Order No. 445 of 14 August 1954.

The above-mentioned Order prohibits the employment of children on any work which by its nature or because of the conditions in which it is performed constitutes a danger to life, health or morals. It also provides for a medical examination of fitness for employment, together with measures to check the age and physical suitability of children who enter employment.

*Togoland.*

The report states that a draft Order embodying the provisions of Articles 4, 5 and 8 of the Convention is now before the Advisory Labour Committee.

*Netherlands.**Netherlands Antilles.*

Work Ordinance P.B. 1952, No. 93, as amended by Ordinance P.B. 1954, No. 25.

The minimum age fixed by this legislation in regard to all undertakings and occupations is 14 years, with the exception of seafaring professions for which a minimum age has been fixed separately. An exception is also made in respect of "work in or for the family in which the child is being brought up" (Article 1, paragraph 3 of the Convention). Enforcement is the responsibility of the Labour Inspectorate, which is a section of the Department of Social and Economic Affairs. The date of birth of employed persons is recorded in their workbooks and also in the employers' registers.

*Surinam.*

The Legislative Assembly has under consideration a Bill regarding the employment of juveniles; the provisions of this Convention, as well as of Conventions Nos. 5, 6 and 15, will be used as guiding principles.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 35. Old-Age Insurance (Industry, etc.) Convention, 1933

*This Convention came into force on 18 July 1937*

*France.* Ratification: 23 August 1939.  
No declaration.

*Italy.* Ratification: 22 October 1947.  
No declaration.

*United Kingdom.* Ratification: 18 July 1936.  
Applicable *ipso jure* without modification<sup>1</sup>: Guernsey, Jersey and Isle of Man.

No declaration: all other non-metropolitan territories.

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

*France.**Algeria.*

Contributions and benefits are calculated on the basis of an income not exceeding 44,000

francs a month. The old-age insurance contribution, which was fixed at 1.5 per cent. of the wage on 1 July 1955, half being payable by the employer and the other half by the wage earner, subject to a wage ceiling of 38,000 francs a month, was increased to 2 per cent. with effect from 1 January 1956, subject to a wage ceiling of 44,000 francs a month.

A spouse is only considered to be a dependant if his or her personal income, together with a sum equal to half the allowance payable to aged wage earners (at present a half of 65,800) does not exceed 194,000 francs a year.

The total number of insured persons in employment is estimated to be 420,000. The number of pensions paid out in 1955 was 8,383.

Expenditure during 1955 was as follows : old age pensions : 602,755,949 francs ; allowances to aged wage earners : 310,001,945 francs ; administrative costs : 64,415,093 francs ; endowments and reserves : 38,146,030 francs (contingencies reserve). Over the same period the total revenue amounted to 887,694,444 francs, half of which was paid by the employers and half by the insured persons themselves.

#### *Cameroons.*

The majority of individual contracts for French wage earners serving overseas contain clauses entitling them to membership of a pension scheme. In most cases the employer and the worker each bear half of the total contribution. The commonest arrangement at the present time is the assessment system, which is followed by the Metropolitan Fund for Overseas Employees.

In the event of dispute a ruling regarding the interpretation of a contractual provision is given by a labour inspector or his authorised representative.

The present economic and financial position of the territory is such that a compulsory old-age insurance scheme such as that recommended by the Convention would be impracticable.

#### *Comoro Islands.*

No steps have been taken to apply this Convention.

#### *French West Africa.*

While no legislation or regulations on this subject exist, the federal collective agreements which are at present being negotiated lay down the principle of an old-age pension scheme for workers, details of which are to be settled shortly by the joint committees of employers and workers who are negotiating the collective agreements.

The protocol attached to the federal building and public works collective agreement signed on 6 July 1956 states that, subject to certain qualifications, a draft old-age pension scheme will, by 1 January 1957 at the latest, be submitted by the employers to the representatives of the workers' organisations which signed the agreement.

#### *United Kingdom.*

#### *Cyprus.*

See under Convention No. 25.

#### *Gibraltar.*

- Social Insurance Ordinance (Chapter 166).
- Social Insurance (Benefit) Regulations, 1955.
- Social Insurance (Claims and Payments) Regulations, 1955.
- Social Insurance (Contributions) Regulations, 1955.
- Social Insurance (Determination of Claims and Questions) Regulations, 1955.
- Social Insurance (Insurability and Special Classes) Regulations, 1955.
- Social Insurance (Overlapping Benefits) Regulations, 1955.
- Social Insurance (Voluntary Contributors) Regulations, 1955.

*Article 2 of the Convention.* The above-mentioned legislation does not apply to : (a) non-manual workers whose remuneration exceeds £500 per annum ; (b) workers under the age of 15 years or workers who were over the age of 65 years (60 in the case of women) on the date on which the scheme came into operation ; (c) workers insured under the National Insurance Act, 1946, of the United Kingdom ; (d) workers who are married women and who have opted out of the scheme ; (e) workers in employment of a casual nature ; (f) workers whose services are rendered during less than four hours in any contribution week ; and (g) domestic servants whose services are rendered during less than eight hours in any contribution week.

Seamen and fishermen employed on board ships registered in Gibraltar are covered by the Ordinance in the same way as other workers.

*Article 3.* Persons who cease to be compulsorily insurable under the provisions of the above-mentioned Ordinance may continue their insurance voluntarily, provided that they have already paid 104 contributions while compulsorily insured. Married women in employment are compulsorily insured, but if they opt out of the insurance their husbands, if not compulsorily insurable, are not permitted to insure voluntarily unless they fulfil the conditions mentioned above.

*Article 4.* Male insured persons are entitled to an old-age pension on attaining the age of 65 and female insured persons on attaining the age of 60, provided that they satisfy the relevant contribution conditions.

*Article 5.* The report indicates the contribution conditions.

*Article 6.* An insured person who ceases to be liable to insurance retains indefinitely his rights in respect of contributions paid by him or credited to him.

*Article 7.* The pension is a fixed sum which may be reduced if the second contribution condition mentioned above is not fully satisfied. The full amount of the pension is 12s. per week.

*Article 8.* A person is disqualified from receipt of pension while (a) he is away from Gibraltar ; and (b) he is undergoing penal servitude, imprisonment or detention in legal custody.

*Article 9.* The report indicates the weekly rates of contributions.

There are no contributions to the Social Insurance Fund from the general revenue of the colony, but the Government bears the cost of administration of the scheme.

*Article 10.* The insurance scheme is administered by the Government and all questions and claims arising under the Ordinance are determined by the Director of Labour and Welfare. Appeals against decisions of the Director are made to a Social Insurance Appeals Board, to which are appointed representatives of employers and of insured persons. There is also provision for the establishment of a committee called the Social Insurance Advisory Committee, to give advice and assistance to the Director in connection with the discharge of his functions under the Ordinance. The interests

of employers and insured persons are represented in this Committee, which had not yet been constituted at the end of the period under review.

*Article 11.* Any insured person may appeal against a decision of the Director to the Social Insurance Appeals Board. The report gives details of the constitution of the Board.

*Article 12.* Foreign employed persons are liable to insurance and to the payment of contributions under the same conditions as British subjects and they are treated in the same way as British subjects regarding the right to benefits derived from contributions paid. Foreign insured persons and their dependants domiciled in Gibraltar are also entitled, under the same conditions as British subjects, to the supplements to pensions which are payable from public funds.

The restrictions regarding the absence from Gibraltar which apply to insured British subjects apply to foreign insured persons regarding absence from the consular districts of La Linéa or Algeciras in Spain.

*Article 15.* As no old-age pensions under the scheme provided for by the above-mentioned legislation may be paid before 1965, a non-contributory scheme of financial assistance continues in operation covering unemployed males over the age of 65 and females aged 60 or over.

During the period under review the total number of insured persons was 18,422.

#### *Jamaica.*

Kingston Port Workers (Superannuation Fund) Law No. 36 of 1954.

Kingston Port Workers (Superannuation Scheme) Regulations, 1954.

A committee has been appointed to inquire into the possibility of setting up a National Old Age Pension Scheme and to make recommendations therefor. The report provides full details of the superannuation scheme for port workers introduced during the year 1954-55.

#### *Malta.*

National Insurance Act No. VI of 1956.

*Article 1 of the Convention.* The principle laid down in this Article is applied by section 17 of the Act.

*Article 2.* See under Convention No. 17, Article 2.

*Article 3.* This is applied by section 7 of the Act.

*Article 4.* Pension age is defined as 65 in the case of a man, 60 in the case of a woman.

*Article 5.* The report indicates in detail the contribution conditions for full old-age pension.

*Article 6.* A person entering insurable employment becomes insured and remains insured throughout his life and retains full rights in respect of any contributions paid by or credited to him even after he ceases to be employed in insurable employment.

*Article 7.* Provided contribution conditions are fulfilled, the pension is fixed at 24s. per week, which is increased by 12s. for a wife.

Reduced rates are payable where the yearly average of contributions paid or credited falls below 50.

*Article 8.* A person is disqualified for receiving an old-age pension for any period during which he is undergoing hard labour, imprisonment or detention in pursuance of a sentence passed on conviction of an offence. Where a person is entitled to two benefits under the Act at the same time, he may only receive the benefit which was first awarded or the other benefit if it is higher. A person may be required to refund, by deductions from his benefit, any sum which he may have received by way of benefit through fraud.

*Article 9.* Employers, workers and the State pay equal contributions towards the Fund.

*Articles 10 and 11.* See under Convention No. 24, Articles 6 and 9 respectively.

*Article 12.* The Act does not discriminate between local and foreign workers.

*Article 13.* The Act applies to all workers in insurable employment, irrespective of their place of employment.

*Article 14.* As Malta is an island this Article is not applicable.

*Article 15.* The Act introduced compulsory old-age insurance.

#### *Isle of Man (First Report).*

Family Allowances (Isle of Man) Act, 1946.

National Insurance (Isle of Man) Act, 1948, as amended in 1950, 1951 and 1955.

Family Allowances, National Insurance and Social Services Act, 1952.

National Insurance Act, 1954.

Various Regulations and Orders, issued from 1949 to 1952, relating to National Insurance.

*Article 2 of the Convention.* All persons over school-leaving age (15 years) and under pensionable age (65 years for men and 60 for women), whatever their occupation or even if they have no gainful occupation, are compulsorily insured under the above legislation for purposes of retirement pensions. The only exceptions from liability to pay contributions, other than persons in receipt of social insurance benefits, are for self-employed and 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 insured persons are automatically maintained even if payment of contributions ceases.

*Article 4.* The minimum age of qualification for a retirement pension is 65 years for men and 60 for women. Payment of a pension at these ages, however, is subject to retirement from regular employment. Men who have reached the age of 70 years, and women who have reached the age of 65 years, are deemed to have retired even if they continue working.

*Article 5.* The right to a normal retirement pension is conditional upon payment of at least 156 weekly contributions and a yearly average of 50 weekly contributions paid or

credited. If the yearly average of contributions is between 13 and 49 weeks, pension is payable at a reduced rate.

*Article 6.* A person who has once been insured does not lose his rights in respect of contributions paid because, even if payment of contributions ceases, he remains an insured person throughout life.

*Article 7.* Retirement pensions are a fixed sum not dependent on time spent in insurance. The standard rate of pension is 40s. per week, plus 25s. for a dependent wife under 60, 11s. 6d. for the first or only child, and 3s. 6d. for each additional child. A married woman over 60 receives 25s. weekly on her husband's insurance record. The pension of an employee who postpones retirement beyond normal pensionable age is increased by 1s. 6d. for every 25 contributions he pays after attaining such age.

*Article 8.* Recovery of amounts fraudulently obtained may be made by deduction from the pension, but the right to future benefit is not 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 or military pension is being received.

*Article 9.* Employed persons and their employers, self-employed persons and non-employed persons are required to contribute to the financial resources of the insurance scheme. Contributions are payable as flat weekly sums. The State also contributes by means of a State supplement in the form of flat weekly sums payable in respect of each contributor.

*Articles 10 and 11.* See under Convention No. 24, Articles 6 and 9 respectively.

*Article 12.* Foreign employed persons are treated on the same footing as nationals.

There are approximately 22,300 persons insured for retirement pensions. At 31 March 1955 there were 4,911 retirement pensioners, including 1,599 men and 3,312 women. Expenditure on retirement pensions during the retirement pensions during the year ended on the date mentioned totalled £389,400. During the same period the number of non-contributory old-age pensions being paid decreased from 786 to 711, and the cost of non-contributory pensions paid totalled approximately £43,250. As provision for retirement pensions forms only a part of the national insurance scheme, it is not practicable to apportion administrative costs, reserve funds, or contribution income between the several types of benefit.

#### *Northern Rhodesia.*

The non-contributory pension scheme for Africans employed by the copper mining companies has been in force since 1 July 1954. This provides for monthly pensions, with a minimum of 20 years' service; gratuities for lesser periods are payable in certain circumstances.

#### *Singapore.*

Central Provident Fund Ordinance No. 34 of 1953.  
Central Provident Fund (Amendment) Ordinances Nos. 4 and 15 of 1955.

Central Provident Fund Regulations, 1955 (G.N. S.138 of 13 May 1955).

Central Provident Fund Rules, 1955 (G.N. S.139 of 13 May 1955).

Central Provident Fund (Amendment) Rules, 1955 (G.N. S.281 of 7 October 1955).

*Article 1 of the Convention.* The scheme based on the above legislation is a form of old-age insurance, although it is not so called.

*Article 2.* Contribution to the Central Provident Fund is compulsory for all employees whose wages exceed \$200 a month; where wages are less, the employer contributes on behalf of the employee concerned. The report specifies in detail the categories of employees in the employment of Government, the Crown and other public bodies who are exempted and also indicates the circumstances in which persons employed for short periods or casually are excluded from the scheme.

*Article 3.* There were no persons in compulsory insurance before the introduction of this legislation. In certain cases, the Central Provident Fund Board may approve contributions to an existing provident fund in lieu of contributions to the Central Provident Fund.

*Article 4.* The normal age at which a contributor can receive the money standing to his credit in the Fund is 55 years, but in prescribed circumstances he may withdraw his credit before.

*Article 5.* No such provision exists.

*Article 6.* A member of the Fund who ceases to be liable for contributions retains indefinitely his rights in respect of contributions credited to his account; but he cannot withdraw his contributions until he has attained 55 years of age, or until he is certified physically or mentally unfit, or until he leaves the territory with no intention to return, or until he ceases to be an employee for two years and is not likely to be an employee again. If he dies, his contributions are paid to his nominee.

*Article 7.* The money paid out is the sum of contributions standing to the contributor's credit at compound interest of 2½ per cent.

*Article 8.* Contributions cannot be forfeited or suspended on any grounds.

*Article 9.* Subject to limitations indicated in the report, public authorities do not contribute to the financial resources of the scheme.

*Article 10.* The Central Provident Fund Board is legally the trustee of the Fund; the Board comprises representatives of the Government, employers and workers. All contributions are paid into the Fund, which is administered entirely separately from public funds.

*Article 11.* The contributor has a right of appeal to the Board in the event of any dispute. There are no special tribunals and points of law are decided in the courts, with a right of appeal to the High Court.

*Article 12.* Foreign employed persons and their dependants have equal rights.

*Article 13.* There are no exceptions.

*Article 14.* There are no frontier workers.

*Articles 15 to 22.* No previous scheme existed.

The Central Provident Fund Board is entrusted with the enforcement of the Convention. Statistics are not available for the period

under review, since the first full year of operations was the calendar year 1956.

The reports concerning the other territories reproduce or refer to the information previously supplied.

### 36. Old-Age Insurance (Agriculture) Convention, 1933

*This Convention came into force on 18 July 1937*

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*France.* Ratification: 23 August 1939.  
No declaration.

*Italy.* Ratification: 22 October 1947.  
No declaration.

*United Kingdom.* Ratification: 18 July 1936.  
Applicable *ipso jure* without modification<sup>1</sup>: Guernsey, Jersey and Isle of Man.  
No declaration: all other non-metropolitan territories.

*Comoro Islands.*

See under Convention No. 35.

*United Kingdom.*

*Cyprus.*

See under Convention No. 25.

*Jamaica.*

Sugar (Reserve Funds) (Amendment) Law No. 45 of 1954.

A committee was set up during the year 1954-55 to consider the best method of implementing this Law; the necessary funds have been provided.

*Malta.*

See under Convention No. 35.

*Isle of Man* (First Report).

See under Convention No. 35.

*Singapore.*

See under Convention No. 35.

The reports concerning the other territories reproduce or refer to the information previously supplied.

### 37. Invalidity Insurance (Industry, etc.) Convention, 1933

*This Convention came into force on 18 July 1937*

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*France.* Ratification: 23 August 1939.  
No declaration.

*Italy.* Ratification: 22 October 1947.  
No declaration.

*United Kingdom.* Ratification: 18 July 1936.  
Applicable *ipso jure* without modification<sup>1</sup>: Guernsey, Jersey and Isle of Man.  
No declaration: all other non-metropolitan territories.

*Cameroons.*

In practice certain individual contracts of French staff serving overseas do contain clauses giving them protection in the event of invalidity; such contracts are only given to supervisors and managerial staff.

In the event of dispute rulings regarding the interpretation of contractual provisions are given by the labour inspectors or their authorised representatives.

The present economic and financial position of the territory is such that a compulsory invalidity insurance scheme of the kind recommended by the Convention would be impracticable.

*Comoro Islands.*

See under Convention No. 35.

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

*France.*

*Algeria.*

Contributions are calculated in respect of a wage not exceeding 44,000 francs a month.

Insured persons and employers each contribute 4 per cent. of the wage up to a monthly maximum of 44,000 francs for all social insurance purposes.

*United Kingdom**Cyprus.*

See under Convention No. 25.

*Gibraltar.*

During the period under review eight persons received financial assistance on account of invalidity. The total expenditure was £726.

*Isle of Man (First Report).*

For legislation see under Convention No. 24.

There is no invalidity pension as such but, subject to fulfilment of the contribution conditions, sickness benefit is payable under the National Insurance (Isle of Man) Acts, 1948-55, for an unlimited period during incapacity for work.

Foreign employed persons are in general insurable in the same way as nationals and are required to start paying contributions on entering the country. Reciprocal agreements

with Great Britain, Northern Ireland and the Republic of Ireland enable insured persons going from one territory to the other to obtain all types of benefit in the new territory to the same extent as if their insurance account in the old territory had been in the new territory. The Isle of Man has also been included with Great Britain in reciprocal agreements between the latter and France, Italy, Switzerland, Australia, Luxembourg, Denmark and the Netherlands.

*Singapore.*

Under the United Nations Expanded Programme of Technical Assistance an I.L.O. expert was invited during the year 1954-55 to visit the territory and to make a survey of social security matters, including health and social insurance, old-age and sickness benefits and compensation for industrial accidents.

The reports concerning the other territories reproduce or refer to the information previously supplied.

**38. Invalidity Insurance (Agriculture) Convention, 1933**

*This Convention came into force on 18 July 1937*

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*France.* Ratification: 23 August 1939.  
No declaration.

*Italy.* Ratification: 22 October 1947.  
No declaration.

*United Kingdom.* Ratification: 18 July 1936.  
Applicable *ipso jure* without modification<sup>1</sup>: Guernsey, Jersey 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.*

On 30 June 1956, 282 pensions were being paid totalling 16,405,443 francs.

See also under Convention No. 36.

*Cameroons.*

See under Convention No. 37.

*Comoro Islands.*

See under Convention No. 35.

*United Kingdom**Isle of Man (First Report).*

See under Convention No. 37.

*Singapore.*

See under Convention No. 37.

The reports concerning the other territories reproduce or refer to the information previously supplied.

**39. Survivors' Insurance (Industry, etc.) Convention, 1933**

*This Convention came into force on 8 November 1946*

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*Italy.* Ratification: 22 October 1952.  
No declaration.

*United Kingdom.* Ratification: 18 July 1936.  
Applicable *ipso jure* without modification<sup>1</sup>: Guernsey, Jersey 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**Cyprus.*

See under Convention No. 25.

*Gibraltar.*

For legislation see under Convention No. 35.

*Articles 2 and 3 of the Convention.* See under Convention No. 35, Articles 2 and 3.

*Article 4.* The right to a pension is made conditional on the fulfilment of contribution conditions indicated in the report.

Contributions are credited to insured persons during periods of incapacity for work or unemployment, if they fulfil the prescribed qualifying conditions.

*Article 5.* See under Convention No. 35, Article 6.



*Article 6.* The Widows' Insurance Scheme provides benefits to widows and children only. The Orphans' Insurance Scheme provides benefits to a person who has in his family a child both of whose parents are dead. Funeral benefit is provided under a separate benefit scheme.

*Article 7.* In order to obtain title to a pension a widow must have been married at her husband's death for not less than five years and at the date she must have been over 40 years of age, but under a pensionable age.

Where a widow, in relation to whom these conditions do not apply, ceases to be entitled to a widow's benefit at a time when she is by reason of any infirmity incapable of self-support, then she becomes entitled to a pension provided she is under 60. The pension is payable only for periods during which she is incapable of self-support.

*Article 8.* If a widow has a family which includes a child who, or children one of whom, either was at the husband's death a child of his family or is a son or daughter of theirs, then during any period during which she has such a family she is entitled to a weekly allowance for every such child up to a maximum of four children.

If subsequently a widow dies, any person who takes into his family such child or children is entitled to a weekly allowance in respect of him or them. There is no limit to the number of children in respect of whom this allowance is payable.

A "child" is a person under the age of 15 years or between 15 and 18 years who is receiving full-time instruction at an educational establishment. A pension is payable in respect of a child, other than a legitimate child, in the case where the child is the issue of the widow and had been maintained by the husband before his death.

*Article 9.* The amount of a widow's pension is 12s. per week where the contribution conditions are fully satisfied.

*Article 10.* No benefits in kind are authorised.

*Article 11.* Entitlement to a widow's pension ceases on the death of the widow, on her remarriage or during any period during which she is living with a man as his wife.

*Article 12.* The weekly rates of contributions to the insurance scheme are indicated in the report.

Contributions by the public authorities are not contemplated but the Government bears the cost of the administration of the scheme.

*Articles 13 to 15.* See under Convention No. 35, Articles 10 to 12.

*Article 18.* As no widow's pension under this scheme may be paid before 11 August 1958, a non-contributory scheme of financial assistance to widows who are unable to work or, when in employment, their earnings fall below a certain level, continues in operation.

#### Jamaica.

The report for the period 1954-55 refers to the arrangements existing in the Civil Service

of the territory in respect of widows' and orphans' pensions.

#### Malta.

National Insurance Act No. VI of 1956.

*Article 1 of the Convention.* The principle is applied by sections 16 and 28 of the Act.

*Article 2.* See under Convention No. 17, Article 2.

*Article 3.* This is covered by section 7 of the Act.

*Article 4.* The report gives in detail the contribution conditions for a full widow's pension.

*Article 5.* A person entering insurable employment becomes insured and remains insured throughout his life and retains full rights in respect of any contributions paid by or credited to him even after he ceases to be employed in insurable employment.

*Article 6.* The Act provides for a pension to the widow and orphans of insured persons. A widow who remarries loses her right to a pension, but becomes entitled to a grant equal to 52 times the weekly rate of the widow's pension to which she was entitled immediately before marriage.

*Article 7.* The report states in detail the periods during which a widow is entitled to a pension.

*Article 8.* If the father is an insured person and dies leaving a widow, she becomes entitled to an increase of her widow's pension for every child of hers. For an orphan child otherwise to become entitled to benefit, both parents must be dead and at least one of them must have been an insured person. "Child" means a person under 16 and includes a stepchild, an adopted child and an illegitimate child.

*Article 9.* Where the contribution conditions are specified, the widow's pension is 24s. a week plus 3s. for each child; the guardian's allowance for orphans is 6s. per week. Reduced rates of widow's pension are payable where the yearly average of contributions paid or credited fall below 50.

*Article 10.* No benefits in kind are authorised.

*Article 11.* See under Convention No. 35, Article 8.

*Article 12.* The Act provides for employers, workers and the State to pay equal contributions towards the National Insurance Fund.

*Articles 13 and 14.* See under Convention No. 24, Articles 6 and 9 respectively.

*Articles 15 to 17.* See Convention No. 35, Articles 12 to 14.

*Article 18.* The Act introduced compulsory widows' and orphans' insurance.

#### Isle of Man (First Report).

For legislation see under Convention No. 35.

*Article 2 of the Convention.* All males over school-leaving age (15 years) and under pensionable age (65 years), whatever their occupation or even if they have no gainful occupation,

are compulsorily insured under the above legislation for purposes of widow's benefit and guardian's allowance. Persons who are in receipt of another benefit under the law, however, are not required to contribute. Apart from this, the only exception 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.

*Article 3.* The rights of insured persons are automatically maintained if payment of contributions ceases.

*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. In the case of employed and self-employed persons contributions may be credited in respect of weeks of incapacity. A reduced benefit is payable if the yearly average of contributions is below 50. There are no minimum contribution conditions for guardian's allowances, title to them arising when both parents of a child are dead and one at least of them was insured.

*Article 5.* A person who has once been insured does not lose his rights in respect of contributions paid because, even if payment of contributions ceases, he remains an insured person throughout life.

*Article 6.* Benefits are payable only to widows and children of deceased insured persons. Nothing is repayable by way of a lump sum, but provision is made for payment of a death grant in addition to widows' benefits.

*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 age 50 at the time of their husband's death. In the case of (a), the right to a widow's pension following receipt of a widowed mother's allowance is restricted to widows over 40 or 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 10 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 who either was at the husband's death a child of his family or 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, 55s. per week, plus 11s. 6d. for the first or an only child; widowed mother's allowance, 51s. 6d. per week; widow's pension, 40s. per week; and guardian's allowance, 18s. per week. Widows' pensions and widowed mothers' allowances are both liable to reduction if a widow's earnings for the two weeks preceding that in which she becomes entitled to benefit exceed 40s. or 60s.

*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. Benefit may be reduced or extinguished 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. 35, Article 9.

*Articles 13 and 14.* See under Convention No. 24, Articles 6 and 9 respectively.

*Article 15.* Foreign employed persons are treated on a footing of equality with nationals.

At 31 March 1955 the following benefits were being paid: 19 widows' allowances, 130 widowed mothers' allowances, 195 widows' pensions, 164 widows' basic pensions, 3 guardians' allowances, and 8 children's allowances under former legislation. Expenditure during 1954-55 in respect of widows and half orphans under the national insurance scheme totalled £34,684, and that for guardian's allowances (full orphans) was £113. There is no non-contributory state scheme for widows' and orphans' pensions.

*Singapore.*

See under Convention No. 37.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 40. Survivors' Insurance (Agriculture) Convention, 1933

*This Convention came into force on 29 September 1949*

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*Italy.* Ratification: 22 October 1952.  
No declaration.

*United Kingdom.* Ratification: 18 July 1936.  
Applicable *ipso jure* without modification<sup>1</sup>: Guernsey, Jersey 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.*

*Cyprus.*

See under Convention No. 25.

*Fiji.*

The 1955 appropriation for destitute relief is £42,950.

*Malta.*

*Article 2 of the Convention.* The report lists in detail the employments to which the Act does not apply.

See also under Convention No. 39.

*Isle of Man* (First Report).

See under Convention No. 39.

The reports concerning the other territories reproduce or refer to the information previously supplied.

41. Night Work (Women) Convention (Revised), 1934<sup>1</sup>

*This Convention came into force on 22 November 1936*

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*Belgium.*<sup>2</sup> Ratification: 4 August 1937.  
No declaration.

*France.*<sup>2</sup> Ratification: 25 January 1938.  
Applicable without modification: all non-metropolitan territories.

*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>2</sup>: Guernsey, Jersey and Isle of Man.

No declaration: all other non-metropolitan territories.

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

*Netherlands.*

*Surinam.*

The report refers to the information given in 1954-55 on Convention No. 41, according to which women in Surinam are not employed in industry at night. In case night work should occur in the future, the application of the Convention would certainly be taken into account and the local legislation would be supplemented by the necessary provisions.

42. Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934<sup>1</sup>

*This Convention came into force on 17 June 1936*

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*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: Trusteeship Territory of Somalia.

*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>: Guernsey, Jersey and Isle of Man.

No declaration: all other non-metropolitan territories.

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<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.*

Steps are being taken to declare this Convention applicable to Belgian non-metropolitan territories.

*France.**Cameroons.*

See under Convention No. 18.

*Comoro Islands.*

See under Convention No. 17.

*French Equatorial Africa.*

See under Convention No. 18.

*French Guiana.*

See under *France*, p. 109.

*French Settlements in Oceania.*

See under Convention No. 18.

*Guadeloupe.*

See under *France*, p. 109.

*Martinique.*

See under *France*, p. 109.

*Réunion.*

See under *France*, p. 109.

*St. Pierre and Miquelon.*

See under Convention No. 18.

*Togoland.*

Compensation for employment injuries and occupational diseases is based on custom which has gradually acquired the force of law. A grant is payable equal to ten days' earnings by the injured person for each degree of permanent invalidity.

*Netherlands.**Netherlands Antilles.*

The Government refers to the report for 1950-51 and to the State Ordinance on Safety, No. 162 of 1942 and the Safety Decree I, No. 102 of 1955.

*Surinam.*

Confirming the statement by its representative at the Conference Committee in 1956, the Government states in reply to the observation made by the Committee of Experts that the schedule of occupational diseases will be enlarged when the employment injury regulations are revised.

*New Zealand.**Cook Islands and Niue.*

See under Convention No. 12.

*Western Samoa.*

See under Convention No. 12.

*United Kingdom.**Cyprus.*

See under Convention No. 17.

*Gambia.*

Workmen's Compensation (Amendment) Ordinance No. 9 of 1956.

See under Convention No. 17.

*Gibraltar.*

For legislation see under Convention No. 17.

In 1955 there were only seven cases of occupational diseases, six being dermatitis and one bursitis. The amount paid in compensation as cash benefits was £78 7s. 3d. and the cost of hospital treatment was £7 16s. 0d.

*Kenya.*

The report for 1954-55 states that, as the immediate problem is negligible, it is not proposed to schedule mercury poisoning or pneumoconiosis at the present time.

*Leeward Islands.*

See under Conventions Nos. 12 and 17.

*Malta.*

National Insurance Act No. VI of 1956.

The report states that the Act applies the Convention without modification.

See also under Convention No. 17.

*Nigeria.*

The Workmen's Compensation (Occupational Diseases) Order in Council has now been prepared and is waiting enactment. According to the report all the occupational diseases listed in the schedule to Article 2 of the Convention are covered by the proposed Order in Council.

*North Borneo.*

Workmen's Compensation Ordinance No. 14 of 1955.

Compensation for occupational diseases is payable where a workman who is employed in any specified occupation contracts a scheduled disease or injury, or where a workman who has been employed in such occupation contracts such a disease or injury within 12 months after ceasing to be so employed and where disablement or the death of such workman

results from that disease. Where the workman has developed any one of the scheduled diseases that disease shall, unless the contrary be proved, be presumed to be due to the nature of the occupation if the workman was employed in any of the specified occupations within 30 days of the date on which a registered medical practitioner certifies that in his opinion the workman was suffering from that disease. A workman beginning employment in or transferred to a specified occupation shall, if requested to do so by the employer, submit himself for examination by a registered medical practitioner, the fee for which shall be paid by the employer. No compensation is payable if the disablement begins or the death occurs more than 12 months after the workman has ceased to be employed in any employment to the nature of which the disease is due. Compensation is, however, payable in respect of death if this has been preceded, whether immediately or not, by any period of disablement.

For the purposes of calculating the monthly earnings of the workman in a claim for compensation, the date of commencement of the disablement of the workman, or the date of his death if there has been no previous period of disablement, shall be treated as the date of the happening of the accident. For all other purposes the date of commencement of the disablement of the workman or the date on which a registered medical practitioner certifies that in his opinion the workman is suffering from such a disease, whichever date is the earlier, or the date of death if there has been no previous period of disablement, shall be deemed to be the date of the happening of the accident. If the disease has been contracted by gradual process so that two or more employers are severally liable to pay compensation the aggregate amount of such compensation shall not exceed the amount that would have been payable if those employers had been a single employer. The diseases listed in the Convention and other diseases are covered with the exception of silicosis, which is not believed to occur in the colony.

See also under Convention No. 17.

#### *Northern Rhodesia.*

Silicosis (Amendment) Ordinance No. 15 of 1955.

Statistical data are to be found in the report of the Workmen's Compensation Commissioner for the insurance year and in the annual reports of the Silicosis Medical Bureau and the Silicosis Compensation Board.

#### *Sarawak.*

See under Convention No. 17.

#### *Sierra Leone.*

Workmen's Compensation Ordinance No. 18 of 1954.

Workmen's Compensation Ordinance, 1954 (Commencement) Order, 1954 (Public Notice No. 109 of 1954).

Workmen's Compensation (Notification of Injuries) Rules, 1955 (Public Notice No. 26 of 1955).

Workmen's Compensation (Insurers' Reports) Rules, 1955 (Public Notice No. 27 of 1955).

Workmen's Compensation (Amendment) Ordinance No. 21 of 1955.

*Article 1 of the Convention.* A worker is entitled to compensation who is certified by a medical practitioner to be suffering from one of the scheduled diseases and to be incapacitated from earning full wages at his employment. In the event of death a worker's dependant is entitled to compensation, if death is certified by a medical practitioner to be due to such a disease arising from the nature of the work on which the worker was employed at any time during 18 months prior to his death.

*Article 2.* The diseases statutorily prescribed are as scheduled under the Ordinance with the exception of silicosis, phosphorus poisoning and poisoning by the halogen derivatives of hydrocarbons of the aliphatic series. It is provided that consideration can be given to these exceptions with a view to adopting them as scheduled diseases at a future date if experience shows this course to be desirable.

See also under Convention No. 12.

#### *Singapore.*

Workmen's Compensation Ordinance No. 31 of 1954.

Workmen's Compensation Regulations.

No cases of occupational diseases have been reported. The provisions of the Convention are embodied in the Ordinance. The reports include statistics indicating the number of workers engaged in particular trades, industries or processes which give rise to the diseases or poisons mentioned in the Schedule to Article 2 of the Convention.

See also under Convention No. 17.

#### *Southern Rhodesia.*

Southern Rhodesia Workmen's Compensation Act No. 12 of 1941.

Southern Rhodesia Workmen's Compensation Amendment Act No. 47 of 1948.

Government Notice No. 976 of 1948.

The above-mentioned legislation provides that if any workman suffers from any of the diseases scheduled he shall be entitled to compensation on the same basis as that of a workman injured by accident arising out of and in the course of his employment, the legal presumption being that the disease occurred by accident which arose out of and in the course of employment.

With the exception of silicosis all the diseases listed in the Convention are scheduled in the Workmen's Compensation Act, but this miner's disease is specially dealt with in the Southern Rhodesia Silicosis Act No. 33 of 1949. Negotiations are proceeding, however, to have silicosis scheduled as a disease in industries other than mining, under the workmen's compensation legislation.

In addition to the diseases listed dermatitis in any work has been included as a scheduled disease, in terms of the Workmen's Compensation Act.

The application of the above-mentioned legislation is ensured by the Minister of Labour. The Commissioner for Workmen's Compensation

and his staff supervise the enforcement of the legislation. No statistical data is available.

*Tanganyika.*

For legislation see under Convention No. 17.

An effect of the amending Ordinance, when brought into force, will be to extend the list of occupational diseases as contained in the Third Schedule to the Workmen's Compensation Ordinance No. 43 of 1948.

On 31 December 1954 the number of undertakings which might give rise to the diseases or poisonings included in Scheduled Occupational Diseases was 178; the total number of workers employed was 4,040.

During the calendar year 1954 there were seven cases of illness or death due to occupational diseases. The total amount paid in compensation was 1,276.50 E.A. shillings.

*Trinidad and Tobago.*

See under Convention No. 12.

*Uganda.*

For legislation see under Convention No. 12.

*Article 1 of the Convention.* Compensation is now payable from the fourth day of incapacity. If the duration of the incapacity exceeds three days payment is made from the first day of incapacity. The report gives the new rates of compensation.

*Article 2.* Poisoning by organo-phosphorus compounds and poisoning by the halogen derivatives of hydrocarbons are now included in the schedule.

The reports concerning the other territories reproduce or refer to the information previously supplied.

### 43. Sheet-Glass Works Convention, 1934

*This Convention came into force on 13 January 1938*

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*Belgium.* Ratification: 4 August 1937.  
Not applicable: 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>: Guernsey, Jersey 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.*

*Comoro Islands.*

No steps have been taken to apply the Con-

vention in this territory since there are no glass works or bottle works.

*United Kingdom.*

*Hong Kong.*

There are still no automatic sheet-glass works in the territory, but should such an industry be established, the provisions of the Convention could be implemented by the issue of regulations under the Factories and Industrial Undertakings Ordinance No. 34 of 1955.

The reports concerning the other territories reproduce or refer to the information previously supplied.

### 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>: Guernsey, Jersey 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.*

Circular of 9 June 1955 respecting the organisation of unemployment relief works.

*Comoro Islands.*

See under Convention No. 2.

*French Guiana.*

The involuntarily unemployed draw an allowance whenever they work on relief schemes. The latter operate in the same way as schemes in France itself and in 1945 some 200 unemployed were found work for approximately two months.

Conditions for employment on these relief schemes are the same as in France, viz. a worker must be physically fit and on the books of a public placement office. No benefit is payable for partial unemployment.

Aliens who hold a labour permit may also be employed on these schemes.

The decision to start a scheme of this kind is taken on the recommendation of the Departmental Manpower Committee, which comprises representatives of the employers' and workers' organisations.

Conditions on the sites are supervised by the Labour Inspectorate.

See also under Convention No. 2.

#### *French Settlements in Oceania.*

The authorities are endeavouring to ensure full employment through the development of the economy and particularly of agriculture. The metropolitan Government is financing the major investment schemes and grants loans for small-scale private building through the Agricultural Credit Fund. During the first half of 1956 the manpower surplus which existed during the previous year was absorbed by new building schemes, by abolishing the recruitment of foreigners and by the departure of 300 Tahitian workers for New Caledonia.

It should be possible to offset the growth of population by expanding agriculture and tourism.

#### *Guadeloupe.*

In 1955, 30 million francs were allotted to the department to start unemployment relief schemes and an additional 16 million francs were voted by the General Council. These schemes began in June 1956.

By 30 June 1956, 596 applications for work, mainly on the unemployment relief scheme, had been registered since the beginning of the year. The scheme started too short a time ago for it to be possible to gauge its effects so far; further details will be supplied in the next report.

See also under *Martinique*.

#### *Martinique.*

In 1955 substantial assistance was given for the first time to the departments of Réunion, French Guiana, Martinique and Guadeloupe, all of which are faced with the problem of a manpower surplus, particularly during the off season.

A credit of 100 million francs has been allotted to the Secretariat of State for Labour and Social Security to enable relief schemes to be started in each department. As in France itself, unemployed workers may only be given jobs on these schemes if they are registered as job applicants and are found to be physically capable of working as labourers. They are paid a wage at least equal to the statutory minimum.

#### *Réunion.*

See under *Martinique*.

#### *St. Pierre and Miquelon.*

Order of 10 October 1952 respecting official unemployment relief schemes.

The involuntarily unemployed in this territory do not draw benefit but are given work on special schemes. During the past year they were paid a minimum monthly wage of 11,200 C.F.A. francs.

Those wishing to work on these schemes must be between the ages of 18 and 60 years and physically capable of doing the work; they must also have lived in the territory for not less than six months and must not have refused a job or lost their previous jobs through their own fault. There is no limit to the length of time they can be employed on these schemes. Foreign workers enjoy the same conditions as local workers.

The Director of the Manpower Office and the Inspector of Labour and Social Legislation are responsible for enforcing the regulations. The average number of unemployed workers given relief in this way in 1955 was 145; during the same period these schemes cost the local budget 27 million C.F.A. francs.

#### *United Kingdom.*

#### *Cyprus.*

See under Convention No. 25.

#### *Gibraltar.*

Non-Contributory Social Insurance Benefit Ordinance, 1955.

Non-Contributory Social Insurance (General and Miscellaneous Provisions) Regulations, 1955.

Non-Contributory Social Insurance (Unemployment Benefit) Regulations, 1955.

*Article 1 of the Convention.* The above-mentioned Ordinance provides for the establishment of an insurance scheme which came into operation on 30 April 1956 and is complementary to the assistance scheme referred to in last year's report on this Convention. Where a person who is involuntarily unemployed does not apply for benefit under the insurance scheme, the assistance scheme applies.

*Article 2.* The insurance scheme applies to all persons who are insured under the Social Insurance Ordinance and who are either British subjects or domiciled in Gibraltar.

*Article 3.* A person is not deemed to be unemployed on any day on which he is following any gainful occupation, unless he can prove that: (a) the occupation would normally have been followed by him in addition to his usual employment and outside the ordinary working hours of such employment; (b) the earnings in respect of that day did not exceed 3s. 4d.

*Article 4.* Claimants to benefits must be unemployed, capable and available for work and must register regularly at the Central Employment Exchange.

*Article 5.* A claimant is disqualified for the grant of benefit if he failed to register at the Central Employment Exchange and also if

he is over pensionable age on the day for which the benefit is claimed.

*Article 6.* A claimant must satisfy one of the following conditions: (a) during the 52 weeks immediately preceding the date of claim he was in insurable employment for not less than 30 weeks; or (b) his yearly average of weeks of insurable employment is not less than 30.

*Article 7.* No waiting period is imposed.

*Article 8.* No conditions are imposed.

*Article 11.* The right to benefit is exhausted after a claimant has been in receipt of benefit for 78 days. A person who has exhausted his rights to benefit may requalify by being employed in insurable employment for a period or periods totalling 13 weeks.

*Article 12.* Benefit is payable irrespective of the needs of the claimant.

*Article 13.* Benefit is payable in cash.

*Article 14.* No tribunals have been established, the competent authority being the Director of Labour and Welfare.

*Article 15.* A claimant is disqualified for receipt of benefit in respect of any period during which he has been resident abroad. British subjects employed in Gibraltar who reside in Spanish territory are eligible for benefit.

*Article 16.* Aliens are not eligible for benefit unless domiciled in Gibraltar.

During the period under review 101 claims to benefit were received; the total expenditure was £196.

See also under Convention No. 35.

#### *Malta.*

National Insurance Act No. VI of 1956.

*Article 1 of the Convention.* Under sections 3, 4 and 12 of the Act an insured person is entitled to unemployment benefit for any day of unemployment which forms part of a period of interruption of employment provided he satisfies the relevant contribution conditions and, if a man, is between the ages of 19 and 65 and, if a woman, is between the ages of 19 and 60.

*Article 2.* See under Convention No. 17, Article 2.

*Article 3.* No provision for partial unemployment is made.

*Article 4.* To qualify for unemployment benefit a person must be unemployed and capable of and available for work; he is also required to register for employment.

*Article 5.* No disqualifications apply other than those specified in Articles 6 to 12.

*Article 6.* Sections 10 (2) (b) and 12 (2) of the Act apply this Article.

*Article 7.* The waiting period is three days in the case of men and six days in the case of women.

*Article 8.* Section 15 (2) (c) of the Act applies this Article.

*Article 9.* Employment on relief works is not required.

*Article 10.* Disqualification for not more than six weeks is applied in the circumstances described in paragraphs 1 and 2 (a), (b) and (d). Benefits paid to a person by misrepresentation may be recovered from benefits due to him. A person is not entitled to benefit for the whole period in respect of which he is receiving compensation for loss of, and substantially equivalent to, the remuneration he would have received if the employment had not come to an end.

*Article 11.* An insured person is entitled to only one day of unemployment benefit in respect of each contribution which he has paid, up to a maximum of 78 days which form part of a period of interruption of employment.

*Article 12.* Benefits are payable irrespective of the needs of the claimant.

*Article 13.* Benefit is payable in cash.

*Article 14.* See under Convention No. 24, Article 9.

*Article 15.* A claimant is disqualified for the receipt of benefit in respect of any period he is resident abroad unless absent in the course of employment as a seaman.

*Article 16.* Foreigners are entitled to benefit on the same conditions as nationals.

Administration of the Act is entrusted to the Department of Emigration, Labour and Social Welfare.

#### *Isle of Man (First Report).*

National Assistance (Isle of Man) Act, 1951.

See also under Convention No. 24.

*Article 1 of the Convention.* The above legislation sets up a general scheme of social insurance under which, in return for regular and compulsory weekly contributions, cash benefits are provided during unemployment. It also establishes an assistance scheme under which unemployed persons who are ineligible to receive benefit or whose benefit is insufficient for their needs may obtain assistance payments.

*Article 2.* Insurance against unemployment is compulsory for persons between school-leaving age (15 years) and pensionable age (65 years for men and 60 for women) who are employed under a contract of service. Employees working less than four hours a week for any one employer (eight hours if domestic service) who receive less than 20s. per week from such employer are excluded, as are certain casual and subsidiary employees.

Payments are made under the assistance scheme to persons without resources or whose resources, including insurance benefits, are not sufficient to meet their own requirements or those of their dependants. Children under 16 years of age and persons in remunerative full-time work, subject to certain conditions, are outside the scope of this scheme. Persons in remunerative part-time work may receive an assistance grant, but payment of assistance to persons capable of and available for work is conditional on their registration at an employment exchange. A five years' residence qualification is normally required for assistance payments unless the applicant was born in the Isle of Man.



*Article 4.* The right to receive unemployment benefit is conditional upon a claimant's being capable of work and available for work, registration at a public employment exchange, and being under 70 if a man and under 65 if a woman.

*Article 6.* The right to unemployment benefit is conditional upon payment of 26 weekly contributions since entry into insurance, and also upon the payment or crediting of 50 weekly contributions in the preceding contribution year.

*Article 7.* Benefit is not paid for the first three days of a period of interruption of employment, unless there have been at least 12 days of interruption of employment within the past 13 weeks.

*Article 8.* A claimant may be disqualified for up to six weeks if he refuses without good cause to avail himself of an opportunity of receiving training, as prescribed by the administrative agency, for the purpose of becoming or keeping fit for regular employment.

*Article 10.* A claimant may be disqualified for up to six weeks for refusing without good cause to accept an offer of suitable employment. Employment is not regarded as suitable if it is vacant in consequence of a trade dispute. It is also not considered suitable if it is employment in the claimant's usual conditions in the district where he was last employed at wages lower, or on conditions less favourable, than those he might reasonably have expected to obtain, having regard to those which he habitually obtained in his usual occupation in that district, or would have obtained had he continued to be so employed; or employment in his usual occupation in any other district at wages lower or on less favourable conditions than those generally observed in that district in employer-employee agreements or by good employers.

A claimant may also be disqualified for up to six weeks if he has lost his employment because of a trade dispute in the department where he works, unless he is not taking part in or financing or directly interested in the dispute and no member of his own grade or class is taking part or directly interested in the dispute. Other bases for disqualification are loss of employment through misconduct (in the industrial sense), leaving employment voluntarily without just cause, or failure without good cause to apply for employment notified by an employment exchange or other recognised agency or by or on behalf of an employer.

A claimant is not regarded as unemployed on any day for which he continues to receive wages or any payment in compensation for loss of remuneration substantially equivalent to his previous remuneration. Such payment is treated during the first 13 weeks of unemployment as substantially equivalent to his remuneration

only if it exceeds two-thirds of remuneration less two-thirds of the benefit he could otherwise claim.

*Article 11.* Every claimant qualifying for benefit may receive up to 180 days of benefit, but a person who has been insured for five years or more may be entitled to a maximum of 312 additional days, depending on his record of contributions paid as against benefits received. When benefit rights are exhausted, a claimant cannot again become entitled to unemployment benefit until he has paid 13 weekly contributions.

*Article 12.* There is no means test for unemployment benefit, though such a test is applied in the case of assistance payments.

*Article 13.* Benefits are paid in cash.

*Article 14.* See under Convention No. 24, Article 9.

*Article 15.* Unemployment benefit is not ordinarily payable while a claimant is abroad, though reciprocal agreements with Great Britain and Northern Ireland permit payment of benefits there.

*Article 16.* Foreign employed persons are treated on a footing of equality with nationals as regards unemployment insurance.

The national insurance and national assistance schemes are administered by the Isle of Man Board of Social Services, which is a statutory body constituted for the purpose. Unemployment benefit and assistance grants are paid by or through the Employment and National Service Division, out of funds provided by the Board of Social Services.

The number of insured persons is approximately 16,500, including 11,800 males and 4,700 females. Expenditure on unemployment benefit totalled £55,204 in the year ended 31 March 1955, while £15,386 was paid under the national assistance scheme during the same period to persons who were required to maintain registration for work. The Isle of Man is a non-industrial area and consequently employment has not been at the same high level as in Great Britain in recent years; the position, however, is improving.

*St. Helena.*

The estimated cost for relief in 1956 amounted to £13,000 out of a total budget of £181,863.

*Singapore.*

See under Convention No. 37.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 45. Underground Work (Women) Convention, 1935

*This Convention came into force on 30 May 1937*

*Australia.* Ratification : 7 October 1953.  
Applicable without modification : New Guinea and Papua.

Not applicable : Nauru, Norfolk Island.

*Belgium.* Ratification : 4 August 1937.  
Not applicable : Belgian Congo and Ruanda-Urundi.

*France.* Ratification : 25 January 1938.  
No declaration.

*Italy.* Ratification : 22 October 1952.  
Applicable without modification : Trusteeship Territory of Somalia.

*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> : Guernsey, Jersey and Isle of Man.

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>1</sup> : Brunei, Gilbert and Ellice Islands, Jamaica, Malta, Sarawak.

No declaration : British Somaliland.

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.

### *Australia.*

#### *New Guinea and Papua.*

The Native Labour Ordinance, 1950, was amended once more in 1955.

### *France.*

#### *Algeria.*

During the period under review no person of the female sex was employed in underground work in mines and quarries.

#### *Cameroons.*

Order of 27 February 1954 respecting the employment of women and children.

The above-mentioned Order formally prohibits the employment of women underground in mines and quarries. There are no exceptions to this prohibition.

The supervision of the application of this prohibition is the responsibility of the Inspectors

of Labour and Social Legislation and of their authorised substitutes. There are very few mining undertakings in the territory.

There would be no difficulty in the way of application of the Convention.

#### *Comoro Islands.*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories, section 115 (L.S. 1952—Fr. 5).

Order No. 275/IGT of 5 February 1954 to lay down the conditions of work of women and children in Madagascar, made applicable in the territory of the Comoro Islands by Order No. 55-40/IT.

The regulations prohibit the employment of women underground in mines and quarries.

The statutory regulations cover all undertakings, whether public or private.

No exceptions to the prohibition of the employment of women in mines are provided for. The application of the regulations is supervised by the Inspectorate of Labour and Social Legislation. No dispute has arisen and no contravention has been recorded in connection with the employment of women on underground work.

#### *French Equatorial Africa.*

There is only one mine with underground workings.

### *United Kingdom.*

#### *Gambia.*

No women are employed in underground work in the only existing mine in the Gambia which is open cast and produces ilmenite.

#### *Hong Kong.*

Factories and Industrial Undertakings Ordinance No. 34 of 1955.

Factories and Industrial Undertakings Regulations, 1955 (Notice No. A. 103 of 1955).

*Article 1 of the Convention.* Section 2 (1) of the Ordinance defines "mine" as any works for the extraction of minerals from the earth and includes any quarry or other works for the extraction of stone.

*Article 2.* Regulation 4 of the Regulations provides that no person shall employ any woman or young person on underground work in any mine.

*Article 3.* No exemptions are allowed.

The reports concerning the other territories reproduce or refer to the information previously supplied.

**48. Maintenance of Migrants' Pension Rights Convention, 1935***This Convention came into force on 10 August 1938*


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*Italy.* Ratification : 22 October 1952.  
No declaration.

*Netherlands.* Ratification : 6 October 1938.  
No declaration.

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*Spain.* Ratification : 8 July 1937.  
No declaration.

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The reports received reproduce or refer to the information previously supplied.

**49. Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935***This Convention came into force on 10 June 1938*


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*France.* Ratification : 25 January 1938.  
No declaration.

*New Zealand.* Ratification : 29 March 1938.  
No declaration.

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*France.*

*Comoro Islands.*

See under Convention No. 43.

The reports concerning the other territories reproduce or refer to the information previously supplied.

**50. Recruiting of Indigenous Workers Convention, 1936***This Convention came into force on 8 September 1939*


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*Belgium.* Ratification : 26 July 1948.  
Applicable without modification : Belgian Congo and Ruanda-Urundi.

*Japan.* Ratification : 8 September 1938.  
Applicable without modification : Pacific Islands (League of Nations mandate).

*New Zealand.* Ratification : 8 July 1947.  
Applicable without modification : Cook Islands and Western Samoa.  
No declaration : Tokelau Islands.

*United Kingdom.* Ratification : 22 May 1939.  
Applicable *ipso jure* without modification<sup>1</sup> : Guernsey, Jersey 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.

the question to apply the decree to Natives who undertook, in accordance with the customs and conditions that are traditional in Native life, to work for another Native.

*United Kingdom.*

*Aden.*

During 1955, 652 workers were recruited for service outside the territory ; 88.8 per cent. of these came from Somaliland, Western Aden Protectorate or the Yemen.

*Basutoland.*

It was decided during the year that there would be no objection to the application of this Convention to Basutoland under Article 25 (b) of the Convention, subject to modifications in respect of Articles 13, paragraph 3, and 20, paragraph 1, which are explained below.

*Article 13*, paragraph 3. It is considered that the competent authority will be in a position to prescribe a maximum capitation fee before the end of the year. When this is done the provisions of this paragraph will be fully complied with.

*Article 20*, paragraph 1. Exemption from the provisions of this Article is desired on the grounds that its acceptance would mean the abolition of the recruiting scheme, known as the Assisted Voluntary Scheme. A recruit under this scheme is advanced a sum to cover his rail fare and this amount is recovered from his first earnings. A recruit generally works 120 shifts (about 4 months) under this system. If the recruit completes 180 shifts, however, his rail fare is refunded to him. This system of

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

*Belgium.**Belgian Congo and Ruanda-Urundi.*

The Committee of Experts observed that contracts entered into by an indigenous worker with an employer who was not liable to a personal tax other than the Native tax were not covered by the legislation, whereas the Convention did not provide for any exceptions of this nature. It seems that this observation applies also to the Contracts of Employment (Indigenous Workers) Convention, 1939 (No. 64), if not to that Convention alone.

The personal tax is the criterion adopted by the legislature to single out civilised Natives whose education or experience put them a step above the average level of the majority. The legislature considered that it would be out of

recruiting enables a recruit to be absent for a relatively short period and yet to earn sufficient cash for taxes and other basic needs. If Article 20 (1) were accepted and, consequently, the payment of all rail fares by the recruiting agent enforced, the Assisted Voluntary Scheme would cease abruptly, since the organisation would not find it economical to continue it.

Recruits who enter into a nine months' contract automatically qualify for free rail travel.

#### *Gambia.*

In reply to the observation made by the Committee of Experts in 1956 the Government states that the draft of a new Labour Ordinance, which is intended, among other things, to cover the points raised by the Committee of Experts, was received from the Government of the Gambia and considered by the Colonial Office during 1955. It was subsequently returned to the colony with a number of suggestions designed to improve the form of the Ordinance in the light both of international labour Conventions and contemporary colonial labour legislation. It has not yet proved possible, however, owing principally to the retirement of the labour officer and to consequent staffing difficulties, for the Government of the Gambia to resubmit the draft incorporating the proposed amendments. It is to be hoped that following a reorganisation of the Labour Department the Government of the Gambia will soon be able to take the matter further.

#### *Gold Coast.*

During the year ending 31 March 1956 five cases of illegal recruitment were successfully prosecuted before the courts and fines ranging from £8 to £20, with terms of imprisonment ranging from two to three months in the event of failure to pay, were imposed.

Two licences to recruit were issued during the year, one to a mining company to recruit 1,000 labourers and one to a farmer to recruit 12. Both licences were due to expire on 31 December 1956.

#### *Hong Kong.*

During the period 1955-56, 2,030 workers left the colony to take up employment overseas (of whom 1,081 went to Brunei, 450 to North Borneo, 200 to Nauru and Ocean Island and 131 to Singapore).

#### *Kenya.*

The Employment (Written Contracts) Rules, 1944, have been cancelled.

Applications for professional recruiters' licences are refused. No professional recruiters have operated in Kenya in recent years; only private recruiters for individual undertakings have been allowed.

#### *Leeward Islands.*

In Antigua, during the period under review, 164 men were recruited under contract to do

agricultural work in the United States, and 188 for similar work in St. Croix, United States Virgin Islands. In both instances, the workers were engaged through the Labour Department.

#### *North Borneo.*

In reply to the observations made by the Committee of Experts in 1956 the report gives the following information:

*Article 18 of the Convention.* Medical examination of recruited workers is compulsory under sections 49 and 53 of the Labour Ordinance, 1949. Journeys of recruited workers are never made under local conditions such as to require double medical examination, nor are special acclimatisation and adaptation necessary. Inoculation and immunisation are, where necessary, provided by the Health Services without charge to the workers.

*Article 19.* Section 50 requires employers to provide transport, as required under this Article. Ordinary public transport by road, rail, sea or air is used, and conditions are governed by the legislation relating to such undertakings. No organised movements of bodies of recruited workers on the lines envisaged by this Article take place in this territory.

*Article 20.* Expenses of recruited workers are borne by employers under section 50 (1), but local conditions do not require the provision of the services referred to in the second paragraph of the Article.

*Article 21.* Section 51 covers all the requirements of this Article.

*Article 22.* Restriction on advances of wages is imposed by section 102 of the Ordinance. In some areas labour shortages often lead workers to take full advantage of this section to obtain advances, many of which are never recovered by the employer.

*Article 23.* The rights of dependants as laid down in this Article are covered by sections 50 and 51.

*Article 24.* No recruitment of workers for employment in a territory under a different administration is at present permitted, but it would be subject to an agreement with the government of the territory concerned. Section 53 covers recruitment from another territory; extra-territorial recruitment would require licensing and thus be under the administrative control of the government of this territory. No agreements under Article 24 have been completed during the period under review.

#### *Singapore.*

Labour Ordinance No. 40 of 1955.

*Article 2 of the Convention.* There has been no recruiting as defined in the Convention. However, Part XI of the Labour Ordinance would apply to the recruiting of indigenous workers if such recruiting were undertaken.

*Article 3.* No exemptions have been granted.

*Articles 4 and 5.* Singapore constitutes a single small area, so that these Articles are not applicable.

*Article 6.* Section 115 of the Ordinance prohibits the recruitment of non-adult persons.

*Articles 7 and 8.* These Articles are not applicable.

*Articles 9 to 12.* No person is permitted to recruit workmen unless he is licensed by the Commissioner for Labour (section 114 of the Ordinance).

*Article 13.* The Commissioner for Labour will, before issuing a licence for recruiting, satisfy himself that any security prescribed has been furnished (section 114 (2) (b) of the Ordinance). Paragraph 3 of this Article is not applicable.

Licences for recruiting are valid for one year (section 114 (4) of the Ordinance). A licence can be withdrawn on the licensee's conviction of an offence under the Ordinance or any regulations made under it or on non-compliance with the conditions of the licence, or on conduct which renders the licensee no longer a fit and proper person to hold a licence. A licence can be suspended pending the decision of the court or the making of any inquiry which is considered necessary (section 114 (5) of the Ordinance).

*Article 14.* The occasion for such a provision has not arisen.

*Article 15.* Workmen-recruiters are not exempt from the obligation to hold a licence.

*Article 16.* Recruited workers have to be brought before the Commissioner for Labour (section 117 (a) of the Ordinance).

*Article 17.* This provision has not been found necessary.

*Article 18.* Recruited workers have to be examined by a government medical officer before departure and to receive vaccination and inoculation in accordance with international health regulations (section 117 (b) of the Ordinance).

*Article 19, paragraph 1.* This is covered by section 118 of the Ordinance. Paragraphs 2, 3 and 4 are not applicable.

*Article 20.* This is also covered by section 118 of the Ordinance.

*Article 21.* This is covered by section 120 of the Ordinance.

*Article 22.* This is covered by section 29 (1) of the Ordinance, which applies to all workmen.

*Article 23.* The same conditions apply to families as to workmen (section 118 of the Ordinance).

*Article 24.* The occasion for agreements and special safeguards has not yet arisen.

The Labour Department is responsible for the application of the above-mentioned legislation.

#### *Tanganyika.*

In 1954, 30,610 persons, representing approximately 7 per cent. of the employed population, were recruited for employment: 3,581 were recruited by the three licensed professional recruiters operating in the territory. Most private recruiting continues to be carried out by the Tanganyika Sisal Growers' Association and the Northern Province Labour Utilisation Board. In addition to the persons recruited, 18,302 volunteers were sent to employment in 1954 through forwarding officers. All licences continue to be issued in strict compliance with Article 13 of the Convention.

#### *Uganda.*

Ordinance No. 9 of 1955.

*Article 9 of the Convention.* Under Part V (Recruitment) of the Employment Ordinance, all recruiting is controlled by the Labour Commissioner. Under section 2 of the Ordinance, however, recruiting operations by certain public officers are exempted from the definition of "recruiting" under the Ordinance but only for the purpose of supplying labour direct to the Government of the Protectorate. Recruiting by public officers for private undertakings is not exempted, and no such recruiting would be permitted by the Labour Commissioner.

*Article 13.* Section 41 of the Employment Ordinance has been amended by Ordinance No. 9 of 1955, which grants the Labour Commissioner a new power to delete from a recruiting permit the name of any employer for whom the permit authorises recruitment if the employer has been convicted of certain offences relating to conditions of service or health and welfare provisions.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 52. Holidays with Pay Convention, 1936

*This Convention came into force on 22 September 1939*

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*Denmark.* Ratification: 22 June 1939.

Not applicable: Greenland.

No declaration: 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.*

Decree of 10 November 1937.

Decree of 8 July 1938.

Order of 13 August 1938.

Order of 8 September 1938.

Order of 13 January 1939.

Order of 14 February 1939.

Decree No. 45-326 of 3 March 1945.

Decree of 29 August 1945.

Decree of 5 August 1946, as amended by Act of 27 March 1956.  
 Order of 5 September 1946.  
 Order of 6 November 1947.  
 Order of 15 September 1950.  
 Order of 5 July 1952.  
 Order of 30 March 1953.  
 Order of 19 May 1953.  
 Order of 28 February 1955.  
 Order of 24 September 1955.  
 Act No. 56-332 of 27 March 1956.  
 Order of 23 April 1956.  
 Decree No. 56-488 of 14 May 1956.  
 Order of 22 May 1956.

Section 8 of the Act of 27 March 1956 cited above provides that the provisions of Book II, Title I, Chapter IV<sup>ter</sup> of the Labour Code, excluding the first paragraph of section 54 (*j*), shall apply to wage earners, salaried employees or apprentices in agricultural occupations. The manner in which this Act is to be applied to domestic servants, household staff, hired servants and the porters of residential buildings shall be determined by decree.

Holidays amount to one-and-a-half working days per month of employment, provided that the total holiday claimed may not exceed 18 working days. When the number of working days so determined is not a whole number, the length of the holiday is brought up to the nearest higher whole number of days. For young workers and apprentices the length of the holiday is increased to two working days per month of employment before their 18th birthday during the year in respect of which the holiday is granted, provided that the total length of the holiday that may be claimed may not exceed 24 working days. Whatever the length of their employment in the undertaking, young workers and apprentices below 18 years of age on 30 April of the preceding year and young workers and apprentices who were between 18 and 21 years of age on that date are entitled on request to a holiday of 24 or 18 working days respectively.

Holidays with pay not exceeding 12 working days must be taken at one stretch. If the worker is entitled to a longer holiday it may be divided up.

The number of applications for the postponement of leave to the following year is steadily rising. The acceptance of compensation in lieu of a holiday with pay is becoming an everyday practice; it is almost impossible to prevent such practices, which reflect an uncertain future purchasing power.

Contraventions of the provisions regarding holidays with pay are difficult to discover, and the few complaints that are made come from workers who have left their jobs.

The regulations cover 223,935 adults and 24,581 young persons.

During the period under review 382 contraventions were reported and legal proceedings were instituted in 114 cases.

#### *Cameroons.*

Act No. 56-332 of 27 March 1956 to amend the system of annual holidays with pay.

As a result of the adoption of the Act cited above the present system will be altered even more in the workers' favour. The Order to apply the Act will be submitted to the Advisory Labour Board at its next session.

Over 100 contraventions of the statutory provisions were recorded during the period under review; some of them were described in reports that were forwarded to the Public Prosecutor for legal action.

There would be no difficulty in the way of application of the Convention.

#### *Comoro Islands.*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5), sections 121-124.

Order of 12 May 1954 to lay down transitional measures for the grant of holidays and travelling expenses to workers.

Ministerial Order of 16 November 1954 to determine the length of actual work giving entitlement to holidays.

The report reproduces the provisions of the legislation cited above.

The provisions of the laws and regulations apply to workers in all types of undertaking, the only persons excluded being those listed as being on the permanent establishment of a public department. Under the Act the length of the holiday is to be increased in accordance with the worker's length of service in the undertaking, as provided in existing regulations or in the provisions of collective agreements; no measure has yet been taken to apply this provision in the territory.

Particulars of holidays must be given in the employer's register. The supervision of the application of the laws and regulations is the responsibility of the Inspectorate of Labour and Social Legislation. Penalties are laid down in case of a contravention of the statutory provisions regarding holidays.

#### *French Equatorial Africa.*

Act No. 56-332 of 27 March 1956 to amend the system of annual holidays with pay.

Annual holidays with pay amount to one-and-a-half days per month of employment. For young workers and apprentices under 18 years of age they amount to two days per month of employment. Women workers under 21 years of age have two days' additional holiday in respect of each dependent child. Workers recruited from outside the boundaries of the group of territories are entitled to holidays with pay amounting to five days per month of actual work.

The division of an annual paid holiday is authorised when the holiday amounts to more than 12 working days; if divided, one part of the holiday must amount to at least 12 consecutive working days falling between two days of weekly rest.

#### *French Settlements in Oceania.*

There were notably fewer disputes during the period under review than in the previous period.

#### *French West Africa.*

Act No. 56-332 of 27 March 1956 to amend the system of annual holidays with pay.

As the Act cited above, which has been declared to be applicable overseas, repeals the

contrary provisions of paragraph 3 of section 121 of the Labour Code, its adoption led to a discussion in the federal Advisory Labour Board at its meeting on 22 June 1956. The employers' delegation maintained that the Act altered only the duration of the holiday prescribed for workers resident at the place of employment (one-and-a-half days a month instead of one day). The workers' delegation, on the other hand, took the view that the other provisions of the Act should also be applied. If the workers' argument were accepted the Labour Code for Overseas Territories would be amended as regards in particular the length of the annual holiday and the qualifying period, as well as with regard to the calculation of holiday pay.

The appropriate departments of the Ministry of Overseas Territories are at present considering the problem. As soon as the Minister's decision is known it will be possible to issue in French West Africa an Order to apply the Act cited above.

#### *Madagascar.*

Act No. 56-332 of 27 March 1956 to amend the system of annual holidays with pay.

Under section 10 of the Act cited above a local Order has been submitted to the Advisory Labour Board for its opinion and to the Minister for Overseas Territories for approval. Under that Order annual holidays for all workers engaged in Madagascar are to be raised to one-and-a-half days per month of actual work. The Order grants further increases in the holidays of young persons below 18 years of age (two working days), working mothers (two working days per child below the age of 15), and workers who can prove that they have worked for between 20 and 30 years in the one undertaking (two to six working days).

In connection with cases of breach of contract the courts have had to determine questions involving the payment of compensation in respect of holidays that have not been taken, but no decision has been issued on any matter of principle affecting the application of the Convention.

#### *Martinique.*

Decree of 1 August 1936.

Act of 27 March 1956 to amend Chapter 4<sup>ter</sup> of Book II of the Labour Code.

The Decree cited above contains a provision which is similar to Article 5 of the Convention.

Fifteen thousand workers, including 200 under 16 years of age, are covered by the provisions of the Convention.

#### *New Caledonia.*

See under Convention No. 101.

#### *St. Pierre and Miquelon.*

All workers, whatever the undertaking to which they belong, are entitled to annual holidays with pay. These holidays amount to not less than one day per month of actual work, or 12 working days per annum. Workers have the right to take a holiday after spending one year with the one employer. During the holiday period a worker receives an allowance equal to the wage and allowances he would have received if he had been at work. In the event of the breach or expiry of the contract before the worker has acquired the right to take a holiday he is paid an allowance for the length of the holiday due to him up to the time when the contract terminated or expired.

The regulations on holidays with pay are properly applied. In 1955, 16 individual disputes were settled at the conciliation stage by the Inspector of Labour and Social Legislation.

#### *Togoland.*

Act No. 56-332 of 27 March 1956 to amend the system of annual holidays with pay.

The scope of the legislation in force is broader than is provided for in Article 1 of the Convention.

Under a new Order to apply the Act cited above holidays may be divided into parts only with the worker's agreement, and in no case may such a part amount to less than two working days falling between two days of weekly rest.

The date of the holidays, the number of days of absence on annual holiday and the corresponding remuneration must be mentioned in the employer's register.

The labour inspector is responsible for the application of the laws and regulations. His supervisory functions are exercised in particular through visits to undertakings and with the help, *inter alia*, of the employer's register.

The reports concerning the other territories reproduce or refer to the information previously supplied.

### 53. Officers' Competency Certificates Convention, 1936

*This Convention came into force on 29 March 1939*

*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.

*France.**Cameroons.*

There are no laws or regulations on the subject. In practice vessels registered in one of the ports of the territory are under the command of former masters and officers of the merchant navy of metropolitan France.

*Comoro Islands.*

See under Convention No. 73.

*French Equatorial Africa.*

Decree of 21 December 1911 on the merchant navy in overseas territories.

The decree cited above deals with the position of the master and with the ship's complement in terms of officers and crew.

*French Settlements in Oceania.*

During the period under review two certificates of competency as master of a ship engaged in the short-sea trade, one certificate of competency as a navigating officer in the short-sea trade and two certificates of competency as a navigating officer in the coastal trade were issued.

*St. Pierre and Miquelon.*

Local Order of 27 May 1955 to amend the Order of 12 September 1932.

The certificates that may be issued are as follows: master of a vessel engaged in the short-sea trade; navigating officer in the coastal trade; skipper of vessel engaged in the home trade; first- and second-class overseas engineer; engineer's proficiency certificate.

There are no rules providing for the equivalence of these certificates with those issued by foreign powers; the certificates issued in metropolitan France are given separate recognition in the territory.

The report specifies the age and professional ability required to obtain the various certificates, as well as the examination procedure and the nature of the examinations.

The supervision provided for in Article 5 of the Convention can be exercised by means of the crew list. The legislation provides that the unauthorised assumption of the command of a vessel shall be an offence under maritime law.

The Director of the Maritime Registration Service and the consuls in foreign ports are responsible for supervising the application of the laws and regulations. In 1955 one certificate was issued to the skipper of a vessel engaged in the home trade, together with one second-class engineer's certificate and one engineer's proficiency certificate.

*United States.**Panama Canal Zone.*

The Government is continuing to explore the possibility of applying the maritime Conventions to the territory. The Government points out that the Panama Canal Zone is not a territory of the United States, although by the treaty between the United States and the Republic of Panama the United States has all the rights, power and authority within the Zone which the United States would possess and exercise if it were the sovereign of the territory.

General application of the Convention to the Canal Zone would appear to require the establishment of special inspection services, which would interfere with expeditious shipping. In practice standards equivalent to those provided in the Convention are in most cases enforced with signing on in the Zone on vessels of United States registry.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 55. Shipowners' Liability (Sick and Injured Seamen) Convention, 1936

*This Convention came into force on 29 October 1939*

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*Belgium.* Ratification: 11 April 1938.  
Decision 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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*France.**Cameroons.*

Seafarers are subject to the same rules as workers in other occupations.

Since the general system is quite inadequate to meet the special needs and requirements of seafarers, the Maritime Registration Service and the Labour Inspection Service try to prevail on shipowners to apply on a voluntary basis the system in force in metropolitan France.

The Inspectors of Labour and Social Legislation and their authorised substitutes, as well as the officials and staff of the Maritime Registration Service, are responsible for supervising the application of the laws and regulations.

See also under Conventions Nos. 12 and 17.



*Comoro Islands.*

See under Convention No. 73.

*French West Africa.*

African seamen sailing on board vessels commissioned in metropolitan France are eligible for all the benefits available to their fellow workers from the metropole in the event of sickness or accidents (insurance, medical care, invalidity, pension).

*New Caledonia.*

The provisions of the Convention are applied to vessels registered in metropolitan France through the Act of 13 December 1926. As regards vessels registered in the territory, the shipowners' obligations in the event of sickness or accident are defined by the Act of 15 December 1952 to establish a Labour Code for Overseas Territories and by collective agreements, which specify that registered seafarers are to be eligible for benefit under the Act of 13 December 1926 and that non-registered seafarers are to be granted benefit in accordance with the arrangements laid down in the collective agreement for the industry and in the Labour Code for Overseas Territories. Non-registered seafarers belonging to societies that are affiliated to the General Provident Fund are eligible for benefits under the Act of 13 December 1926. Over 200 persons are covered by the provisions of the Act.

*St. Pierre and Miquelon.*

Order of 10 January 1927 to promulgate the Act of 13 December 1926 to enact the Maritime Labour Code.

Legislative Decree of 17 June 1938 respecting the seamen's insurance scheme.

There is no provision whereby the shipowner's obligations are restricted to seamen who are French nationals. An exception is made for shipowners owning vessels of a gross tonnage of less than 50 tons that are commissioned for coastal navigation or fishing.

The General Provident Fund for French seamen pays benefit when the shipowner is no longer liable, and if the shipowner never was liable.

The shipowner's obligations relate to treatment and medical care, wages, and funeral expenses in the event of death. Prosthetic appliances are supplied. The wages are those specified in the crew list; the allowance for board is determined by the agreements in force.

A tripartite board decides whether the patient's disease is chronic or whether his wound has healed. The Provident Fund pays benefit as soon as the shipowner's payments cease. Such benefit is not payable to foreign seamen who do not contribute to the Fund or to persons employed on vessels belonging to a public department, who are governed by special rules.

The seaman's dependants may be entitled to part of his wage subject to the limits laid down in the existing regulations governing the assignment of wages.

The legislation provides for repatriation to the port of embarkation failing an agreement to the contrary. The amount of the funeral expenses due by the shipowner is not fixed. If a seaman falls sick abroad the shipowner may, on payment of a lump sum, transfer his responsibilities to the French consul. The administration then takes over the shipowner's obligations; this practice is known as "compounding for a lump sum".

The Director of the Maritime Registration Service and the French consuls are responsible for supervising the application of the laws and regulations.

During the year 1955, 30 seamen were paid benefit on account of sickness or accident. The provisions concerning the shipowner's obligations in the event of sickness or accident apply to 85 seamen.

*United States.**Panama Canal Zone.*

The possibility of applying the Convention has not yet been decided but the position of the Government is being established.

See also under Convention No. 53.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 56. Sickness Insurance (Sea) Convention, 1936

*This Convention came into force on 9 December 1949*

*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>: Guernsey, Jersey 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.

*France.**Cameroons.*

See under Conventions Nos. 24 and 55.

*Comoro Islands.*

See under Convention No. 24.

*New Caledonia.*

As regards vessels registered in the territory, both registered seafarers and non-registered seafarers belonging to societies that are affiliated to the General Provident Fund are eligible for benefit under the scheme established by the Legislative Decree of 17 June 1938, just like

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

the crews of vessels registered in metropolitan France.

In 1955 seamen and their families received benefits amounting to 1,203,986 francs.

*St. Pierre and Miquelon.*

The General Provident Fund for French seamen provides sick or injured seamen with medical care, benefits in cash and pensions after any of the employer's direct obligations towards them have lapsed. All persons of French nationality who perform a full-time job connected with the propulsion, navigation, maintenance or use of the vessel on board French vessels other than warships are members of the Provident Fund.

Sickness insurance benefit is granted for a period of six months as from the day on which the sickness is diagnosed. In the case of a sickness or accident that did not occur at sea, the seaman must have paid contributions for at least 50 out of 90 days, or failing that 200 days in the 12 months preceding the first medical diagnosis of the sickness or injury.

Eighty per cent. of the cost of medical examinations and consultations is refunded to seafarers (as compared with 50 per cent. for workers employed on land); on the other hand seafarers do not receive the daily allowance in respect of residence abroad, which amounts for other workers to 800 C.F.A. francs. The legislation provides that self-inflicted injuries may lead to withdrawal of entitlement to benefit.

In the event of a sickness occurring while at sea, the patient does not pay towards the cost of his care, and 80 per cent. of the pharmaceutical expenses are refunded. If the disease occurs while not at sea, the benefits amount to 80 per cent. of the cost of medical care and pharmaceutical expenses.

Part of the benefits due to a seaman may be paid to members of his family, subject to the limitations laid down in the regulations governing the possibility of assignment of wages. Women seafarers and the wives of insured persons are covered by the maternity insurance scheme provided contributions have been paid for at least 200 days during the 12 months preceding the date of confinement. In the event of the death of a seaman the General Provident Fund meets the cost of burial. In addition the heirs or assigns may claim an invalidity pension if the sickness that was the cause of death could have originated in a maritime employment hazard.

Employers and seamen help to build up the assets of the General Provident Fund: the employers' contribution amounts to 6.75 per cent. and the seamen's contribution to 3 per cent. of the seamen's agreed wages.

The sickness insurance scheme is run by an independent establishment, the National Establishment for Naval Invalids. The "general provident fund" branch of this establishment insures seafarers against the contingency of sickness. The budget of the establishment is balanced with the help of a state subsidy.

A total of 416 seafarers are employed on board vessels subject to the provisions concerning sickness insurance for seafarers; the

seafarers subject to the obligation to pay contributions also number 416.

*United Kingdom.*

*Cyprus.*

See under Convention No. 25.

*Malta.*

National Insurance Act No. VI of 1956.

*Article 1 of the Convention.* This Article is covered by section 33 and Part 2 of the First Schedule to the Act. The husband or wife of the employer is excepted from insurance.

*Article 2.* This Article is covered by section 12 (1) and (2), section 13, section 14 and the Fourth Schedule to the Act. The same cash benefits apply to seamen as to other persons. Cash benefits are not withheld in the circumstances described in paragraph 4.

*Article 3.* Beneficiaries are not entitled to free treatment.

*Article 4.* Sickness benefit is increased in case of a married man with a wife to support. All benefit is payable to the insured person, who may, however, appoint an agent in Malta.

*Article 5.* Maternity benefit is not payable as such but an insured woman would be entitled to sickness benefit during childbirth.

*Article 6.* Cash benefits prescribed by paragraph 1 are not payable; widow's pensions and guardian's allowances are payable.

*Article 7.* Provided certain contribution conditions are satisfied, the right to benefit continues after the termination of the last employment.

See also under Conventions Nos. 24 and 35.

*Isle of Man (First Report).*

For legislation see under Convention No. 24

*Article 1 of the Convention.* All persons employed under a contract of service as a master or member of the crew of any Isle of Man ship are (together with certain persons employed in other capacities) insured under the legislation, which provides a general scheme of compulsory sickness insurance. Persons employed on non-Isle of Man ships are also insured if the contract of employment is entered into in the Isle of Man with a view to its performance while the ship is on her voyage and the owner has a place of business in the Isle of Man. Persons who are neither domiciled nor resident in the Isle of Man are not insured, although their employer must contribute in respect of them. Persons below school-leaving age or above pensionable age also are not insured. Ships registered in the Isle of Man confine themselves to coastal work (normally plying between Irish Sea ports or Scottish ports and the Isle of Man). Contributions at special rates are received by Great Britain in respect of mariners in British ships whose home address is the Isle of Man.

*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 employ-

ment. When right to benefit is exhausted he can requalify after being back at work for 13 weeks. When 156 weeks are paid, the limit on duration is entirely removed. Seamen receive their benefits under the general scheme at the same rates as other workers. A seaman may receive benefit if he is left outside the Isle of Man on account of an injury or illness, for the purposes of preventing infection, or for any other purpose, and subsequently falls sick, provided he notifies the appropriate authority within a prescribed time. Benefit is reduced while a person is receiving free treatment in a hospital or similar institution. It may also be reduced or extinguished 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.* Medical and hospital treatment and medicines and appliances are furnished free of charge under the National Health Service. There is no insurance qualification or limit of duration, but benefits are not available to persons on board ship or abroad. Measures have been taken to ensure treatment of sick seamen on board, or abroad if they have been disembarked there.

*Article 4.* Payment of benefit due to a seaman while he is outside the Isle of Man is ordinarily suspended until his return, unless he nominates a person in the Isle of Man to receive it for him. Benefits are increased by 25s. per week in respect of an adult dependant, 11s. 6d. per week in respect of the first or only child, and 3s. 6d. for each additional child; the younger children also receive family allowances. In case of the sickness of members of the insured person's family, they may obtain free medical care through the National Health Service.

*Article 5.* A lump-sum maternity grant of £10 is payable to women on the basis either of their own insurance or that of their husband,

provided the woman or her husband has paid 26 weekly contributions since entry into insurance and has paid or been credited with 26 contributions during the preceding contribution year. A home confinement grant of £4 is also payable to any woman qualifying for a maternity grant whose confinement occurs at home. Employed and self-employed women who abstain from work before and after confinement receive a maternity allowance of 40s. per week for up to 18 weeks, plus 11s. 6d. for the first child and 3s. 6d. for each additional child. A woman is not entitled to a maternity grant or home confinement grant if the confinement takes place outside the Isle of Man or if she is not ordinarily resident there.

*Article 6.* A death grant is provided, if specified contribution conditions are met, in the form of a single payment to help meet expenses connected with the death of an insured person, his spouse or child. In some cases the grant may be payable on the death abroad of a seaman. Widow's benefits and guardian's allowances are also payable to survivors of a deceased seaman, if certain contribution conditions are satisfied.

*Article 7.* Eligibility for benefits during any benefit year depends on contributions paid or credited during the 12 months' period which ended five months before the benefit year began. A seaman is ordinarily credited with a contribution for each week during which he registers for unemployment or proves incapacity for work.

*Article 8.* Seamen and their employers each pay a single weekly contribution toward national insurance, which applies to sickness and all other benefits provided thereunder. These contributions are at flat rates, varying only by sex and age. A fixed supplement to each contribution is paid by the State.

*Articles 9 and 10.* See under Convention No. 24, Articles 6 and 9 respectively.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 58. Minimum Age (Sea) Convention (Revised), 1936<sup>1</sup>

*This Convention came into force on 11 April 1939*

*Belgium.* Ratification: 11 April 1938.  
Decision 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.

Not applicable: Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland.

Decision reserved: Bermuda, Brunei.  
No declaration: British Somaliland, Guernsey, Jersey and Isle of Man.

Applicable with modification: all other non-metropolitan territories.

*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.

<sup>1</sup> This Convention revises the 1920 Convention. See Convention No. 7.

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

*France.**Cameroons.*

There are no special laws or regulations fixing the minimum age for the admission of children to employment at sea. The employment of children and young persons is subject to the general rules laid down in the Labour Code and the Orders issued to apply the Code. In practice no young person is employed on vessels registered in the Cameroons.

The supervision of the application of the statutory provisions is entrusted to the Inspectors of Labour and Social Legislation and to their authorised substitutes, as well as to the officials and staff of the Maritime Registration Service.

See also under Conventions Nos. 5, 10 and 33.

*Comoro Islands.*

See under Convention No. 10.

*French Equatorial Africa.*

No young person is employed on vessels registered in the territory.

*St. Pierre and Miquelon.*

Employment at sea is prohibited for children under the full age of 13 years, except that the employment of children of at least 12 years of age who hold a certificate of elementary education is authorised. This minimum age is raised to 15 years for vessels commissioned for deep sea fishing off Newfoundland and Iceland, unless a special administrative authorisation is obtained; this is subject to the presence of one of the child's parents on board. The age of each member of the crew is mentioned on the crew list.

The Director of the Maritime Registration Service is responsible for supervising the application of the laws and regulations.

*United States.**Panama Canal Zone.*

See under Convention No. 53.

The reports concerning the other territories reproduce or refer to the information previously supplied.

59. Minimum Age (Industry) Convention (Revised), 1937<sup>1</sup>

*This Convention came into force on 21 February 1941*

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*Italy.* Ratification : 22 October 1952.

No declaration.

*New Zealand.* Ratification : 8 July 1947.

No declaration.

*United Kingdom.\**

Applicable without modification : Aden, Bechuanaland, Fiji, Gambia, Gold Coast, Kenya, Mauritius, Solomon Islands, Tanganyika, Zanzibar.

Decision reserved : Brunei.

No declaration : British Somaliland, Guernsey, Jersey and Isle of Man.

Applicable with modification : all other non-metropolitan territories.

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<sup>1</sup> This Convention revises the 1919 Convention. See Convention No. 5.

\* Unratified Convention. See footnote 2 to Convention No. 3.

*New Zealand.**Western Samoa.*

See under Convention No. 10.

The reports concerning the other territories reproduce or refer to the information previously supplied.

**60. Minimum Age (Non-Industrial Employment) Convention (Revised), 1937<sup>1</sup>***This Convention came into force on 29 December 1950*


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*Italy.* Ratification: 22 October 1952.  
No declaration.

*New Zealand.* Ratification: 8 July 1947.  
No declaration.

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<sup>1</sup> This Convention revises the 1932 Convention. See Convention No. 33.

*New Zealand.**Western Samoa.*

See under Convention No. 10.

The reports concerning the other territories reproduce or refer to the information previously supplied.

**62. Safety Provisions (Building) Convention, 1937***This Convention came into force on 4 July 1942*


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*Belgium.* Ratification: 3 October 1951.  
Applicable without modification: 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.*

Proceedings are now under way for withdrawing the reservations made at the time of ratification by Belgium.

*France.**Algeria.*

Order of 2 September 1954.  
Order of 16 May 1955.

Persons employed in the building trade number 156,258. During the period under review 4,975 industrial accidents were reported, 31 of them fatal. The main causes of these accidents were falls of ground, falls of scaffolds, handling loads, falls of ladders, incandescent substances and hand tools.

The labour inspectors help to educate the workers in safety matters through talks given in the centres for the vocational training of adults. The work of health and safety committees is often unsatisfactory. The industrial accident prevention body established under the Order of 2 September 1954 has been constituted and the departmental prevention committees have also begun to operate.

*Cameroons.*

Experience has shown the need to supplement the regulations in force with a special Order laying down special safety rules for building and public works; such an Order, which will be based on those issued in French

West Africa and French Equatorial Africa, is now being drafted.

There are about 12,000 workers in the building and public works industry. In 1955 the accidents notified in this industry numbered 1,378, 22 of them being fatal.

During the period under review 116 contraventions of safety rules were recorded; 86 of them led to the issue of formal summonses to take remedial action.

There would be no difficulty in the way of application of the Convention.

*Comoro Islands.*

Act No. 52-1322 of 15 December 1952, to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5), sections 134 and 136.

Order of the High Commissioner in Madagascar of 5 November 1954, as made applicable to the Comoro Islands.

The report reproduces the provisions of the sections of the Act that are cited above.

Before undertaking demolition work a careful inspection must be made to check the resistance of each of the parts to be demolished and to shore up any parts for which this is necessary to ensure the workers' safety. Precautions must be taken to ensure the safety of workers employed at the lower levels. Scaffolds must have rigid guard rails at a height of 90 cm. Scaffold poles must be let into the ground or fixed in such a way as to prevent the lower ends from slipping. When fixed scaffolds are installed on roofs the pole standards must rest on solid parts of the building.

Protective devices must be installed for all work in which workers are exposed to the risk of serious falls.

*French Settlements in Oceania.*

There were 30 accidents in the building industry during the year 1955. A few observations have been received from workers' organisations with regard to the application of the regulations in practice.

*French Somaliland.*

The local Order which is to be issued to apply section 133 of Act No. 52-1322 of 15 December

1952 to establish a Labour Code for Overseas Territories is now being drafted and considered by the Advisory Technical Health and Safety Committee, which consists of representatives of the Administration, employers and workers and considers all the measures required to increase the safety of the workers in all occupations, including the building trade.

Safety conditions are supervised by the Inspectorate of Labour and Social Legislation.

#### *French West Africa.*

General Order No. 8825/IGTLS.AOF of 14 November 1955 to lay down the special health and safety rules applicable in French West Africa on building and public works sites.

The Order cited above is closely based on the regulations in force in metropolitan France and complies with the provisions of the Convention. These provisions relate to hoisting and handling appliances; underground work, earth works and demolition work; the use of explosives; building operations; and miscellaneous subjects.

The provisions promulgated under the Order must be posted up on fixed work sites and in places where workers are paid.

The Labour Inspection Service, which is responsible for the application of the Order, issues formal summonses calling for action within a specified period.

#### *Martinique.*

The Labour Inspection Service tries to ensure the strict application of existing provisions, particularly by small undertakings which do not have proper equipment.

Too often workers tend to abandon their personal equipment (safety goggles and boots and other footwear).

The statistics compiled for the first half of 1955 show that out of 3,855 accidents that occurred in all occupations, 440, or about 11.5 per cent., involved workers in the building trades.

#### *New Caledonia.*

Order No. 1848 of 7 December 1955 to lay down the health and safety measures applicable in undertakings of the territory.

The report reproduces the text of the Order cited above.

#### *Réunion.*

In Réunion there are only a few medium sized or even small hoisting appliances (windlasses). On the whole the special health and safety measures to be applied on building and public works sites are observed to only a slight extent, since the work done is more of a craft character than an industrial one.

Much training and persuasion will be required; all the bodies with a concern for the subject (the Employers' Chamber, the Labour Inspection Service and the Safety Fund) are concentrating on this. The first results obtained have been definitely encouraging.

With a labour force of 5,000 workers employed in the building and public works industry in

1954 there were 730 accidents, two of them fatal, three leading to permanent incapacity, 498 involving absence from work and 232 involving no such absence.

#### *St. Pierre and Miquelon.*

Order of 8 April 1952 to lay down rules for the inspection of hoisting appliances other than passenger and goods lifts.

An Order to issue health and safety rules for workplaces is now under consideration and will shortly be submitted to the Technical Advisory Board for examination.

All hoisting appliances must be tested and inspected annually. The provisions regarding the testing of hoisting appliances also cover appliances on vessels commissioned in the territory or engaged in the loading or unloading of goods there.

#### *Togoland.*

Order of 10 September 1955 to determine the composition of the Technical Advisory Committee.

Safety regulations are issued by the Governor of the territory on the proposal of the Inspector of Labour and Social Legislation and after consulting the Technical Health and Safety Committee. The Inspector of Labour and Social Legislation is responsible for safety inspection and for testing scaffolds and hoisting appliances.

During the period under review eight occupational accidents were recorded in the building industry. The number of industrial accidents in this industry is relatively low because the buildings put up are rarely more than one or two storeys high.

At intervals the Inspector of Labour and Social Legislation arranges for information on the provisions of the Convention to be supplied to the undertakings concerned, particularly as regards the provisions relating to scaffolds, hoisting appliances and first aid.

#### *Netherlands.*

##### *Netherlands Antilles.*

Government Safety Decree, 1942 (P.B. 1942, No. 162).  
Safety Decree I (P.B. 1955, No. 102).

According to the text of the Government Safety Decree, which is now in force, the provisions of this Decree and of the ensuing Safety Decree I are only applicable to factories and workshops. This definition only covers those building works where use is made of mechanical power. A new Government Decree is being considered by the legislative body, the States of the Netherlands Antilles. When this new Decree has entered into force the provisions will be applicable to all building works.

Special legislation in the field of safety provisions for the building industry is in course of preparation. The draft is mainly based on the lines of the Model Code.

#### *Surinam.*

The report states that the Convention is applicable to Surinam and that the Safety Decree (Government Gazette No. 142 of

8 September 1947) contains the provisions for the protection of workers.

The Decree provides that the Government may lay down safety regulations covering all or certain industries. One of these safety regulations specifies that scaffolds and safety appliances connected therewith shall meet the requirements of sound and safe working. Special regulations for the building industry do not exist because high buildings are infrequently constructed.

The members of the Safety Inspectorate supervise sites, give necessary instructions, pay

special attention to the erection of scaffolds, and have police powers.

The report states that, although not an urgent necessity, special safety regulations for the building industry are being considered.

In addition it is stated that in most cases accidents were caused by the carelessness of workers or by falling objects. There were no fatal accidents during the year under review.

The reports concerning the other territories reproduce or refer to the information previously supplied.

### 63. Convention concerning Statistics of Wages and Hours of Work, 1938

*This Convention came into force on 22 June 1940*

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*Australia.* Ratification<sup>1</sup>: 5 September 1939.  
No declaration.

*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>2</sup>: 8 August 1939.  
Not applicable: South West Africa.

*United Kingdom.* Ratification: 26 May 1947.  
Applicable *ipso jure* without modification<sup>4</sup>: Guernsey, Jersey and Isle of Man.

No declaration: all other non-metropolitan territories.

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<sup>1</sup> Excluding Part II.

<sup>2</sup> Excluding Part III.

<sup>3</sup> Excluding Parts II and IV.

<sup>4</sup> See footnote 1 to Convention No. 2.

#### *France.*

#### *Algeria.*

A half-yearly survey of employment and wages in various occupations was carried out in 1955 by the Labour Inspectorate. The first survey was held on 2 May 1955, followed by two others on 2 November 1955 and 2 May 1956. The results of the first two surveys were published in the quarterly *Bulletin de statistiques générales*, 1955, No. 4, and 1956, No. 2; the last survey is still being analysed. A further survey is planned for November 1956.

#### *Cameroons.*

In order to obtain and compile statistics of wages and hours of work a highly developed administrative machine would be needed which would be out of proportion to the stage of economic development of this territory.

A certain amount of information on hours of work and wage rates is collected by the Inspectorate of Labour and Social Legislation, as well as by the general statistics department.

#### *Comoro Islands.*

No steps have been taken to apply this Convention.

#### *French West Africa.*

It is difficult for the small staffs of the Labour Inspectorate and the general statistics department to obtain full periodical information about undertakings which are scattered throughout the territory and often have a high labour turnover; in some cases, moreover, they are managed by persons who are unfamiliar with their obligations.

#### *Martinique.*

It is proposed to hold an annual survey of economic activity and the conditions of employment of the labour force, beginning in 1957.

#### *Réunion.*

Decree of 1 June 1956 to amend the Decree of 19 October 1951.

Following the reorganisation of the financial branch of the general social security fund, statistics regarding wages and hours of work can henceforth be provided.

The above Decree establishes a minimum wage rate of 41.15 francs an hour for wage earners in industry and commerce and 274.50 francs a day for a 7½-hour stint in agriculture.

In 1954 the total wages paid, according to returns made to the social security scheme, amounted to 2,414,184,000 francs; the number of hours worked was 64,375,725, while the number of wage earners was 53,167.

#### *St. Pierre and Miquelon.*

The report contains statistics provided by the Inspectorate of Labour and Social Legislation regarding hourly earnings and the number of hours worked during the period under review.

#### *Togoland.*

In the course of their visits to undertakings the labour inspectors obtain fairly accurate information on wages and average hours of

work. Owing to the existence of large-scale mining and manufacturing industry it has not been thought advisable to apply the provisions of the Convention literally. There are few agricultural undertakings to which the Convention could be applied.

#### *United Kingdom.*

##### *Aden.*

There is no legislation applying the provisions of the Convention; it has been proposed that section 4 of the Labour Ordinance should be amended so as to empower the Labour Commissioner to call for the information required under the Convention.

##### *Basutoland.*

Basutoland being essentially a nation of peasant farmers with no industrial or mining enterprises, under the terms of Article 23 of the Convention it is requested that the Convention be declared inapplicable in respect of Basutoland.

##### *Bechuanaland.*

Under Article 23 of the Convention application has been made for the exemption of the whole of the Bechuanaland Protectorate from this Convention.

The only statistics of wage rates and hours of work available are those given in Part II, Chapter 2, of the territory's annual report. The report states that these are based on information obtained from District Commissioners and are only very approximate and must, therefore, be treated with considerable reserve.

There is no machinery for the compilation of elaborate statistics. The territory has no labour department which might be able to furnish more reliable figures than those given in the annual reports.

Extracts from the annual report of the territory for 1955 are given in the report

##### *Bermuda.*

No legislation or administrative regulations are in force applying the Convention; in practice however, its provisions are complied with in the building and construction industry, the one industry to which they are appropriate, according to the report.

*Article 4 of the Convention.* The only statistical authority is a single individual employed full-time compiling statistics for the Custom House and the Colonial Treasury. No inquiries have been undertaken under the terms of the Article.

*Articles 5 to 11.* No statistics are available of average earnings and actual hours of work.

*Article 13.* The normal hours of work of all categories of artisans are 52½ per week. The report provides data on the hourly earnings of the various categories of artisans in the building and construction industry during the period.

*Article 14.* Hours of work are fixed by custom. Since for a number of years demand

has tended to exceed labour supply, rates of wages have risen progressively with the rise in the cost of living.

*Article 22.* Average weekly wages vary from £10 to £14. Some farmers provide allowances in kind to workers. At the time of the 1950 census there were fewer than 200 agricultural wage earners and this number has since declined. The source of statistics of wages and hours of work in agriculture is the Bermuda Department of Agriculture. Normal hours of work of agricultural wage earners are 50 a week.

The Colonial Secretariat is responsible for the compilation of statistics in accordance with the requirements of international labour Conventions.

##### *British Honduras.*

*Article 4 of the Convention.* The information required under this Article is secured by the Labour Department through returns from employers and from inspection reports.

*Articles 5 to 12.* Statistics of average earnings and hours actually worked are sought from employers at regular intervals. In view of the stage of development of the territory, the publication of representative and reliable statistics would not be practicable without resort to the exercise of compulsory powers.

*Articles 13 to 21.* There are no mining industries in the territory. In the annual reports of the Labour Department, communicated regularly to the I.L.O., statistics are given for wages and normal hours of work for a representative selection of the principal manufacturing industries, including building and construction. It has not been found practicable to comply fully with Articles 16, 19, 20 and 21 without recourse to the exercise of compulsory powers.

*Article 22.* Statistics relating to agricultural workers are published in the annual reports of the Labour Department in so far as this is practicable without recourse to the exercise of compulsory powers.

*Article 23.* No areas have been excluded from application.

The Labour Department is responsible for the compilation of statistics to comply with the requirements of the Convention. The Government has under consideration means of improving the statistics required by the Convention but the stage of economic development of the territory and other factors make it difficult to secure regular returns of statistics of a detailed nature.

##### *British Somaliland.*

There is no legislation or any administrative regulation applying the provisions of this Convention. The majority of the population are nomadic pastoralists and there are only very few persons whose mode of livelihood would be suited to statistical analysis. These few persons are those in government employ and their hours of work and rates of remuneration are kept under constant review.



For the reasons stated above the Articles of the Convention have not been applied.

There is no statistical office charged with maintaining the statistics required by this Convention.

#### *Cyprus.*

No legislation or administrative regulations exist for the application of the Convention.

*Article 1 of the Convention.* Statistics relating to wages and hours of work are compiled as required by the Convention, with the exception of Part II. Yearly statistics are published in the annual reports of the Labour Department which are communicated to the International Labour Office.

*Article 3.* This Article is applied.

*Article 4.* Yearly surveys are conducted covering the main employing establishments.

*Article 5.* The statistics are communicated to the I.L.O. Sampling of establishments is not systematic. Separate figures are given for each of the principal industries.

*Article 6.* The statistics communicated refer to cash payment only.

*Article 7.* No statistical data are available referring to payments in kind.

*Article 9.* The statistics of actual average earnings relate to average earnings per week and those of actual hours of work are on a weekly basis.

*Article 10.* Separate figures are given for adults and juveniles and for male and female workers.

*Article 11.* The statistics relate to the whole country.

*Article 12.* No index numbers of earnings are compiled.

*Article 14.* Wage rates are primarily fixed by collective agreements and by arrangements between employers and wage earners individually. Statistics relate to predominant and average wage rates.

*Article 15.* The report refers to the last annual report of the Labour Department submitted. Separate occupations within each industry are shown.

*Article 16.* In the Department of Labour reports daily rates of wages are given but weekly normal hours of work.

*Article 17.* See under Article 10.

*Article 18.* See under Article 11.

*Article 19.* Only overtime rates are given.

*Article 20.* See under Article 7.

*Article 21.* See under Article 12.

*Article 23.* No area has been excluded.

The Statistics Section of the Secretariat is responsible for the compilation of statistics required under the terms of the Convention.

#### *Falkland Islands.*

Owing to the sparseness of the population and the absence of a labour department, statistics of wages and hours of work are not collected.

#### *Gambia.*

Statistics relating to wages paid and hours worked in mining and building construction are supplied in the report. Figures for average earnings and actual hours of work (Part II of the Convention) are not available.

#### *Gibraltar.*

Employment Exchange Registration Ordinance.  
Regulations on Wages and Conditions of Employment Ordinance.

*Article 1 of the Convention.* Considering the size of Gibraltar and the fact that there is no agriculture, no mining as such and little manufacturing industry, it would be impracticable to require regular statistical returns. However, the above-mentioned legislation empowers the Director of Labour and Welfare to call for returns of wages paid and hours of work and no difficulty would be experienced in obtaining statistical information for any particular periods.

#### *Grenada.*

Department of Labour Ordinance No. 16 of 1940.  
Department of Labour Order, 1942 (S.R. and O. No. 68 of 1942).  
Department of Labour (Amendment) Order, 1943 (S.R. and O. No. 45 of 1943).  
Wages Council Ordinance No. 4 of 1951.

*Article 1 of the Convention.* Statistics relating to wages and hours of work are compiled and published at quarterly and yearly intervals. Copies of annual reports are forwarded to the International Labour Office.

*Article 4.* Statistics are submitted annually by all major sources of employment and changes during the year are revealed through constant contact with the various centres of employment.

*Articles 5 and 6.* See under Article 1.

*Article 7.* Allowances in the form of reduced prices for ground provisions are granted to workers in agriculture.

*Article 8.* No family allowances are granted in the territory.

*Articles 9 and 10.* See under Article 1.

*Article 11.* Statistics supplied relate to the whole island.

*Article 12.* In this small territory it has not been possible to compile the statistics in the manner required by the provisions of this Article.

*Articles 13 to 17.* The required statistics are contained in the reports referred to under Article 1.

*Article 18.* See under Article 11.

*Article 19.* The provisions of this Article are complied with in the annual report of the Department of Labour.

*Article 20.* See under Article 7.

*Article 21.* See under Article 12.

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

*Hong Kong.*

There is no legislation nor are there any administrative regulations for the application of the provisions of the Convention.

*Article 1 of the Convention.* Statistics relating to wages and hours of work are compiled from representative undertakings in selected industries and are published annually in the departmental annual report of the Commissioner of Labour, copies of which are forwarded to the I.L.O.

*Article 2.* There are relatively few wage earners in agriculture; it is difficult at present to compile statistics of hours actually worked and annual index numbers showing the general movement of rates of wages.

*Article 3.* Information is published as a summary for the industry and information from individual concerns is treated as confidential.

*Articles 13 and 14.* Statistics of time rates of wages and normal hours of work of wage earners are at present published for 14 industries; statistics for building and construction are difficult to obtain. The necessary references and explanations are contained in the departmental annual report.

*Article 15.* Statistics of time rates of wages and hours are given annually for all occupations in the industries selected.

*Article 16.* Normal hours per day and working days per month are clearly indicated for all occupations; wage rates or earnings are on a daily or monthly basis.

*Article 17.* Separate figures are given for male and female workers but it is not possible at present to give separate figures for adults and juveniles.

*Article 18.* Statistics relate to the territory as a whole.

*Article 19.* Where payment is made for holidays this is indicated. There are no family allowances in the territory. Rates of overtime pay are indicated. There is no limit to the amount of permitted overtime except in respect of women and young persons.

*Article 20.* Where such payment in kind is made information is included in the reports.

*Article 23.* See under Article 18.

The report includes detailed information on the procedures used in collecting statistics. The Labour Department is entrusted with the task of compiling statistics in accordance with the requirements of the Convention. The Labour Advisory Board considers that the application of Part II would require statutory powers for enforcement and a large enforcement staff would be required, the expense of which would not be justified by the results.

*Leeward Islands.*

Labour Ordinance No. 3 of 1950 (Antigua).  
Labour Ordinance No. 1 of 1950 (St. Kitts-Nevis-Anguilla).  
Labour Ordinance No. 5 of 1950 (Montserrat).  
Labour Ordinance No. 5 of 1950 (Virgin Islands).

*Antigua.*

*Article 1 of the Convention.* Statistics are compiled on a monthly basis and included in

the annual report of the Labour Department which is communicated each year to the International Labour Office.

*Article 4.* Returns of statistics requested by the Labour Commissioner are submitted promptly.

*Article 5.* There is no mining activity in Antigua. Statistics regarding actual wage rates and hours of work in manufacturing industries are compiled but not in respect of average earnings.

*Articles 6 and 9.* The requirements are complied with.

*Article 10.* In general, statistics are compiled in respect of males, females and young persons.

*Article 11.* The statistics relate to Antigua as a whole.

*Article 12.* In view of the staff available the compilation of such index numbers is not practicable.

*Article 13.* See under Article 1.

*Articles 16 and 17.* The requirements are complied with.

*Article 18.* See under Article 11.

*Article 20.* No such allowances are payable.

*Article 21.* See under Article 12.

*Article 22.* See under Article 1.

In *St. Kitts-Nevis-Anguilla* the Convention is applied to approximately the same extent as in Antigua. In *Montserrat* and the *Virgin Islands* straitened financial circumstances have precluded the appointment of the staff necessary for the compilation and maintenance of regular and complete statistics in the employment field.

*Malta.*

Conditions of Employment (Regulation) Act, 1952.

*Article 1 of the Convention.* The statistics are compiled and published in the annual report of the Department of Emigration, Labour and Social Welfare; copies are forwarded to the International Labour Office.

*Article 2.* Statistics in respect of Part III only are collected.

*Article 3.* Nothing is published which might result in disclosure of information relating to any individual establishment.

*Article 4.* Information is collected by labour inspectors or is furnished by employers in writing on request. Information has always been given freely.

*Articles 5 to 12.* No statistics of earnings and of hours actually worked are collected.

*Article 13.* Statistics of time rates and of normal hours of work are published.

*Article 14.* Statistics published show the average hourly wage rates, as also the minimum and maximum rates, paid to adult males and females in various occupations in private industry; the standard rates payable in government departments in certain trades; the average normal hours and average wages by main industrial groups; and the normal hours of work in government departments.

*Article 15.* Statistics are compiled and issued once a year, at the end of each year. All industries are covered. Separate figures as regards wages are given in respect of the main occupations in industry. The International Standard Industrial Classification of All Economic Activities is used; separate data are given for the government departments.

*Article 16.* Statistics of time rates show the rates per hour.

*Article 17.* Rates of wages by main occupations are given for adult males and females separately; average weekly hours and hourly rate by industry are also shown separately by sex.

*Article 18.* Statistics relate to the whole of Malta.

*Article 19.* The information collected does not contain the particulars indicated in the Article.

*Article 20.* Allowances in kind do not form a substantial part of the remuneration of any worker in the territory.

*Article 21.* No index is kept.

*Article 22.* No statistics of wages and hours of work in agriculture are collected.

*Article 23.* No area has been excluded.

Labour statistics are collected and compiled by the Department of Emigration, Labour and Social Welfare.

#### *Isle of Man.*

Apart from the Agricultural Returns Act, 1929, no legislation exists under which particulars may be collected by a competent authority from any person carrying on an undertaking relating to remuneration and hours worked. Statistics of employment in agriculture as at 4 June 1954 are provided.

The report describes the methods of determining wages by Joint Industrial Councils and by negotiation between employers and unions. Family allowances are not paid by employers but out of moneys provided by Tynwald, and are the same as those in the United Kingdom.

#### *Nigeria.*

According to the report much of the detailed statistical information required is of only limited relevance to the territory. The short-term objective must be to compile and keep up to date a complete register of commercial establishments. The attainment of this objective will be facilitated by the complete transfer of responsibility for the collection of employment statistics to the Department of Statistics. At present there is an annual return of employment and earnings which is designed to collect the following particulars: (a) numbers employed as at 30 September by category of employee; (b) total earnings during the month of September by category of employee; (c) total earnings paid during each of the four quarters in the year ending 30 September. A table showing numbers employed, average monthly earnings and hours worked analysed according to the International Standard Industrial Clas-

sification of All Economic Activities is published in the annual report of the Department of Labour. In addition to the statistics collected as part of the annual inquiry the Department of Statistics receives quarterly returns of numbers of workers employed by the Nigerian Railway Corporation, the Nigerian Coal Corporation and the tin mining industry. This information is published in the *Quarterly Digest of Statistics*.

#### *North Borneo.*

Index numbers showing the general movement of rates of wages are being based on statistics at the end of 1954 and when these are compiled the Convention will in practice be applied without modification (allowing for the exclusion of Part II).

Information on collection of statistics is contained in the departmental annual reports.

#### *Nyasaland.*

This Convention has not been applied in Nyasaland.

The compilation of the statistics called for in the Convention presents practical difficulties in this territory where the majority of African wage earners are employed in some form of agriculture, many of them being employed only seasonally or on a part-time basis. Further difficulties arise from the varying practice in regard to provision of food, housing, etc., making it difficult under present conditions to arrive at average rates which represent either the full earnings of the employee or the cost of the labourer to his employer.

#### *St. Helena.*

The report indicates that the Government hopes to be in a position to supply, as from next year, the statistics required by the Convention. While Part III of the Convention was originally excluded from acceptance by the Government of St. Helena, it is expected that it will be possible to apply this Part.

#### *Sierra Leone.*

Statistics relating to wages and hours of work are published regularly in the annual report of the Labour Department.

Index numbers showing the general movement of earnings or the movement of rates of wages are not computed or published. Consideration will be given to the computation of such index numbers. Holidays with pay and overtime rates have been agreed or fixed by voluntary or statutory machinery, and statistical information on these items will be given at the appropriate date in the future.

Statistical information as required by this Convention has been published regularly since 1949 in the annual report of the Labour Department. Although there is no legal compulsion to submit returns on average earnings and hours actually worked, most of the employers concerned co-operate with the Department to the fullest extent by submitting these returns regularly and promptly.

*Singapore.*

*Article 1 of the Convention.* Data are compiled and published annually in the report of the Labour Department, which is transmitted to the International Labour Office.

*Article 2.* The Convention is in practice applied except for Part IV, which is excluded because of the small number of wage earners in agriculture.

*Article 3.* This Article is applied.

*Article 4.* Questionnaires are sent out to selected establishments in industries in which the total number of workers employed exceeds 400. An undertaking is given that information supplied will be kept confidential.

*Article 5.* The Article is applied, but there are no mines in Singapore.

*Article 6.* Bonuses are excluded from the statistics of average earnings. In other respects the Article is applied.

*Articles 7 and 9.* These Articles are applied.

*Article 8.* No family allowances are paid.

*Article 10.* Separate figures are given by sex and for adults and juveniles.

*Article 11.* The statistics relate to the whole territory.

*Article 12.* Index numbers are not compiled.

*Article 13.* See under Article 5.

*Article 14.* This Article is applied. Normal hours of work are eight a day and 44 a week.

*Article 15.* This Article is applied.

*Article 16.* Statistics of time rates give the rates per day.

*Article 17.* Separate figures are not available in respect of juveniles.

*Article 18.* See under Article 11.

*Article 19.* The statistics of time rates of normal hours of work do not include the particulars mentioned in clauses (a) to (d) of this Article.

*Article 20.* Statistics published do not include allowances in kind.

*Articles 21 and 22.* See under Articles 12 and 2 respectively.

The Labour Department is the authority entrusted with the task of compiling statistics in compliance with the Convention.

*Solomon Islands.*

The report states that the Convention is hardly relevant to the territory, where subsistence agriculture predominates and the indigenous peoples are under no necessity to work for wages. The collection of statistics under Part IV of the Convention (the only section applicable) would not be justified.

*Uganda.*

Uganda Employment Ordinance (Cap. 83 of the Revised Laws of Uganda, 1951).

*Article 2 of the Convention.* The report states that it has not yet been possible to prepare the

full statistics required under Part II of this Convention.

*Article 4.* The East African Statistical Department, in co-operation with the Labour Department, carries out an annual enumeration of persons employed in all undertakings employing more than five persons. A similar annual survey of persons employed in the cotton ginning industry is also carried out. In addition information is collected within the Labour Department from inspection reports submitted by officers of that department. The results of the former inquiries are given in the *Quarterly Economic and Statistical Bulletin* published by the East African Statistical Department (in particular Section E and Appendix 1 of the Bulletin) and the latter in the annual report of the Labour Department (in particular table 5).

*Articles 5 to 12.* It is not possible to apply these Articles as it is not yet practicable to obtain adequate information about average earnings and hours actually worked.

*Article 13.* See the annual reports of the Labour Department, especially table 5.

*Article 14.* See the annual reports of the Labour Department, and Uganda Employment Ordinance, Rule 22, relating to hours of work and overtime.

*Article 15.* See the *East African Statistical Bulletin*.

*Article 16.* Unless otherwise stated in the annual reports of the Labour Department wages are calculated in shillings per month. To obtain the rate per hour the figure should be divided by 180. In the case of wages calculated daily the figure should be divided by seven-and-a-half.

*Article 17.* The sources of information do not give separate particulars classified by sex and age.

*Article 18.* This is not applicable as the statistics relate to the whole country.

*Article 19.* This is not applicable as the sources of information from which the statistics of time rates and normal hours of work are compiled do not contain the particulars required in clauses (a) to (d).

*Article 20.* The statistics of time rates of wages include an estimate of the value of any allowances given in kind but it is not practicable to give an estimate of the money value of such allowances as the value varies so widely from place to place in the country.

*Article 21.* Precise index numbers showing the general movement of rates of wages are not compiled but information regarding wage movements is given each year in the annual report of the Labour Department.

*Article 22, paragraphs 1 and 2.* See the annual reports of the Labour Department.

Paragraph 3. (a) The statistics obtained relate chiefly to labourers in agriculture; (b) annual enumerations of persons in employment conducted by the East African Statistical Department and information obtained from inspection reports compiled by officers of the Labour Department; (c) and (d) issue of a questionnaire to all known employers of more

than five persons, and visits and inspection of wage registers by Labour Department officials.

*Article 23*, paragraphs 1 and 2. No areas have been excluded.

*Article 24*. This Article is not applicable.

As far as is practicable the Convention is being applied but Uganda is not a rich country and cannot afford the staff which would be required to obtain and publish all the

statistics which it would wish to do. In addition the majority of the labour force is composed of migrant workers employed by many small employers whose general level of education is not high. This makes the collection of reliable statistics particularly difficult.

The reports concerning the other territories reproduce or refer to the information previously supplied.

#### 64. Contracts of Employment (Indigenous Workers) Convention, 1939

*This Convention came into force on 8 July 1948*

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*Belgium*. Ratification: 26 July 1948.  
Applicable without modification: 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>: Guernsey, Jersey and 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.*

In reply to the observations made by the Committee of Experts in 1956, the Government has supplied the following information:

*Article 3*, paragraph 1, and *Article 6*, paragraph 1. The Belgian enactment, like the Convention, was intended to ensure that contracts for a period of six months or more should be in writing. In fact there is only a difference of one day between the period covered by the Convention and that covered by the legislation in the Belgian Congo. Legislation could be introduced to rectify the decree at a later date.

*Article 6*, paragraphs 3 to 5. Section 58 of the Royal Order of 19 July 1954 states that a worker may break his contract without notice before it expires if the employer or his representative is guilty of some serious breach of the law. It is considered that the worker's consent is invalidated whenever he is engaged under a contract which the employer has not submitted for attestation. There is no need to apply to the courts for cancellation of the contract and the worker is at liberty to terminate it on his own initiative. Thus if a legal instrument does exist it may be cancelled at the worker's own discretion. This implies that a contract which has not been submitted for attestation is only enforceable for whatever maximum period may be accepted by the worker and this may be shorter than the

maximum period required for contracts not made in writing. It is also clear that a worker whose interests have been harmed by the employer's omission is entitled to claim damages in accordance with the normal provisions of the law. In addition any wilful act by the employer is punishable.

*Article 13*, paragraph 5. In the event of failure to fulfil his obligations with respect to repatriation, the employer may be sentenced by the courts if he ignores a warning. Since any sentence is enforceable it can be stated that the authorities ensure that the obligation to repatriate the workers is carried out. In practice, there have been no cases in which employers have refused to carry out the terms of the Convention.

*Article 6*, paragraph 7 (a), *Article 10*, paragraph 2 (a) and *Article 12*, paragraph 2 (b) (i). Measures have been taken to implement these provisions. Section 10 of the Ordinance of 12 December 1954 stipulates that officials of the territorial service must ensure that a worker's consent to a contract or to a transfer to another employer has been obtained without coercion, undue influence, misrepresentation or mistake. In addition, section 91 of the Decree states that the administrative authorities must make a special effort to protect the workers.

The trade unions have put forward a number of suggestions including a request for further legislation to make changes with respect to length of notice.

##### *United Kingdom.*

##### *Aden.*

Contracts of Employment (Indigenous Workers) (Amendment) Ordinance No. 10 of 1956.

The number of contracts for service outside the colony attested in 1955 was 652. It is estimated that the labour force amounts to approximately 60,000 and that 60 per cent. is of migratory origin entering Aden Colony from the Aden Protectorate and the Yemen. It is probable that up to one-third of this percentage is recruited by traditional methods but do not serve under contract. Considerable numbers of indigenous manual workers have arrived from other countries and in such cases the Convention has been applied wherever possible.

*Basutoland.*

In reply to the request made by the Committee of Experts for information regarding the steps to be taken to give effect to paragraphs 1 to 3 of Article 12 of the Convention, the Government states that contracts covered by the Convention are confined to labourers recruited for employment in the Union of South Africa, and that relations between employers and workers are therefore to a certain degree governed by Union law.

Conditions safeguarding the interests of the worker in the event of sickness or accident are inserted in contracts. The Native Labour Regulation Act, 1911, of the Union of South Africa provides for repatriation of a worker employed on contract who is unfit to resume work, and a worker who because of illness or accident cannot work may be discharged only with the approval of an authorised officer. Compensation for accident or disease is governed by Union Act No. 30 of 1941. The aforementioned Act of 1911 makes it an offence for employers to withhold wages without the consent of the Director of Native Labour. Contracts provide for payment of wages within seven days after completion of each 30 shifts, and for final payment within seven days from completion of the contract. A Native worker is entitled to termination of the contract on compassionate or other reasonable grounds; termination is subject to the Inspector of Native Labourers being satisfied that it is by mutual consent, and the worker has to pay his own repatriation expenses.

The necessity for similar regulations in Basutoland is under consideration.

*Bechuanaland.*

In reply to the observation made by the Committee of Experts in 1956 the Government states that paragraphs 1 to 3 of Article 12 of the Convention are contained in section 30 of Cap. 64 of the Laws of the Bechuanaland Protectorate (Native Labour). Regulations under subsection 3 of this section are under consideration. The local recruiting organisations have been contacted and neighbouring territories are being asked to supply copies of their regulations covering the right to repatriation, to compensation in respect of accident or disease, etc.

*Gambia.*

See under Convention No. 50.

*Gilbert and Ellice Islands.*

Labour Ordinance No. 6 of 1951 (Cap. 13).

*Article 1 of the Convention*, clause (a). "Worker" as defined in section 3 of the Ordinance is not restricted to indigenes but Part VI applies specifically to "Natives" as defined in the Native Status Ordinance (Cap. 17).

Clause (b). This is implicit but is not specifically stated.

*Article 2*, paragraph 1. Section 44 (1) applies this and section 11 (1) (a) in effect requires remuneration to be in cash.

Paragraph 2. No exception is made.

Paragraph 3. Sections 75 to 85 deal with contracts of apprenticeship.

Paragraph 4. Section 44 (2) applies this, but there are no regular contracts of this nature. A Native landowner often allows a friend or relation to crop his land for him.

*Article 3*, paragraph 1 (a). Section 44 (1) requires all contracts to be in writing if for more than one month; and subsection (b) of that section quotes paragraph 1 (b) of Article 3 verbatim.

Paragraph 2. Section 44 (1) requires the worker to sign the contract.

Paragraph 3. A contract not in writing is deemed to be a monthly one (section 44 (3)).

Paragraph 4. This paragraph is not specifically enacted, but it follows from sections 4 and 44 (3) and is enforceable under section 52, the worker applying to the Deputy Commissioner.

*Article 4*, paragraph 1. Contracts are made only with the worker, and nothing in the Ordinance makes them binding on the worker's family.

Paragraph 2. Under section 3 "employer" includes any person acting on behalf of the employer. The employer is thus responsible for performance of any contract entered into on his behalf.

*Article 5*. This is covered by section 45 with the wording slightly modified. Repatriation conditions are covered by section 53 rather than by the contract.

*Article 6*, paragraph 1. This is applied by section 44 (1).

Paragraph 2. Section 46 sets out these requirements and provides in addition that the attesting officer shall satisfy himself that the contract is not manifestly unfair to the worker.

Paragraphs 3 and 4. Although not specifically prescribed this follows from section 44.

Paragraph 5. The contract, if not attested, is only on a monthly basis under section 44 (3), but the worker can still apply to a Deputy Commissioner under section 52 for cancellation, damages, etc.

Paragraph 6. Under section 47 one copy of every contract is sent to the Resident Commissioner for registration.

Paragraph 7. Under section 47 the attesting officer gives a copy of the contract in the vernacular direct to the worker at the time of signature.

*Article 7*, paragraph 1. Section 48 (1) requires workers to be medically examined.

Paragraph 2. This is provided for in section 48 (2).

Paragraph 3. This is provided for in the proviso to section 48 (2).

Paragraph 4. This is prescribed in section 48 (3). The limit for the number of agricultural workers under (a) is prescribed as 25. Under section 48 (3) (b) the distinction between agricultural and non-agricultural work is omitted and medical examinations thus may be dispensed with if and when the Resident Commissioner agrees that the work is not of a dangerous character or likely to be injurious to the health of the workers.

*Article 8*, paragraph 1. Section 49 prescribes the minimum age as 18 years.

Paragraph 2. The minimum age of 18 years is considered to be adult for all the occupations for which workers are engaged in the colony, especially as none of these are considered injurious to moral or physical development.

*Article 9.* Section 50 lays down a maximum period for contracts of 18 months for workers accompanied by their families and 12 months if not so accompanied. It is not considered that this short period requires stipulation of a leave period in addition.

*Article 10.* Section 51 provides that contracts may *not* be transferred.

*Article 11,* paragraphs 1 and 2. These are covered by the normal law of contract, and dependants' repatriation rights on death are prescribed by section 53 (3).

*Article 12,* paragraph 1. Section 52 (2) provides for arbitration by a Deputy Commissioner on all matters, including setting aside the contract. Section 53 (2) specifically preserves the worker's right to repatriation at the employer's expense if the contract has been terminated under conditions in Article 12, paragraph 1.

Paragraph 2. Under section 4 a contract is terminable at one month's notice, unless the contract otherwise provides. A contract can also be terminated under section 52 (2) and (4).

Subparagraph (a). If an order has been made under section 52 (4), section 53 (2), (3), (4) and (7) safeguards fully the worker's rights to repatriation.

Subparagraph (b) (i). This is covered by section 52 (4).

Subparagraph (b) (ii). Section 52 (4) gives full discretion to the Deputy Commissioner, who would satisfy himself that the agreement is a fair one and that liabilities between the parties had been settled before making the order terminating the contract.

Paragraph 3. Under section 4 the period of notice is one month, section 52 (2) empowers the Deputy Commissioner to arbitrate on any dispute on termination, and under section 53 (2), (3) and (4) the worker's right to repatriation is protected.

Paragraphs 4 and 5. These provisions are covered by section 52, but are not specifically prescribed. The Resident Commissioner's approval is not required for any of these measures.

*Article 13,* paragraphs 1 to 3. Applied by section 52 (1) to (4).

Paragraph 4. This is covered by section 53 (4), which only applies to "necessary" expenses; in case of dispute, section 52 (1) would apply.

Paragraph 5. See section 53 (5). In recent years the cost of repatriating workers has had to be met by Government only once, in 1955.

*Article 14.* Under section 53 (6) a worker who does not take advantage of repatriation opportunity offers loses this right, and under section 53 (7) the worker and employer can agree, subject to the approval of an administrative officer, for repatriation to another place.

*Article 15,* paragraph 1. The employer is liable under section 53 to meet the costs of repatriation, but may use any transport available.

Paragraph 2. This is covered as regards transport conditions by section 86, which applies the Native Passengers Ordinance (Cap. 78). No long journeys *can* be made by foot in the colony and thus the remainder of the Article is inapplicable.

*Article 16,* paragraph 1. The maximum period of service on re-engagement is the same as for initial service (see section 50).

Paragraph 2. As a worker unaccompanied by his family can only be engaged for 12 months at a time, and as under section 32 a man with a family cannot be recruited without his family except with the prior approval of an administrative officer, the provisions of this paragraph apply on re-engagement.

Paragraph 3. Article 15 is still applicable, under section 86, to the journeys involved in re-engagement contracts, which are treated like initial contracts for attesting and medical examination purposes.

*Article 17.* This is covered by section 54.

*Article 18.* This is met by arrangement between the Government of the colony, the Government of the territory to which the workers go and the employer there, and recruiting under section 23 is not permitted until the Government of the colony is satisfied.

*Article 19.* No specific provision is made in the law for such cases but the workers must be contracted in the colony before departing in accordance with the provisions above. In practice employment outside the colony is limited to work for the British Phosphate Commissioners at Nauru, and full and satisfactory arrangements are made between the employers concerned who are also the main employers of labour in the colony. No formal agreements are in force between the administrations.

The application of the foregoing legislation is entrusted to the District Administration of the territorial Government. District Officers are either resident on or make regular inspection visits to islands where labour is employed under the terms of the Ordinance and are always freely available to hear complaints.

In the peculiar circumstances of the colony, which consists of small islands regularly visited by members of the District Administration, it is impossible for any organisation to engage labour without the Government being aware of it. No practical difficulties have been met with in the application of the Convention.

*Hong Kong.*

*Article 16 of the Convention.* Since April 1956 an arrangement has been made between the Government of Hong Kong and the Governments of North Borneo and Brunei-Sarawak whereby the contracts of Hong Kong workmen in these territories may be extended in special cases from two to three years if they are not accompanied by their families and from three to four years if they are accompanied by their families. Such extensions are granted only after careful investigation (1) in the country of employment to ensure that such an extension is the wish of each individual worker concerned;



and (2) in Hong Kong to ensure that the extension of the contract is acceptable to the dependants of the worker who are in Hong Kong and will not lead to any hardship on their part.

*St. Lucia.*

In reply to the observations made by the Committee of Experts in 1955 regarding the possibility of applying Article 19 of the Convention, the Government refers to legislation regulating the recruiting of workers (Ordinance No. 31 of 1939 and Statutory Rules and Orders, 1942, No. 13).

*Sierra Leone.*

See under Convention No. 86.

*Singapore.*

Labour Ordinance No. 40 of 1955.

Under section 11 (1) of the Ordinance no contract of service for a specified period exceeding one month, or for specified work the time for completing which exceeds or may exceed one month, may be made without the prior approval of the Commissioner, who may require it to contain particular terms; the Minister may, however, by notification in the Gazette, exempt contracts with certain classes of workmen from this requirement. No exemptions have been made.

"Contract of service" is defined as "any agreement, whether in writing or oral, express or implied, whereby one person agrees to employ another and that the other agrees to serve his employer as a workman".

Any employer who enters into a contract of service contrary to section 11 (1) of the Ordinance is guilty of an offence.

Except as regards movement to and from the Federation of Malaya, migration of workers to and from Singapore is on a small scale. The Convention is applied to such workers by administrative practice. Workers coming to Singapore are subject to all local laws; they are admitted only on conditions which include repatriation by the employer on termination of employment. The immigrant worker may at any time give notice (not exceeding one month) to terminate his engagement. Further, Part II

of the Labour Ordinance now gives effect to the principal provisions of the Convention relating to repatriation (Article 19 (1) (h) and (i)).

*Solomon Islands.*

An increasing number of workers now prefer to be hired under written contracts for periods of three, six or 12 months.

*Uganda.*

Ordinance No. 9 of 1955.

*Article 7 of the Convention.* Section 49 of the Employment Ordinance provides for the medical examination of all recruits. At present the only workers on written contracts are those who are recruited or who present themselves to authorised recruiting agencies, and these are all medically examined. There is no indication at present that other workers are likely to enter upon written contracts, and it is not proposed to make any legislative provision for their medical examination in the meantime.

*Article 9.* Ordinance No. 9 of 1955 amends section 16 of the Employment Ordinance, which now limits foreign contracts of service and other written contracts of service (other than apprenticeship contracts) to two years for workers unaccompanied by their families and three years for accompanied workers.

*Article 10.* Ordinance No. 9 of 1955 contains provisions regarding the transfer of apprenticeship contracts.

*Article 12.* No provisions have been prescribed to terminate a written contract by agreement because it is considered that the provisions of the common law are sufficient. Many written contracts are in fact terminated by agreement between the parties before their completion.

Ordinance No. 9 of 1955 has amended the provisions regarding termination of contracts of indefinite duration, particularly where wages are paid or calculated by the week.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 65. Penal Sanctions (Indigenous Workers) Convention, 1939

*This Convention came into force on 8 July 1948*

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*Italy.*<sup>1</sup> Applicable without modification: Trusteeship Territory of Somalia.

*New Zealand.* Ratification: 8 July 1947.  
Applicable without modification: Cook Islands, Tokelau Islands, Western Samoa.

*United Kingdom.* Ratification: 24 August 1943.  
Applicable *ipso jure* without modification<sup>2</sup>: Guernsey, Jersey and Isle of Man.

Not applicable: Cyprus, Falkland Islands, Gibraltar, Malta.

No declaration: Southern Rhodesia.  
Applicable without modification: all other non-metropolitan territories.

<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.*

This Convention has now been formally extended to the Tokelau Islands.

*Western Samoa.*

Ordinance No. 16 of 1955.

This Ordinance amended section 20 (4) (d) of the Contracts of Employment (Indigenous Workers) Ordinance, 1950, by deleting the words "save where the indigenous worker so



absents himself from his employment at a time when the indigenous worker still owes his employer money in respect of a recoverable advance made by the employer to the indigenous worker". This brings the definition of a penal sanction in the Ordinance into complete conformity with the definition contained in the Convention.

#### *United Kingdom.*

##### *Basutoland.*

In reply to the observations made by the Committee of Experts in 1956, the Government states that legislation has already been sent forward for promulgation repealing the proviso to section 27 of the Basutoland Native Labour Proclamation which empowered the Resident Commissioner to permit a non-adult to enter into a contract of employment. This brings Basutoland legislation into harmony with the provisions of Article 2, paragraph 2, of this Convention.

##### *Bechuanaland.*

The Government states that it hopes in the near future to introduce an amendment to section 40 (1) of Cap. 64 of the Laws of the Bechuanaland Protectorate. This amendment would exempt all non-adults from any penal sanction.

##### *British Honduras.*

In reply to the request of the Committee of Experts the Government states that the penalties provided for in Ordinance No. 6 of 1943 are applicable to non-adults.

It adds that a revision of the laws of British Honduras which was brought into effect on 1 January 1956 omitted that section of the previous law which contained the penal sanction referred to. The revised laws, however, owing to technical defects were subsequently withdrawn. Special legislation to amend Ordinance No. 6 of 1943 with the aim of abolishing the penal sanction was in preparation at the end of the period to which this report relates.

##### *Kenya.*

Resident Labourers (Amendment) Ordinance, 1955.

The above-mentioned Ordinance amends section 27 (2) (b) of the Resident Labourers Ordinance so as to remove the penal sanction which was considered to exist in that section.

A further amending Ordinance to remove the remaining penal sanctions from the Employment Ordinance is ready, and will be enacted before the next report is submitted.

##### *Sierra Leone.*

Employers and Employed (Amendment) Ordinance No. 9 of 1956.

The Trade Disputes (Declaration of Law) Ordinance (Cap. 268) of the Laws of Sierra Leone provides for the imposition of penal sanctions only in the cases of wilful and malicious breaches of contracts of employment

with the Government or local authority which are likely to hazard the health and well-being of the community at large. It is considered, therefore, having regard to the view in paragraph 16 of the report of the Committee on Penal Sanctions at the 37th Session of the International Labour Conference, that the provisions of the Ordinance are not inconsistent with the requirements of this Convention, and the Ordinance is accordingly withdrawn from the list of legislation and administrative regulations pertaining to the Convention.

The Employers and Employed Ordinance (Cap. 70) was amended by the Employers and Employed Ordinance, 1956. Section 6 of the amending Ordinance repeals sections 54 and 68 of the principal Ordinance, the only sections in the Ordinance which provided penal sanctions for breaches of contracts of employment. By this amendment it can be said that, with the exception mentioned in the preceding paragraph, penal sanctions for breaches of contracts of employment have been abolished in this territory, and that the law is in full harmony with the Convention.

##### *Swaziland.*

Draft legislation is under consideration which would have the effect of withdrawing all penal sanctions, except in the case of labourers deserting before the repayment of advances of pay or where their wilful acts or omissions are likely to endanger life or valuable property or hazard the health and welfare of the community.

Under the proviso to section 31 of the Swaziland African Labour Proclamation No. 24 of 1954, non-adults who are defined in section 2 thereof as persons under the apparent age of 18 years may be permitted by the Resident Commissioner and with the consent of their parents to enter into a contract for employment on light work subject to adequate safeguards for their welfare. A non-adult entering into a contract in terms of this proviso would apparently be liable to the penalties prescribed in section 42 of the Proclamation, though no such case is known to have arisen in practice. Non-adults are prevented by administrative action from taking up employment outside Swaziland.

The penal sanctions, which according to the legislation at present in force may be imposed for breaches of contract of employment, are those set out in section 42 of Proclamation No. 45 of 1954 and in Chapter 5 of the Master and Servants Law, viz. Transvaal Law No. 13 of 1880 as amended by Proclamation No. 23 of 1944, which exempts non-adults from these provisions.

##### *Uganda.*

Ordinance No. 9 of 1955.

Section 61 (1) (d) of the Uganda Employment Ordinance was deleted by the above-mentioned Ordinance.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 69. Certification of Ships' Cooks Convention, 1946

*This Convention came into force on 22 April 1953*

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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>: Guernsey, Jersey 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.*

*Cameroons.*

There is no legislation, regulation or practice in this respect.

*Comoro Islands.*

See under Convention No. 73.

*French Guiana.*

See under *Guadeloupe*.

*Guadeloupe.*

The report states that the Superintendents of the Mercantile Marine Offices supervise the application of the provisions of the Order of 29 July 1953.

*Martinique.*

See under *Guadeloupe*.

*Réunion.*

See under *Guadeloupe*.

*Netherlands.*

*Netherlands Antilles.*

Although no statutory provisions exist in this field, the Inspector of Navigation may examine candidates and grant diplomas when requirements are met. The last time this occurred was in May-June 1951.

The number of ships registered in the Netherlands Antilles and the number of cooks signed on is very small.

*United Kingdom.*

*Isle of Man.*

See under Convention No. 7.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 73. Medical Examination (Seafarers) Convention, 1946

*This Convention came into force on 17 August 1955*

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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.

*Portugal.* Ratification: 13 June 1952.  
No declaration.

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*France.*

*Algeria (First Report).*

Information and statistics are supplied by the Under-Secretariat of State for the Merchant Marine. French legislation is applicable to Algeria.

*Cameroons (First Report).*

Seafarers are not subject to any special regulations and are covered by the same pro-

visions as workers in other occupations. There are only three vessels of over 300 gross register tons registered in the territory.

The regulations are enforced by the Inspectors of Labour and Social Legislation, their authorised representatives and officials and agents of the Shipping Registration Department. During the period under review the courts had no occasion to punish breaches of the law.

*Comoro Islands (First Report).*

No steps have been taken to apply this Convention in this territory, as the occupations referred to do not exist.

*French Equatorial Africa (First Report).*

There is no legislation on this subject.

*French Guiana.*

See under *Guadeloupe*.

*French Settlements in Oceania (First Report).*

Act of 13 December 1926 to establish the Code of Maritime Employment.

Articles 1 to 6 and 8 of the Convention are applied. Articles 7 and 9 have no relevance.

The Shipping Inspector and the head of the medical service are responsible for enforcing the regulations. The courts have taken no decisions in this connection.

*French Somaliland (First Report).*

The terms of the Convention are widely observed.

*French West Africa (First Report).*

Seafarers are required to undergo a medical examination in French West Africa before signing on. The examination is given by the port doctor to every member of the crew and the result is posted up. Each seafarer is also given a compulsory annual check-up.

*Guadeloupe.*

All the Conventions relating to seafarers which have been ratified by France automatically apply to the Departments of Overseas France.

*Madagascar (First Report).*

Order of 7 September 1914 to regulate the issue of identity books to merchant seamen in Madagascar.

Circular of 25 October 1950.

Since 1948 a certificate of physical fitness has been required.

The Convention only applies to vessels of over 200 gross register tons and in the case of Madagascar this category covers eight vessels and 203 seamen, of whom 101 are on a special seafarers' register.

The certificate of fitness required before the identity book can be issued must be obtained from an official doctor who, in accordance with a merchant marine instruction dated 9 May 1946, carries out the duties which in France itself are performed by port doctors. Owners of ships that have been in port for some time usually require their crews to be medically examined by a doctor approved by the company before they sign on.

The length of time for which medical certificates are valid is not prescribed. Seafarers are, however, required to undergo an examination by an official doctor after each disease or accident, the appropriate authority for this purpose being the Superintendent of Shipping Registration. No seafarer may sign on unless he has his identity book, which cannot be issued unless he can present a certificate of physical fitness.

Hitherto the courts have made no decisions involving questions of principle regarding the application of this Convention.

The number of workers protected by these regulations is of the order of 100. Seafarers serving on smaller vessels must also be examined for physical fitness before they can obtain their identity books.

*Martinique.*

See under *Guadeloupe*.

*New Caledonia (First Report).*

The regulations applicable to vessels registered in France conform to the requirements of the Convention; the crews of vessels registered in the territory are normally given a similar medical examination before signing on.

The French regulations comply with Articles 1 to 9 of the Convention.

The regulations are enforced by the Shipping Inspector. No decisions have been made either by the courts or by any other authority and no observations have been received from employers' or workers' organisations.

*Réunion.*

See under *Guadeloupe*.

*St. Pierre and Miquelon (First Report).*

Order of 10 January 1927 to promulgate the Act of 13 December 1926 establishing the Code of Maritime Employment.

Legislative Decree of 17 June 1938 to reorganise the Seafarers' Insurance Scheme.

Order of 25 May 1943 laying down general regulations for ascertaining the physical fitness of seafarers.

Before signing on as a member of the crew of a vessel of more than 25 gross register tons which regularly goes to sea for more than 72 hours at a time, a man must be medically examined at the shipowner's expense by the ship's doctor or, if there is no ship's doctor, by a doctor designated or approved by the maritime authorities. The doctor must certify that the presence of the seafarer involves no danger either to his own health or to that of the rest of the crew.

The Legislative Decree of 17 June 1938 quoted above states that each seafarer may be required once a year to be medically examined at the expense of the insurance fund by a doctor designated by the latter. Medical certificates are valid for one year. A second examination may also be held by the port doctor.

The Superintendent of Shipping Registration and the port doctor are responsible for enforcing the relevant laws and regulations. During the period under review the courts took no decisions in this matter.

*Togoland (First Report).*

The Convention is not relevant, as no seagoing vessel is based on any local port.

*Italy.**Trusteeship Territory of Somalia (First Report).*

The report states that the Convention has only a limited relevance to conditions in Somalia. No special measures have been taken so far with regard to this territory, which is subject to the same regulations as Italy itself. Nevertheless the new draft Somali Maritime Code and the detailed regulations accompanying it, which are due to be submitted shortly to the legislative bodies, stipulate that all registered

seafarers must be physically fit to go to sea (section 36 of the regulations). Section 32 of the same instrument stipulates that physical fitness must be certified by the port doctor. The Government adds that as far as possible the terms of the instruments submitted to the

appropriate legislative agencies will comply with those of the Convention.

The reports concerning the other territories reproduce or refer to the information previously supplied.

#### 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  
Applicable without modification: Guernsey, Jersey and Isle of Man.  
No declaration: all other non-metropolitan territories.  
*United States.* Ratification: 9 April 1953.  
No declaration.

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*France.*

*Algeria.*

Order of 29 March 1956.

The above Order, together with the Order of 3 September 1954, provides the information requested in questions 1, 2 and 3 for the purpose of establishing the annual report.

*Cameroons.*

There is no legislation, regulation or practice in this respect.

*Comoro Islands.*

See under Convention No. 73.

*French Guiana.*

See under *Guadeloupe*.

*Guadeloupe.*

The report states that the provisions of the Orders of 3 September 1954 and 29 March 1956 applying the Convention are equally applicable to the Overseas Departments.

*Martinique.*

See under *Guadeloupe*.

*Réunion.*

See under *Guadeloupe*.

*Netherlands.*

*Netherlands Antilles.*

Under the Navigation Decree of 1952 able seamen may be engaged only if in possession of the required certificate, which is granted

after passing the prescribed examination. Candidates must be over 20 years of age and have served in the deck department of a sea-going vessel for at least three years, of which six months must have been in vessels over 400 tons and not more than one year on board a sea-fishing vessel; remission of up to 12 months' sea service may be granted for periods spent in approved training ships. Certificates may also be granted without examination to persons who fulfil certain requirements in respect of age, fitness and sea service prior to 1 January 1951. The Inspector for Navigation in the Netherlands Antilles is responsible for the application of these provisions.

*United States.*

*Alaska.*

The report submitted by the United States for the period 1954-55 applies equally to sea-going vessels registered in Alaska.

*American Samoa.*

There are no vessels of the size covered by the Convention registered in the territory; the requirements of the Convention would be met in cases where persons from American Samoa were employed on United States vessels.

*Guam.*

The report submitted by the United States for the period 1954-55 applies equally to sea-going vessels registered in Guam; a temporary waiver has, however, been granted to one shipping company.

*Hawaii.*

The report submitted by the United States for the period 1954-55 applies equally to sea-going vessels registered in Hawaii.

*Panama Canal Zone.*

See under Convention No. 55.

*Puerto Rico.*

The report submitted by the United States for the period 1954-55 applies equally to sea-going vessels registered in Puerto Rico.

*Virgin Islands.*

The report submitted by the United States for the period 1954-55 applies equally to sea-going vessels registered in the Virgin Islands.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 77. Medical Examination of Young Persons (Industry) Convention, 1946

*This Convention came into force on 29 December 1950*

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*France.* Ratification : 28 June 1951.  
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>  
No declaration : Guernsey, Jersey and Isle of Man.  
Decision reserved : all other non-metropolitan territories.

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

*France.*

*Cameroons.*

Order of 30 June 1954 respecting factory or inter-factory medical services.

The above Order prescribes a periodical medical examination for all workers; the interval between such examinations for workers under the age of 18 is to be fixed by Order of the head of the territory. This Order will be issued shortly as soon as the process of organising industrial medical services is complete.

The current regulations stipulate that a list of the names of young persons who are hired must be forwarded to the Labour Inspectorate within eight days of being taken on.

Enforcement of the regulations by the Labour Inspectorate and their authorised representatives is made difficult by the failure to register births in many areas.

There is no difficulty in the way of applying the Convention.

*Comoro Islands.*

An employer is required to have all the workers in his establishment medically examined at least once a year at his own expense.

The Labour Inspectorate may require young persons to be examined by an approved doctor in order to make sure that their jobs are not beyond their strength. Young persons themselves are also entitled to request such an examination. No such person may be kept in a job which is considered to be beyond his strength and he must be given more suitable employment. If this proves impossible his contract must be terminated with compensation in lieu of notice.

*French Guiana.*

Section 4, Part II, of the Labour Code is the only provision similar in content to the Convention.

*French Settlements in Oceania.*

Order No. 179/IT of 2 February 1956.

The above Order stipulates the types of work and classes of establishment prohibited for young people, and the age limit below which the ban applies. The Order requires the employer to have young persons medically examined by the works' doctor, if any, or failing this by an approved doctor. The laws and regulations on this subject apply to all workers without distinction.

Young persons can always find work if necessary doing odd jobs on small family holdings.

*Guadeloupe.*

It would be desirable to enforce the Act of 11 October 1946 respecting the organisation of industrial medical services; at present, however, such an extension is hampered by shortage of staff.

*Martinique.*

The Act of 11 October 1946 respecting the organisation of industrial medical services is not applicable to Martinique but could be extended to it.

*St. Pierre and Miquelon.*

The laws and regulations apply to establishments of every kind; there is thus no need to draw a line between industry and agriculture.

Certificates of fitness for employment are issued by an official doctor and placed by the Inspectorate of Labour and Social Legislation in the workers' personal files. The Inspector of Labour and Social Legislation may at any time require a further medical examination of young persons. He is also responsible for enforcing the laws and regulations.

*Togoland.*

The regulations require a certificate of physical fitness to be attached to every contract of apprenticeship. Medical examinations must be made periodically at intervals of not more than one year.

The regulations define the jobs that may not be performed by children and young persons. Certificates of physical fitness must be produced at the request of the Inspectorate of Labour and Social Legislation, which is responsible for enforcing the laws and regulations.

The reports concerning the other territories reproduce or refer to the information previously supplied.

**78. Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946***This Convention came into force on 29 December 1950*


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*France.* Ratification : 28 June 1951.  
Not applicable : French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration : all other non-metropolitan territories.

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*Italy.* Ratification : 22 October 1952.  
No declaration.

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*France.**Cameroons, Comoro Islands, French Guiana, French Settlements in Oceania, Guadeloupe, Martinique, St. Pierre and Miquelon, Togoland.*

See under Convention No. 77.

The reports concerning the other territories reproduce or refer to the information previously supplied.

**79. Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946***This Convention came into force on 29 December 1950*


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*Italy.* Ratification : 22 October 1952.  
No declaration.

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*Italy.**Trusteeship Territory of Somalia.*

The report reproduces the information previously supplied.

**81. Labour Inspection Convention, 1947***This Convention came into force on 7 April 1950*


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*Belgium.* Ratification : 5 April 1957.  
Decision reserved : 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.

*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> : Guernsey, Jersey 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 total number of officials engaged in inspection and enforcement is 86. The number of labour inspectors has been increased to 16.

In 1955, 17,045 establishments were visited ; 7,807 infringements were brought to light and proceedings were taken in 1,954 cases.

In all, 21,587 employment injuries and 34 cases of occupational diseases were notified.

*Cameroons.*

Decree No. 55-1679 of 29 December 1955 to define the status of Inspectors of Labour and Social Legislation in Overseas France.

The Inspectorate of Labour and Social Legislation is responsible to the Chief Inspector at the Ministry for Overseas France, to whom it reports directly through the Chief of the territory. Co-operation between the Labour Inspectorate and the other government departments is achieved through constant liaison, which usually takes the form of requests for certification and information, written or verbal consultations, etc. The same degree of co-operation also exists with the employers and workers.

Two draft orders have been submitted to the ministerial department dealing respectively with the scope of the Labour Inspectorate and its organisation and operation.

Since 1954 there has been a Medical Labour Inspector at Douala. The establishment of labour inspectors for the territory is eight.

During the period under review 3,232 employment injuries were notified.

The Order of 29 August 1946, referred to in an earlier report, requires labour inspectors to visit establishments employing more than 20 workers at least once a year and those employing over 60 workers at least twice a year ; in the urban areas these figures are reduced to 10 and 25 workers respectively. However, owing to the shortage of staff poor communications and the distances involved, it was found impossible to carry out this requirement to the full during the past year.

The shortage of staff and pressure of work have been such that each labour inspector has been unable to make an annual report.

There are no difficulties in the way of applying the Convention.

*Comoro Islands.*

See under Convention No. 85.

*French Equatorial Africa.*

See under Convention No. 85.

*French Guiana.*

With respect to the observations of the Committee of Experts for 1956 the report states that the information requested could be prepared only at the central level.

The arrangements whereby inspection duties are assigned to officials of technical services, who have neither the means nor the time to carry out these responsibilities, render the inspection service completely ineffective. Its activities are limited to a few shop employees and the majority of wage earners are deprived of the benefits of effective inspection to ensure the application of the Labour Code.

*French Settlements in Oceania.*

Decree No. 55-1679 of 29 December 1955 to define the status of Inspectors of Labour and Social Legislation in Overseas France.

The Inspectors of Labour and Social Legislation attend a special course at the Ecole nationale de la France d'outre-mer, followed by a spell of practical training; they must all be law graduates.

The staff of the Inspectorate of Labour and Social Legislation in this territory comprises an inspector, a senior clerk, a junior clerk, an assistant and a secretary.

*French Somaliland.*

Decree No. 55-1679 of 29 December 1955 to define the status of Inspectors of Labour and Social Legislation in Overseas France.

*Madagascar.*

Decree No. 55-1679 of 29 December 1955 to define the status of Inspectors of Labour and Social Legislation in Overseas France.

The Advisory Technical Committee provides the Labour Inspectorate with expert advice on health and safety matters. The inspectors can call on the assistance of technicians in industry when they carry out their inspections, particularly when safety measures have to be taken or analyses made. The staff of the Inspectorate of Labour and Social Legislation in Madagascar comprises one chief inspector, six provincial inspectors, two labour supervisors, two administrative officials, together with clerical staff dealing with filing, typing, accounts, employment injuries, the registration of contracts, etc. Arrangements are being made to recruit more labour supervisors.

*Martinique.*

*Article 5 of the Convention.* Effective co-operation between the inspection services, on the one hand, and other government services and public and private institutions performing similar activities, on the other hand (if such co-operation has been the subject of ministerial

instructions), depends mainly upon the individual activities of inspectors. This is also the case in respect of collaboration with employers and workers.

*Articles 6, 7, 10, 11 and 16.* The status of the Labour Inspection Service is fixed by the Decree of 20 October 1950, which also contains provisions concerning the recruitment of inspectors and their training for entry into the service. The present staff of four is stated to be sufficient, and accommodation for them is supplied. A plan of inspection rounds has been drawn up to assure the systematic visiting of establishments. However, although inspectors are authorised to use their own cars, they are not able to visit all establishments in outside localities, on account of the state of the roads and the long travelling involved for such visits.

*Article 14.* Notification of industrial accidents are received either directly or through the Social Security Office, and cases of occupational disease are also notified by this office or by the doctor.

*Article 16.* A schedule of visits assures the systematic inspection of undertakings; those employing more than 10 workers are inspected annually.

*Article 18.* As a rule, penalties for infringements of the law are unfortunately insufficient.

The report points out that it is difficult to apply the provisions of the metropolitan legislation immediately in such a distant department of France, where the economic situation and material conditions are so very different.

*Réunion.*

The Labour Inspection Service in Réunion is a part of the French metropolitan service. Its activities, the recruitment of inspectors, their powers and duties, and the application of all other matters dealt with in the Convention are identical with those of the metropolitan system of labour inspection.

*St. Pierre and Miquelon.*

The local Inspectorate of Labour and Social Welfare is controlled and supervised by the Chief Inspectorate of Labour and Social Legislation for Overseas France.

The duties of the Labour Inspectorate are performed by an administrative officer and his deputy. The Labour Inspectorate is provided with the necessary premises and transport facilities.

See also under *Togoland*.

*Togoland.*

Decree No. 55-1679 of 29 December 1955 to define the status of Inspectors of Labour and Social Legislation in Overseas France.

The Labour Inspector acts as Chairman of the Advisory Labour Committee and the Technical Health and Safety Committee. He also supervises the running of the local manpower office and the family allowances equalisation fund. The Inspector is responsible to the Chief Inspector of Labour and Social Legislation at the Ministry.

Co-operation between the Inspectorate and the other government departments is achieved by virtue of the fact that officials from these departments sit on the committees of which the Labour Inspector for Togoland is chairman; the representatives of employers' and workers' organisations are also represented on these committees.

The staff of the Labour Inspectorate comprises a senior inspector assisted by qualified local staff. The Labour Inspectorate possesses adequate premises and transport facilities; the Inspector is refunded any travelling expenses he incurs in the exercise of his duties.

All employment injuries must be notified and files are kept on individual establishments so that visits of inspection can be as thorough as possible. The courts are empowered to punish any obstruction of the Labour Inspector in the exercise of his duties. The Inspectorate makes an annual report to the Ministry for Overseas France.

#### *Netherlands.*

##### *Netherlands Antilles.*

Wages Regulation, 1946.  
Public Holidays Regulation, 1949.

*Article 7 of the Convention.* All labour inspectors are civil servants and are appointed solely on the ground of their qualifications for the post. Two of them were trained in the Netherlands Inspectorate.

*Article 8.* Women can be appointed to the Inspectorate in the same way as men.

*Article 10.* Four members of the staff of the Labour Inspectorate are stationed on the islands of Curaçao and Aruba. The large firms have their own safety departments with which the Inspectorate co-operates closely. At the present time 100 establishments are inspected from the standpoint of safety, 300 from the standpoint of minimum wages and 1,200 from the standpoint of hours of work.

*Article 12.* Labour inspectors have authority to enter any place of work and are provided with the powers stipulated by this Article.

*Article 13.* Labour inspectors possess the authority stipulated in this Article except the power to order work to stop. It is, however, proposed to amend the legislation on this point.

*Article 14.* At present employers are required to notify employment injuries and occupational diseases within two days. Latterly circular letters have been sent to all employers asking them to notify the Inspectorate immediately.

*Article 15, clause (a).* When officials are appointed steps are taken to ensure that they have no interest whatever in the establishments that will come under their supervision.

Clause (b). Penalties in this connection are laid down in the regulations which the Inspectorate is responsible for enforcing.

*Article 20.* Annual reports will henceforth be published annually. The first report will deal with 1956.

#### *Surinam.*

Duties of the Labour and Safety Inspectorate (Government Gazette No. 111 of 1951).

*Article 3 of the Convention.* In addition to enforcing the labour legislation the Labour and Safety Inspectorate is also responsible for furthering good relations between employers and workers, for guidance and propaganda, and for establishing statistics regarding accidents and other labour matters.

*Article 10.* The Inspectorate is made up of a Chief Inspector, two inspectors, ten deputy inspectors and a number of clerks.

*Article 12.* Social legislation gives officials of the Inspectorate authority to enter any establishment, together with certain police powers.

In 1955 officials of the Inspectorate visited 3,023 establishments, including shops and offices, employing a total of 16,064 workers. The number of court orders to employers was 128. During the same period 259 permits were given to work overtime for periods of varying length.

Complaints about failure to carry out the terms of labour agreements are also dealt with by the Labour Inspectorate. Before taking legal proceedings the officials of the Inspectorate first use their good offices and try to reconcile the parties; in most cases it has been found possible to find a satisfactory solution. During the past year the number of complaints was 960.

#### *United Kingdom.*

##### *Isle of Man (First Report).*

Factories and Workshops Acts, 1909-1939.  
Mines and Quarries Regulation Act, 1950.  
Quarries General Regulations, 1951.  
Quarries General Regulations (Electricity), 1951.  
Quarries General Regulations (Use of Explosives), 1951.

*Articles 1, 2 and 4 of the Convention.* The inspection system which supervises the application of the above legislation is organised on the responsibility of the Executive Government, but the Isle of Man Local Government Board is responsible for its administration. The legislation provides for the Board to appoint inspectors and make regulations as to their duties and powers.

*Article 3.* The relevant legislation provides for the safety, health and welfare of workers in workplaces, and the employment of women and young persons in factories and workshops. Inspectors supply technical information and advice. Regulations concerning quarries contain a clause to this effect, and those concerning both mines and quarries provide for the function referred to in paragraph 1 (c).

*Article 5.* Collaboration with persons concerned in the making of regulations is required by the various Acts. Only one department deals with inspection activities and co-operation takes place between the department and employers', workers' and other organisations.

*Article 6.* The provisions of this Article are assured by the fact that inspectors have the status and conditions of service of established civil servants of the Crown. Temporary inspectors are not appointed.



*Article 7.* Factory inspectors are appointed on the basis of examinations in factory law, industrial hygiene and sanitary science. Mines and quarries inspectors have a general knowledge of the subject of their responsibilities; additional assistance is available to them by inspectors from the United Kingdom.

*Article 8.* Both men and women are eligible for appointment as inspectors, although so far only men have been appointed.

*Article 9.* The inspectors themselves are qualified technical experts.

*Article 10.* There are three inspectors and this number is considered sufficient to ensure the proper discharge of the duties of the inspectorate.

*Article 11.* Inspectors are provided with local offices in Douglas and with the necessary equipment and staff for the carrying out of their duties.

*Article 12.* The legislation prescribes the powers of inspectors along the lines of Article 12, paragraph 1, with the exception of the duties mentioned in subparagraph (c) (iii) and (iv). With regard to the requirement of paragraph 2, the report states that this is the general practice.

*Article 13.* Where defects are not remedied voluntarily on the advice of the inspector the normal procedure is to apply for an order of the court as to the measures to be taken. The Quarries Regulations give him specific powers to require the remedying of a defect.

*Article 14.* The legislation provides for the notification of accidents to the authority designated in the Acts. It does not provide specifically for the notification of cases of occupational disease.

*Article 15.* The independence and discretion aimed at in this Article are achieved through training, tradition and administrative practice. There are no legislative provisions governing this Article.

*Article 16.* Routine inspection gives effect to the requirements of this Article.

*Articles 17 and 18.* Legislation provides for legal proceedings and the imposing of penalties (fines and/or imprisonment under the Mines and Quarries legislation) in cases of contraventions; under the Factories and Workshops Act prosecutions may be made by or with the previous sanction of the inspector.

*Articles 19 to 21.* Inspectors include in their reports the results of their inspections and activities in the manner required by the Local Government Board, and there is provision for an annual report to be laid before the legislature. A copy of the report, when available, will be forwarded to the Office.

*Articles 22 to 24.* In view of the declaration made by the United Kingdom Government in accordance with Article 25, paragraph 1, these Articles do not apply to the Isle of Man.

*Article 26.* No decisions have been given.

*Article 29.* It is not proposed to have recourse to this Article so far as the Isle of Man is concerned.

Copies of the legislation are appended to the report.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 82. Social Policy (Non-Metropolitan Territories) Convention, 1947

*This Convention came into force on 19 June 1955*

*Belgium.* Ratification: 27 January 1955.  
Applicable with modification: Belgian Congo and Ruanda-Urundi.

*France.* Ratification: 26 July 1954.  
Not applicable: French Guiana, Guadeloupe, Martinique, Réunion.

No declaration: Algeria.  
Applicable with modification: all other non-metropolitan territories.

*New Zealand.* Ratification: 19 June 1954.  
Applicable with modification: Cook Islands and Niue, Tokelau Islands.  
Decision reserved: Western Samoa.

*United Kingdom.* Ratification: 27 March 1950.  
Applicable *ipso jure* without modification<sup>1</sup>: Guernsey, Jersey and Isle of Man.  
Decision reserved: Sarawak.

No declaration: British Somaliland.  
Applicable without modification: Aden, Bahamas, Bermuda, British Guiana, British Honduras, Dominica, Gambia, Gibraltar, Grenada, Jamaica, Leeward Islands, Federation of Malaya, Malta, Mauritius, Northern Rhodesia, St. Helena, St. Lucia, St. Vincent, Southern Rhodesia.

Applicable with modification: all other non-metropolitan territories.

*France.*

*Cameroons* (First Report).

The first four-year plan (1947-52) was aimed principally at improving environmental conditions. With a view to progress in the economic and financial field, the second plan has been directed towards increasing output. The third, to begin in 1958, will still be essentially agricultural and will aim at improving agricultural techniques and promoting a peasant class which has hitherto not existed. The local assembly deliberates on each programme.

Under the four-year plans, a programme for small-scale rural equipment has been established; by action of various kinds at the district or even the village level this supplements the more specialised objectives of the general programme.

All the operations carried out are in response to requests made by the communities, which participate to the extent of at least 50 per cent. in the execution of the work. Most of these are concerned with rural water supply projects for villages or grazing lands, construction of

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

rural centres, and the building of roads or tracks for outward transport of products.

Like all other workers neither born nor habitually residing in the place of employment, migrant workers receive certain benefits, of which housing and a daily ration are the chief. Transfer of wages and savings within the territory is entirely free. Workers are not brought in from other territories. The collective agreements provide that a worker moved from one place of employment to another in a higher wage zone shall receive an allowance equal to the difference between the basic wages in the two zones.

The seven collective agreements concluded in the territory all contain clauses laying down a scale of minimum wage rates. The wage clauses are brought to the notice of the workers by many media of information. Certain provisions of the Overseas Labour Code enable workers who have received wages lower than the compulsory minimum rates to obtain payment of the amounts due to them.

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories and the local Orders issued to apply this Act contain many provisions corresponding to the requirements of Article 15 of the Convention.

As regards application of Articles 16 and 18 of the Convention reference may be made to the summary of the report on the application of Convention No. 82 in *Madagascar*.

Technical instruction is given at a technical college, seven apprenticeship centres, a supplementary commercial course for boys, a supplementary commercial course for girls and a centre for apprentices in women's trades; 22 manual sections have been established where, after their elementary education, boys receive a balanced manual training suited to local needs. There are also nine domestic training sections for girls. Apart from these arrangements for young persons leaving school, instruction in the final classes at the schools themselves is definitely directed towards the requirements of practical life by an advanced hygiene programme and more particularly by the study of applied science; there are three special programmes, intended respectively for boys in rural surroundings, boys in urban surroundings and girls. The authorities are now studying the possibility of guiding the instruction in the manual sections towards agriculture with special regard to the crops and conditions of each region but without neglecting the technical instruction which the modern farmer needs.

The school-leaving age, the minimum age of admission to employment and the conditions of employment are determined by Act or regulation.

Supervision of application of the laws and regulations relating to Articles 10 to 16 of the Convention is entrusted to the labour inspectors and to their authorised representatives. No infringements were reported during the period under review.

#### *Comoro Islands (First Report).*

Decree of 3 June 1943 to stipulate that annual budgets should be introduced for schemes covering a maximum period of four years.

Act of 30 April 1946 to establish, finance and implement plans for the equipment and development of territories under the jurisdiction of the Ministry of Overseas France.

Decree of 16 October 1946 issued under the Act of 30 April 1946.

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Territories and Associated Territories under the Ministry of Overseas France (L.S. 1952—Fr. 5).

Order of 12 May 1954 to implement section 101 of the Act of 15 December 1952 requiring the issue of individual pay slips and the maintenance of a payroll.

Order of 23 February 1955 respecting the conditions of employment of women and children and extending to the Comoro Islands the provisions of the relevant Orders made in Madagascar.

Decree of 16 July 1955 respecting attachments, assignments and deductions from salaries and wages.

Order of 26 October 1955 to prescribe the intervals at which wages should be paid.

The report reproduces sections 1, 3, 4, 5, 6 and 21 of the Decree of 16 July 1955 referred to above.

In accordance with the Act of 30 April 1946 also referred to above, and the regulations issued thereunder, a large-scale four-year development plan is at present being put into effect. The French Government is contributing half the expenditure on economic facilities and 66 per cent. of the expenditure on social facilities. During the period under review the territory obtained a loan of 50 million C.F.A. francs from the Central Fund for Overseas France.

No development programme can be put into effect until it has first been approved by the assembly of the territory. The Administration is trying to encourage emigration to the west coast of Madagascar where there is a shortage of labour. This emigration takes place under a contract signed by the chief of the territory and the employer, giving permission for recruitment to take place; the contract also prescribes the conditions governing recruitment.

The people of the Comoro Islands normally live in large villages and the Administration is trying to encourage proper town planning by making building land available free of charge and by endeavouring to improve the roads and water supplies. There is not at present any danger of urban congestion. In the rural areas efforts are being made to encourage the growing of crops with a high cash value and to improve housing conditions.

Agricultural indebtedness is virtually non-existent. The need for credit facilities is not really felt as far as the natives of the islands are concerned although a local agricultural credit fund attached to the fund for Madagascar was founded in 1951. It has not been found necessary to regulate the transfer of farmland to persons who are not farmers themselves, although it is a matter of constant concern to the Administration to distribute the land more fairly in order to meet the growing needs of the population. An agrarian committee was set up in 1947 and by the time it had completed its task in 1952 it had redistributed a considerable area of land. The Administration also imposes controls and undertakes publicity in order to protect forests and plantations. Small landholders and the inhabitants of the reserves farm their land directly, and there has not

hitherto been any occasion to regulate systems of tenure. On the large estates the land is farmed indirectly, i.e. it is made available to workers free of charge on condition that they provide a certain number of days' work, which are paid at the normal rate. This system enables the natives to grow food crops for their own consumption while at the same time the employers are guaranteed a relatively stable labour force. On the medium-sized estates a form of share-cropping is practised; i.e. the land is made available to a farmer on condition that he supplies the owner with food products. These different systems of land tenure have never given rise to any criticism.

A six-hour day is the standard for agricultural work. The Administration is trying to extend the system of producers' co-operatives by offering higher prices to producers than they can obtain from middlemen.

The only minimum budget established on the basis of an official survey is for an unmarried labourer.

A family allowances scheme will be introduced on 1 October 1956.

The territory has never had recourse to labour from a territory subject to a different Administration.

Minimum wages are fixed by order of the chief of the territory on the recommendation of the Advisory Labour Committee, which is made up of equal numbers of employers' and workers' representatives appointed by the chief of the territory.

The workers are at liberty to apply to the Labour Inspectorate and, if necessary, the labour court, in order to recover wages to which they are entitled and which have not been paid. At intervals visits are made by the Labour Inspector to all establishments.

The report reproduces sections 99, 100 and 101 of the Act of 15 December 1952 referred to above. The Order of 26 October 1955, also referred to above, stipulated that as a provisional measure wages could continue to be paid at regular intervals not exceeding one month, in accordance with established custom.

Local orders have been issued fixing the value of the daily food ration at twice the minimum hourly wage and the value of accommodation at half the minimum hourly wage for each working day. There are penalties for breaches of these regulations.

There is no limit to the sums that may be advanced to workers but it is illegal for employers to deduct the sums the workers owe them from their wages. Such advances may only be recovered by attachment or by voluntary assignment as laid down in the Decree of 16 July 1955 referred to above.

Neither the workers nor the independent farmers have recourse to loans except on a very small scale.

Technical training in the Comoro Islands is given in three apprenticeship centres each of which comprises a woodworking and a metal-working section. The Moslem inhabitants of the Islands refuse to send their daughters to schools run by men. There is no fixed school-leaving age but it is provided that no exceptions to the age of admission to employment (14 years) may be allowed if schooling is likely

to suffer as a result. Owing to the essentially rural character of the population, farming manuals specially adapted to conditions in the territory have been issued to all schools. The Administration is concentrating on trying to convince the inhabitants of the importance of growing crops with a high cash value and of using up-to-date farming methods. School gardens have been started in all the schools in the islands.

The laws and regulations are enforced by the Inspectorate of Labour and Social Legislation.

The courts have made no decisions involving questions of principle concerning the application of this Convention.

Owing to the precariousness of the territory's economy, which is constantly threatened by cyclones and export surpluses as well as by the relatively high population density in certain islands, the provisions of the Convention can only be gradually put into effect.

#### *French Equatorial Africa (First Report).*

Act of 10 September 1947 to lay down the status of co-operatives.

Order of 23 June 1952 respecting the supervision of co-operatives in French Equatorial Africa.

Decree No. 55-580 of 20 May 1955 to regulate the system of land tenure in French West Africa and French Equatorial Africa.

Decree No. 56-704 of 10 July 1956 to determine the conditions for the operation of Decree No. 55-580 of 20 May 1955.

In the international sphere American aid amounted in 1955 to 395 million C.F.A. francs covering a two-year programme designed to improve water supplies for livestock, to equip a slaughterhouse and to establish a pilot ranch. This financial assistance was supplemented by the provision of experts and equipment.

Outlay by the Investment Fund for Economic and Social Development (F.I.D.E.S.) amounted in 1955 to 1,097 million C.F.A. francs for the rural economy, to 1,727 million C.F.A. francs for communications, power, water, etc., and 373 million C.F.A. francs for research (geology, soil science, etc.). The French Government itself spent 541 million C.F.A. francs on civil aviation, meteorology, the geographical service, lighthouses and beacons. It also assumed responsibility for expenditure on the research institutes and the companies owned jointly by the Government and private concerns. Production and export subsidies amounted to 500 million C.F.A. francs.

This financial assistance is closely supervised by the local authorities and the representatives of the people; the latter in their local assemblies have a voice in allotting the greater share of the funds available to F.I.D.E.S. These local assemblies, which have to approve the granting of concessions, also control private investment; tax concessions are granted in respect of earnings reinvested in industry or in African housing.

These local assemblies are always consulted on matters affecting social progress; at the federal level the appropriate assembly is the Grand Council, while in each territory it is the territorial assembly and at the regional and district level it is the council of head men.

A number of important measures have been taken to stabilise the rural population and

discourage emigration. A three-fold approach has been made, viz. through the political, administrative and economic reorganisation of the territories, the improvement of conditions in the countryside and the raising of living standards, and the extension of educational and social measures.

A considerable effort has been made to clear the slums in the towns, to extend water and electricity supplies and to give further aid to housing (in 1955 over 50 million C.F.A. francs were loaned for housing purposes and 550 homes for Africans were built). A census of unemployed labour in the towns was carried out in order to help in filling vacancies, and a number of schemes to resettle the unemployed were examined. These schemes would involve opening youth colonies for adults, setting aside areas for colonisation and settling the unemployed as peasant farmers. An effort to modernise the countryside has been going on now for many years. The aim is to increase the number of farms and seed farms, create a class of peasant farmers, help individual coffee and cocoa planters, encourage stock-raising and promote an increase in the number of family fish ponds. A scheme has been prepared for financing rural development whereby the Federation will carry out 150 million francs' worth of public works a year on behalf of local communities, starting in 1956.

There is no chronic indebtedness worth speaking of. Such indebtedness as exists is largely due to the marriage laws and the archaic dowry system; any improvement in this respect can only take place very gradually owing to the attachment of the Africans to their ancestral tribal customs. The decrees referred to above regulate the verification and extent of customary land rights, whether collective or individual, together with the procedure for making concessions of land subject to rights which do not include the right to transfer it or to any clear and permanent ownership. The report goes on to describe the verification procedure laid down by the regulations. The latter are mainly concerned with recognising customary rights with regard to land ownership and ensuring that the soil is worked by its owners in accordance with the conservation laws. Concessions of rural property may be made on condition that certain traditional hunting, fishing rights, etc., are respected.

The Act referred to above which regulates the organisation and administration of co-operatives contains a set of provisions under which co-operative societies have been able to come into existence and develop. Three types of control are exercised over co-operatives: when they are founded, periodically by a territorial committee and on special occasions by an official appointed subject to the provisions of the Act of 10 September 1947 quoted above.

Financial steps have been taken to maintain the prices of products on which the inhabitants of the bush depend for their cash incomes, such as cotton, coffee and cocoa. Minimum wages are fixed on the basis of a minimum budget compiled in accordance with the workers' subsistence needs.

Migrant workers do not account for a large share of the labour force. Their conditions of

employment are laid down by the Overseas Labour Code and the regulations issued thereunder. Normal family needs are covered by the payment of an adequate wage and various benefits in kind; provisions to this effect must be included in the contract of employment which is required to be in writing and to be approved by the inspector of labour at the place of recruitment. The wage must be at least equal to the guaranteed minimum wage in the place of employment and in addition to the wage itself there are a number of benefits such as accommodation, clothing and food.

The question of remittance of wages only arises in the case of workers recruited in a foreign territory and is covered by agreements. One agreement was signed on 16 May 1949 between the Governments of Nigeria and French Equatorial Africa for the recruitment of labour in Nigeria for work in Gaboon. It is estimated that some four or five thousand inhabitants of Chad go to the Sudan every year; on the average they stay there for two or three years. No agreement has yet been negotiated with the Sudanese authorities with regard to these migrants. The benefits in kind granted to migrant workers and the fact, that owing to the forces of supply and demand, employers have to pay these workers a reasonable wage, mean that migrant workers are better off than they are at home.

For the application of Article 14 of the Convention see under *Madagascar*. Collective agreements covering both public and private employment have been negotiated and minimum wages are laid down by Order in consultation with the Advisory Labour Committee. The minimum wage is calculated on the basis of a budget considered to represent the irreducible minimum for a worker. This budget comprises the following items: food, lighting and heating, clothing, bedding, furniture, laundry, housing and taxes. The current minimum wage rates are published in the *Journal officiel* and are posted up in employment offices and at pay desks.

As regards Articles 15 and 16 of the Convention see under *Madagascar*.

The sums deposited with the savings funds rose from 104 million in January 1955 to 135 million on 31 December of the same year. The French Equatorial Africa Credit Fund is trying to reach a wider circle of customers and branches have been opened in all the territories; as far as small consumer goods (sewing machines, bicycles, radios, etc.) and housing are concerned, the provision of credit facilities has met with distinct success. A guarantee fund has lately been set up to enable those working for private employers to obtain housing loans more easily.

As regards Article 18 of the Convention see under *Madagascar*.

Educational facilities have been enlarged through the opening of primary schools and the introduction of general and technical secondary schools. In 1956 the number of pupils in primary schools totalled 144,660. In all, 19 public and private secondary institutions have been equipped, including eight secondary schools and 11 teachers' training schools; in 1956 there were 1,900 pupils in the former and

850 in the latter. Vocational training is given at two levels: practical sections are attached to the primary schools (there were 105 of these in 1956 with 4,500 pupils), while there are also five vocational schools with 450 pupils which give a three-year course leading up to the vocational proficiency certificate in the case of the industrial and commercial sections, to the trade test in the case of electrical and motor mechanics, and to the commercial diploma of the same standard as in France in the case of the federal commercial section in Brazzaville.

The school-leaving age is 16 for the general primary schools and 18 if the two years spent in the practical sections are included. There are no regulations fixing the leaving age in the case of the advanced educational institutions, whether general or technical. At the present time this age tends to be between 17 and 24 owing to the minimum age for entering into the secondary schools. There are two accelerated vocational training centres run by the Inspectorate of Labour and Social Legislation; this scheme was started in order to give a rapid course of training to young Africans who, because of their age and rudimentary basic training, were unfitted to take any other course of instruction. Those trainees who pass their final examinations are sure of finding jobs well up the scale of working class employment.

The Convention is enforced by the Inspectorate of Labour and Social Legislation, the School Inspectorate, the Directorate of Political Affairs and the Directorate of Economic Services.

#### *French Settlements in Oceania (First Report).*

Metropolitan France purchases all the copra produced by the territory, paying prices higher than the world rate.

The credits granted by metropolitan France amount to some 250 million C.F.P. francs, on a budget of about 400 million. Treasury advances (30 million C.F.P. francs in 1954) are made in respect of the local budget. About 10 million C.F.P. francs a year are loaned to the Agricultural Credit Fund. These various loans enable small housing construction and agricultural equipment to develop.

During the last 30 years the population has doubled and public health has made appreciable progress. Leprosy and filariasis are no longer the scourges which they were, and the battle against tuberculosis has begun.

Workers' dwellings at low prices have been constructed. Loans for small-scale building are granted by the Agricultural Credit Fund on easy terms. Schools are provided for 90 per cent. of the population. Children have health books and are under medical supervision until they leave school.

The remuneration of independent producers is subject to the free play of competition, except in the case of copra producers whose income from each crop is guaranteed by the authorities up to a fixed amount.

The Territorial Assembly has important powers in budgetary and financial matters. It is consulted on all the regulations to be issued. Many committees have been established, on rents, shipping, safety at sea, cost of living, etc.

These committees comprise elected members, trade union delegates, and local notables as well as representatives of the Government.

A complete town planning scheme has been prepared for the harmonious development of the city of Papeete. In order that land ownership and possession shall be used in the best interests of the population, fairly heavy taxes are levied on land which is not adequately used, so as to prevent purely speculative investment. The share-rent contract is traditional: share-croppers and farmers receive facilities enabling them to escape the joint possession system. Subsidies have been paid to producers' and consumers' co-operatives. The Labour Advisory Committee devotes an annual session to examination of general economic conditions.

Employed persons may deposit their savings with the Agricultural Credit Fund, and the establishment of a savings bank is being examined.

Vocational training is given at the technical school in Papeete, where young persons attend a three-year course, after which certificates of professional skill in woodwork and ironwork are issued. Other courses, in navigation, radio-electricity, shorthand-typing and commercial English, are given at the Chamber of Commerce.

#### *French Somaliland (First Report).*

During the period under review the Investment Fund for Economic and Social Development (F.I.D.E.S.) spent 222 million Djibuti francs. The main efforts were directed towards the following: development of Djibuti as a port; medical and educational premises, etc.; urban electricity and water supply; improvement of environmental conditions and street cleaning in the indigenous quarters; improvement of slaughterhouses; the struggle against epidemics, and protection of cattle; irrigation, well-digging and provision of water for livestock. No condition was imposed as regards this expenditure, of which the territory reimburses only one-quarter.

The territory is in a desert region and has no great agricultural activity. However, surveys are being made to determine the possibility of starting family or industrial crops.

The standard of life of the workers is protected by means of guaranteed general minimum wage rates which have regard to the cost of living. There is no direct tax, and the consumer tax is not levied on basic consumption commodities.

Migrant workers receive the same protection as other workers. Every facility is given for the transfer of wages and savings.

Employers who do not respect the minimum wage rates may be charged and sentenced to pay fines and make immediate payment of the amounts due. Furthermore, the workers in question may ask the labour court to order compensation and payment of the wages under a special emergency procedure.

During the period under review 12 schools were in operation with an aggregate of over 1,200 pupils. The vocational school at Djibuti trains skilled workers at a three-year course: it has six specialised sections and over 70 pupils.

Regulations are being issued to determine the ages for entering and leaving school. The Manpower Office concerns itself with improving work techniques and with means of providing adequate instruction.

No difficulty arises regarding the application of the Convention as a whole. During the period under review the employers' and workers' organisations made no observations regarding the application of the Convention.

*French West Africa (First Report).*

Order of 12 November 1947 respecting technical education.

Order of 10 March 1952 to establish a federal housing service.

Decree of 2 February 1955 respecting co-operatives.

At the international level, French West Africa has benefited indirectly under the Marshall Plan and receives relatively small grants from the United Nations International Children's Emergency Fund.

At the national level, the main effort falls within the framework of the Investment Fund for Economic and Social Development (F.I.D.E.S.). The African population is closely associated in the preparation and operation of the development programmes; the local assemblies have deliberative powers and the Board of F.I.D.E.S. includes elected representatives of the territories. The sums paid since 1947 correspond in aggregate to about 300,000 million C.F.A. francs. Parallel with this public expenditure, private capital investment during the last ten years is estimated at 50,000 million C.F.A. francs. When fiscal advantages are granted to an undertaking, the authorities reserve the right to ensure by supervision that it effectively acts in the general interest of the Federation.

The effort to improve housing has been made in three principal fields: improvement of environmental conditions; division of building land into appropriate allotments; and housing credit.

The Federal Housing Service prepares overall programmes and ensures their application together with the federal or local bodies, public or private, and with persons and bodies having an interest in their execution. In order that the social housing programme might be launched it has been necessary to draw on various sources of funds. In 1954 and 1955, the capital obtained amounted to 4,851 million C.F.A. francs, of which 2,035 million came from public moneys, 2,166 million from a loan and 750 million from the private sector. For 1956 and 1957, the expenditure was to be 8,342 million C.F.A. francs, of which 3,151 million were to be spent on environmental improvements, 2,266 million on allotment schemes and 2,925 million on loans. Contributions by Africans in various forms (initial capital, materials, buildings already started, personal labour) make up approximately one-quarter of the total value put into the construction programme.

The action taken to eliminate chronic indebtedness consists in practice in developing credit institutions and producers' and consumers' co-operatives. The ownership of land is a matter determined by custom alone, and public supervision is restricted to ascertaining

the rights of the parties by investigation. Accordingly, respect for traditional rights is absolute, and the peasant population is grateful to the authorities for their concern not to replace ancestral customs by "direction", the problematical advantages of which would certainly not compensate for the disorder which it would involve at the present stage of agricultural economy. The question of ceding arable land to persons other than farmers does not arise. A policy of systematically developing the co-operative movement was initiated in 1952, for co-operative action as a whole was evidently an important element in the fundamental problem of improving rural output and modernising small-scale agriculture. The principal means now used to promote farm co-operation are as follows: establishment of conditions which will favour co-operatives; development of credit; and provision of training in co-operative methods. Since the first pilot co-operative sectors were set up in 1952, other co-operative sectors have come into existence. The leaders of the Co-operative League (*Entente coopérative*) are now striving to develop co-operative organisation in depth by establishing genuine village co-operatives, each around a natural economic nucleus. At the same time, the authorities have been attempting to guide existing collective production arrangements, i.e. the "provident societies", towards adoption of co-operative methods. The regulations now permit these bodies to be transformed into rural producers' societies conceived with the object of providing a co-operative "apprenticeship" for farmers and of serving as a link between the provident societies and spontaneous co-operation. Services for technical assistance to co-operatives will soon be established in the territories where they do not yet exist.

The financial aid which the co-operatives require is given mainly in the form of enhanced credit facilities. Since 1952 the resources available to the agricultural credit funds have been increased, and extensive rediscount facilities have been arranged with the banks on behalf of these funds. An effort is being made to establish close links between agricultural credit and co-operation by establishing credit co-operatives where production co-operatives do not already exist. The administration of the agricultural credit funds is being entrusted more and more to new credit societies, whose financial resources and specialised organisation justify the hope that there will be a great new expansion of agricultural credit. These credit societies give short- and long-term loans to agricultural co-operatives and seek in particular to adapt the allocation of credit to the requirements and structure of the various co-operative units.

Co-operative training is carried out at various levels.

The report goes on to refer to the provisions of Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories and the local administrative regulations issued thereunder. These are in accordance with Articles 14, 15 and 16 of the Convention.

Saving does not come naturally to Africans and recourse to usurers is a current practice. Prevention of abuse remains difficult because of the clandestine character of the loans, the



acceptance of exorbitant rates of interest without protest, and failure to bring charges before the courts of law. The only solution is to set up a large number of official loan institutions; and that is indeed what has been done, thanks to the co-operative credit organisations and the building loans mentioned above. The Federation's savings funds are within reach of all.

Neither the regulations applying the Overseas Labour Code nor the new collective agreements, two of which (for building and public works and for commerce) have already been signed, make discrimination of any sort.

There are a federal technical secondary school, two federal schools of public works, five technical colleges, 12 apprenticeship centres, three apprenticeship centres for girls, a centre for handicraftsmen, and trade courses.

The report gives the numbers of pupils leaving these schools in 1957, classified by establishments and trades, and the numbers of French West Africans engaged on technical studies in France and receiving fellowships for higher education.

Since 1954 action has been taken to increase the contacts between technical education establishments and employers, so that the latter may be induced to co-operate in trade organisations and to take more interest in the problem of placing trainees. Parallel with this, the preparation of pupils for the technical matriculation (started at the Dakar Secondary School in November 1955) helps to raise the prestige of technical education in the eyes of young Africans, who have hitherto regarded it as of second-class status. Lastly, training for rural handicraft workers is now being explored.

The age limits for rapid vocational training are 17 and 35 years. Training is for a nine-month period, and medical examination and psychological tests are given to candidates before admittance.

In the industrial sector, there are now five rapid vocational training centres (for Senegal, Guinea, Upper Volta, Niger and Mauritania respectively). One handicrafts section is already in existence and others are being established; these aim at providing the interior of the country with rural handicraftsmen qualified to meet both traditional needs and the new requirements arising out of the technical modernisation of the territories. In the farming sector, the agricultural service trains instructors and leaders, whose main function, in their turn, is to provide initial and further training for adults on the widest possible scale.

There are also evening courses arranged by religious or consular bodies. The aim is usually to train office employees. Two schemes are now being studied for the rehabilitation of disabled persons. Training to provide additional skills is usually carried out empirically; in most cases it is undertaken at the workplace by the individual himself. The Railways Administration facilitates additional training and promotion by arranging courses for drivers and safety personnel. Since 1956 the Inspectorate-General of Labour, co-operating with the Federal Housing Service, has introduced a new method for the additional training and promotion of African jobbing workers in the building trade, who

receive guidance from leaders with experience of rapid vocational training. This scheme, which is aimed at raising the occupational standards of Africans working on their own account, will probably be developed more widely than additional training for employed persons, which is not always followed by promotion because of the small number of supervisory posts available.

In the army there are two types of training—vocational training proper (manual trades) and training for military purposes which is of subsequent use to the trainees (drivers). There are also apprenticeship centres and arrangements for the methodical training of young soldiers (Africans or Europeans) as breakdown mechanics, fitters, etc. The drivers whom the army requires can be trained in six weeks at an accelerated training centre. Army training is based on the same principles as rapid vocational training and is preceded by psychological testing undertaken by delegates of the Inspectorate of Labour and Social Legislation.

#### *Madagascar (First Report).*

Decree of 9 October 1936 respecting endorsement of private contracts providing for loans of money.

Act No. 46-860 of 30 April 1946 respecting the establishment, financing and execution of plans for the equipment and development of the territories under the Ministry for Overseas France.

Decree of 3 June 1949 respecting the method of determining and the procedure for executing programmes to give effect to the equipment and development plans for which provision is made by Act of 30 April 1946.

Order of 7 June 1950 to establish indigenous rural communities in Madagascar.

Order of 8 October 1951 respecting the organisation of the Superior Peasant Farming Council and the Agricultural Centre for Modernisation of Madagascan Peasant Farming and regulations for the operation of these bodies.

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 of 26 October 1953 requiring issue of individual wage statements and keeping of registers of wages paid.

Order of 10 December 1953 to determine the maximum rates of reimbursement of daily ration costs.

Order of 17 February 1954 to regulate the provision of housing and rations.

Order of 23 March 1954 to determine the maximum rates of reimbursement of housing costs.

Order of 19 May 1954 respecting periodicity of payment of wages.

Order of 19 May 1954 respecting apprenticeship. Decree No. 55-322 of 21 March 1955 respecting the taking of mortgages on real estate.

Decree No. 55-972 of 16 July 1955 respecting seizure, cession and stoppage of workers' salaries and wages.

The plans for economic and social development for which provision is made in the above-mentioned Act of 30 April 1946 are intended first of all, with priority, to satisfy the requirements of the indigenous population and to extend the conditions most conducive to their social progress; secondly, to assist in the execution of programmes for the development of the economy of the French Union. With this object, metropolitan France made available equipment credits totalling 28,000 million C.F.A. francs between 1947 and 1956; these are intended to enhance production (40 per cent.),

to improve environmental conditions (40 per cent.) and for social purposes (20 per cent.). The sums actually made available to the territory of Madagascar amount to between 3,500 and 4,000 million C.F.A. francs a year. The forms of assistance given to the local authorities vary widely, from large-scale works undertaken by private firms to technical assistance and the provision of skilled advice for peasant farmers.

The agricultural population is closely associated in the preparation and execution of these programmes. The above-mentioned Decree of 3 June 1949 provides that the overseas section of the development plan shall be determined by the Territorial Assembly; the initiative regarding expenditure belongs jointly to the head of the territory and the representative Assembly. A half-yearly summary of expenditure is sent to the chairman of the permanent committee of the Assembly; after the session closes, an account stating the use to which the funds have been put is submitted to the Assembly in respect of each overseas section.

Twenty per cent. of the credits earmarked for production must be spent on small improvements and on the provision of advisers in direct contact with small farmers; 20 per cent. of the total for the equipment plant goes to the social sector.

The agricultural development programmes are examined at the district councils, which comprise elected representatives of the communities. These representatives examine all measures for social progress and propose schemes for the financing of works which will be useful to the populations concerned. The plan covers everything which relates to town planning, water supply, environmental improvement and electrification in the larger places. Certain works have been carried out entirely by means of grants under the plan and others have been facilitated by loans from the Central Fund for Overseas France (934 million C.F.A. francs between 1948 and 1955).

Having regard to the particular character of internal migration it has not been necessary to establish any supervision other than medical.

Town improvements are encouraged by short-term credit facilities from certain credit institutions and by action on the part of local authorities, which construct cheap housing and rent it out or dispose of it by hire-purchase. There is no congestion in the urban areas, even at Tananarive where the population is rapidly increasing.

Attempts are made to improve conditions of life in the rural districts by extending the cultivated area and increasing output through selection of crops and promotion of a better understanding of cultivation procedures. The rural engineering service plays an effective part by means of various water supply projects for agricultural purposes; the Institute of Agricultural Research helps with its studies on varieties of products and by its action to protect crops against animal and vegetable pests; the education authorities assist through their practical schools of agriculture; and the Agricultural Modernisation Centre lends aid by placing financial and technical facilities at the disposal of such rural communities as make the

request. Conditions of life are also improved by mass public health action.

The provisions of the above-mentioned Decree of 21 March 1955 enable the inhabitants who have not yet had their land registered to apply to specialised government credit institutions and thus to escape the clutches of usurers. Rural loans are granted by the agricultural credit funds and seed is advanced by community groups.

Grants of land are made originally on a provisional basis and on condition that the holding is cultivated; the concession only becomes final after effective cultivation. Newly cleared land within a community's area is not granted until the communal council has been consulted. Conditions of tenure are not supervised by the authorities. In fact the relations between the parties are governed by custom: since 1948 share-croppers have been paying one-third of the crop to owners.

The producers' and consumers' co-operatives are encouraged by the authorities. One form of persuasion consists in obliging persons who receive agricultural credits to join co-operatives.

In 1951 the Government organised a scheme to modernise Madagascan peasant farming. With stimulus from a special "superior council", a farm equipment and modernisation centre provides rural indigenous communities with the financial and technical means required to conduct modern agriculture, stock-raising and forestry.

Maintenance of a minimum standard of life is ensured by wage legislation, which not only fixes initial rates of pay for the various grades of skill but also lays down a general minimum wage for unskilled workers, whether in agriculture, industry or commerce. The minimum standard of living is determined for 12 different regions by means of official inquiries into conditions of life and discussions at labour advisory committees: it is based on a model monthly budget which has regard, *inter alia*, to the cost of food, clothing, bedding, heating, maintenance, rent and taxes.

There are special legislative provisions protecting migrants when away from their homes. Freedom to transfer wages and savings from one part of the territory to another is absolute. The employer will transfer savings if the worker so requests.

Undertakings on the west coast frequently call in labour from the Comoro Islands. There is an agreement under which migrant workers receive protection and enjoy rights which may not be less than those accorded to Madagascan workers residing in the region of employment. The migrants are given every facility to transfer their wages and savings to their homes without any restriction.

When workers and their families migrate from a region where the cost of living is relatively low to another where the cost is higher, the increase in living expenses is met by raising their wages to those prevailing in the new place of employment (there are ten wage zones).

Act No. 52-1322 of 15 December 1952 cited above recommends the fixing of minimum wage rates by collective agreements freely negotiated between the unions of workers and employers concerned; and the labour inspectors



are constantly active in support of this principle. A collective agreement was concluded for bank employees on 30 December 1955; other such agreements are envisaged, particularly in the building trade. Where there is no collective agreement, the guaranteed inter-occupational minimum wage is determined by order of the head of the territory after consulting the employers' and workers' representatives in the joint labour advisory committees.

The minimum wage rates are published in the Official Gazette; the chambers of commerce and agriculture and the trade union centres distribute them among their members; the rates are also posted in the employers' offices and at places where wages are paid. Officials of the Labour Inspectorate, either on their own initiative or if so requested by the trade unions, ensure application of the regulations regarding wages. Intervention by the labour inspectors has always sufficed to secure instant respect for the workers' rights.

Compliance with the requirements of Article 15 of the Convention, paragraphs 1 to 5, is secured by sections 99 and 101 of Act No. 52-1322 of 15 December 1952 and by the above-mentioned local administrative Order dated 26 October 1953.

Compliance with the requirements of paragraph 6 of Article 15 is secured by section 100 of Act No. 52-1322 of 15 December 1952 and by the local administrative Order of 19 May 1954.

Compliance with the requirements of paragraph 7 of Article 15 is secured by sections 92 and 93 of Act No. 52-1322 of 15 December 1952 and by various local administrative orders which are also mentioned above.

Compliance with the requirements of paragraph 8 of Article 15 is secured by sections 97, 107, 108 and 109 of Act No. 52-1322 of 15 December 1952 and by the Decree of 16 July 1955.

There is no rule directly determining a maximum for advances on wages, but the restrictions placed on the refund of these advances to the employer have the effect of inducing him not to exceed a certain limit. The report quotes the provisions of sections 1, 3 and 5 of the Decree of 16 July 1955, wherein the employer may not deduct any amount due to him by the worker from the amount which he owes the worker in the form of wages.

Saving is encouraged by press advertisement, posters and various other means, particularly tax exemption. Savings are protected by action against usury and by the development of credit institutions. As regards usury, the above-mentioned Decree of 9 October 1936 renders null and void any agreement providing for a loan of money, if it has not been endorsed by an official with powers to this effect. Various institutions make loans to wage earners and independent producers: the Agricultural Credit Fund helps farmers, stock farmers and rural handicraftsmen belonging to co-operatives or agricultural associations; the Madagascar Credit Bank makes medium-term loans to undertakings and short-term loans to co-operatives; the Madagascar Real Estate Company makes medium-term loans for the purchase or construction of buildings.

The principle of non-discrimination laid down in the French Constitution is strictly applied in accordance with Act No. 52-1322 of 15 December 1952; the administrative regulations issued under this Act apply to all employed persons without distinction of any sort. The only inequalities are those proceeding from occupational skills or (in the public sector) diplomas and examination certificates, and from the special arrangements to protect the health, safety and well-being of young persons, women and mothers.

Technical education is given in many establishments. At Tananarive the technical college, the commercial school and the engineering school prepare their pupils for the examinations by which they may obtain certificates of occupational skill and industrial and commercial certificates, and for the entrance examinations at the main technical schools in metropolitan France. The establishment of a technical matriculation certificate is intended in the near future. A workshop of Madagascar applied arts gives guidance to local manufacturers, trains handicraftsmen and markets handicraft products. There are 15 apprenticeship centres of the metropolitan type, which train skilled workers. In each district and in the principal towns practical instruction is provided at school workshops, of which there are 91 in all.

As regards technical education for women and girls, commercial instruction is given at the mixed commercial school, and domestic instruction at seven schools of domestic economy spread over the country. The Acts and regulations determining the school-leaving age, the minimum age and the conditions of employment are those applicable to technical education establishments in metropolitan France, with a few local adjustments. The above-mentioned Order of 19 May 1954 provides that if an apprentice under age 16 cannot read, write or do simple arithmetic, his master shall allow him the time required to complete his education, up to two hours a day.

Vocational training centres have been set up in all the regions of the territory, so that instruction more particularly adapted to each region may be provided. The education authorities are responsible for organising and supervising all the technical education establishments, and co-operate closely with the employers' organisations (through the Chamber of Commerce) and the workers' organisations (through the Inspectorate-General of Labour).

The provisions of Articles 21 to 24 of the Convention are not applicable.

The following are responsible for application of Acts and administrative regulations, under the High Commissioner: the Inspectorate-General of Labour and Social Legislation, the Director of the Economic Services, the Head of the Social Service, the Director of Education and the Director of Political Affairs. Supervision is carried out by the Inspectors of Administrative Affairs and the officials of the corps of Inspectors of Labour and Social Legislation.

Since 1955 a report on application of the Convention has been sent annually to the United Nations.

*New Caledonia (First Report).*

In the 1956 budget totalling 730 million C.F.P. francs (of which 90 million were advanced by the Investment Fund for Economic and Social Development), 224 million, or over 30 per cent., are earmarked for expenditure for social purposes, e.g. education, medical and health services, public assistance and pensions, labour inspection and accelerated vocational training.

For the year 1956 it is anticipated that the total of family allowances paid out to workers will be of the order of 10 per cent. of the amount paid out in wages. The total social security expenditure borne by private employers is of the order of 20 per cent. of the total wages bill.

The industrialisation of the country has not led to any disruption of the social structure; the Natives only form 20 per cent. of the total manpower force.

Immigration has caused an acute housing shortage and a number of building schemes are now in progress. The Investment Fund for Economic and Social Development has made a special allocation of 100 million francs for the building of low-rent housing. A large-scale development scheme has been launched with the construction of a dam and the modernisation of the nickel metallurgical centre. Expenditure on power supply and industry is between 15,000 and 18,000 million French francs.

Conditions among the self-employed who depend for their livelihood on farming or fishing are regulated either by their own associations, such as the Chamber of Agriculture or the Small-Holders' Union, or by technical departments such as Public Works or Agriculture.

Workers migrating to New Caledonia from Asia or the Wallis Islands are given the same treatment as local workers, while French nationals also draw an overseas allowance totalling 20 per cent. of their wage.

In the main branches of the economy, employer-worker relations are settled by collective agreement. There is no discrimination in commerce, which employs over 2,000 persons of whom a third are non-Europeans; it is also disappearing steadily in industry and mining, where equal wages are paid to all specialist workers and where the minimum wage for a Native labourer is now 85 per cent. of the wage for a European labourer. Full equality will be achieved in 1957.

It is the practice for a worker to draw his wages and then to pay for his food and accommodation at the normal market price. The employers make no deductions from wages.

Vocational training is given by the technical college which is divided into four sections with 90 pupils in all, as well as by the accelerated vocational training centre and by various apprenticeship schools which are subject to a measure of public control.

*St. Pierre and Miquelon (First Report).*

The inhabitants of this territory largely depend for their livelihood on sea fishing. Two sea-going trawlers have now been brought into service and two more will shortly be available. A plant for freezing filleted fish is run by a

company in which the majority of the shares are publicly owned. Small-scale fishing from skiffs is also encouraged by the local authorities by means of various incentive bonuses.

The representatives elected by the population sit with officials on the board of the company operating the freezing plant and of the agencies responsible for distributing bonuses to the fishermen.

Agriculture is virtually non-existent and accordingly problems connected with the transfer and distribution of farming land do not arise.

Collective agreements have been negotiated since 1937.

Workers hired by the day are paid every week; those hired by the fortnight, every fortnight; and those hired by the month, every month. Apart from certain domestic servants, wage earners are not housed, fed or clothed by the employers.

Since the population is exclusively composed of whites of European stock, the question of racial discrimination has never arisen.

There is a vocational school which gives training in woodworking and there is also a dressmaking school. A certificate of proficiency is awarded on the completion of each course. Apprenticeship grants are paid to coastal fishermen who take on cabin boys.

Scholarships are also awarded every year to the best pupils leaving school to enable them to continue their education in France itself.

At present the school-leaving age is 13 years.

The laws and regulations are enforced by the Inspector of Labour and Social Legislation where labour and manpower questions are concerned, and by the Head of the Education Department where schooling is concerned.

*Togoland (First Report).*

The outlay of the Investment Fund for Economic and Social Development (F.I.D.E.S.) for the years 1953-57 amounted to 1,966 million francs, of which 497 million were spent in the year 1956-57. With the help of this money the following progress was made: in agriculture, pilot centres were constructed, new techniques and methods of farming and enriching the soil were disseminated and farmers were taught how to construct dungheaps and cowsheds; in stock-raising, farmers were helped to select the best breeds and to reduce epizootic diseases; re-afforestation and soil conservation were encouraged and fish-breeding developed; mining and geology surveys were continued; a factory was set up to process food products and market prices were published; and exports were helped by setting up a fund to support the prices of local products.

The Territorial Assembly votes the tax receipts to be used for supporting prices and gives its approval to applications for credit made to the Board of the Economic and Social Development Investment Fund.

Members of the Territorial Assembly elected by the population are in charge of the departments of agriculture, education and health.

The capital investment plan is concentrated on communications, on disseminating methods of soil conservation and modern farming tech-

niques and on maintaining the prices of farm products.

A survey is at present being carried out on the causes of migratory movements in the overpopulated northern areas of the territory.

The Joint Provident Societies Fund, which has been guaranteed up to a total of 100 million francs lent by the Central Fund for Overseas France, has already built a housing estate consisting of 11 homes. In order to eliminate overcrowding in the town of Lomé, an estate on the outskirts has been built by the local council with the help of a loan from F.I.D.E.S.

In the countryside help from the latter fund has taken the form of the improvement of rice fields, the building of dams and the colonisation of a whole district. The Oil and Oil Seeds Research Institute, which is also financed by the fund, has built a large oil works. The Joint Provident Societies Fund gives financial assistance to local provident societies which are to all intents and purposes producer and sometimes consumer co-operatives.

Cultural centres have been opened in a number of towns and experiments in fundamental education have been going on for some years.

There is no restriction of remittances of wages and savings which in fact help to support the large population which has to obtain its livelihood from the poor soil in the north of the territory. Living costs are virtually the same throughout the territory because of its relative smallness and the highly developed road and railway network.

There is a savings fund attached to the post office and to certain public credit agencies. The Joint Provident Societies Fund grants credits for handicrafts and sometimes for farming purposes.

The only inequalities in income are those due to differences of skill, to the payment of overseas allowances or to special measures designed to protect mothers and young persons under the age of 21 years.

With regard to education and vocational training the public facilities comprise a commercial section at the Lomé Secondary School, which trains pupils for various office jobs, a technical section at the Sokodé College, which trains pupils as joiners, fitters and stonemasons, a domestic science school and carpentry shops attached to the primary schools in the chief administrative centres. Four manual sections are also being built. There are a number of private training establishments for joiners, fitters, stonemasons, etc. Children are required to attend school between the ages of six and 14 years. It is planned to set up a vocational centre to train workers in preparation for the opening up of a large deposit of phosphates.

### *New Zealand.*

#### *Cook Islands (First Report).*

Cook Islands Act, 1915, as amended in 1946.  
Cook Islands Industrial Unions Regulations, 1947.  
Cook Islands Co-operative Societies Regulations, 1953.

*Article 2 of the Convention.* Policies adopted have as their objective the promotion of the

political, social, cultural and economic advancement of the people.

*Article 3.* The co-operation of the specialised agencies of the United Nations is sought and technical assistance applied. The South Pacific Commission and the South Pacific Health Service also provided technical assistance. The New Zealand Government, which has provided the greatest portion of the finance of the territory, continues to make subsidies and grants available on a generous scale for capital development in health, education and other social services and for meeting the budgetary deficits of the Group. The New Zealand Department of Island Territories also provides technical assistance to administrations in the various territories for the benefit of their inhabitants. With New Zealand assistance, conditions of trade have been established which encourage production at a high level of efficiency. The active support and co-operation of the local administration are obtained in the implementation of measures or assistance afforded for the benefit of the island people. Financial assistance within approved budgetary limits is under the control of the local Administration, and all technical assistance is provided on its recommendation. The Administration provides staff for various local departments which include agriculture, health, education, police, public works and justice.

*Article 4.* Steps to promote improvement in the social field are being continually taken. Internationally, in the field of health, assistance has been given by the World Health Organisation. Regionally, various forms of assistance have been rendered by the South Pacific Commission and the South Pacific Health Service. Nationally, several state departments of the New Zealand Government provide technical assistance with regard to health and nutrition, education, building and construction, status of women, conditions of employment, remuneration of wage earners, standards of public service, protection of migrant workers and agricultural production. Certain judges of the New Zealand Maori Land Court are members of the Cook Island Native Appellate Court, and they make periodic visits to the Cook Islands for sittings of that Court. The New Zealand Post and Telegraph Act is in force in the Cook Islands and, for purposes of internal check, the accounts of the Cook Islands Postal and Radio Departments form part of the New Zealand Post and Telegraph Accounting system. The New Zealand Department also gives advice on engineering problems connected with the administration of the Islands' radio and telephone services. The Cook Islands are assisted on a territorial basis by the Administration which provides the executive organisation for carrying into effect New Zealand legislation extending to this area, and ordinances enacted by the island councils or the Legislative Council of the Cook Islands. The Administration promotes the welfare of the people in many ways such, for example, as the provision of free health services, the introduction of concrete block-making machinery to assist housing construction, the provision of free compulsory education, the promotion of child welfare, improvement of the status of

women, the maintenance of satisfactory employment conditions and wages in industry, the supervision of migration for employment, the promotion of agricultural production through activities such as the administration of the fruit control scheme and the citrus planting scheme, and the establishment of conditions of trade with a view to encouraging production at a high level of efficiency.

*Article 5.* Some government institutions are being developed in all the island territories and the New Zealand Government actively encourages greater participation by island people in the government and administration of their own affairs and in measures for social programmes. Each island of the Cook Islands Group has an Island Council comprising ariki (chief) members and elected members. The Council is responsible for making local laws and assisting in the general welfare of the island. In addition to the Islands Councils a legislative council meets annually. This body comprises representatives from each Island Council plus official members from the Administration. Its purpose is to make Ordinances in respect of the Cook Group and also to assist in general administration in the Cook Islands.

*Article 6.* The improvement in the standard of living is the aim of the metropolitan Government; such improvement is closely related to improvement in the economic position. Every effort is being made to improve the latter and to this end, an economic mission will visit the Group this year. The New Zealand Government subsidised the economy to the extent of £324,692 in 1954.

*Article 7.* The policy of the Administration has always been to plan the economic development of the Group to harmonise with family life and traditional social units. The only migratory movement of any consequence is that of islanders to New Zealand. Most of these enter New Zealand on temporary permits to gain industrial or scholastic experience, and then return to the islands. The welfare of islanders in New Zealand is the concern of the Department of Island Territories and a number of non-governmental bodies. A number of male labourers from the Cook Islands enter into single year contracts to work the phosphate deposits at Makatea.

Cook Islands people cannot alienate land to Europeans, and, essentially, land belongs to families and not to individuals. The economy of the territory is based on agricultural development and this in itself prevents congestion in villages and urban areas. To assist improvement of living conditions in rural areas citriculture is being encouraged.

*Article 8.* Protective legislation of an advanced nature is in force. There is no chronic indebtedness in the Cook Islands. Control in the matter of suing for debts is exercised through the provisions of section 645 of the Cook Islands Act, 1915. Section 649 of the same Act makes it unlawful to distrain for rent; and section 646 declares that no security given by a Native over any period shall be enforceable without the ruling of the High Court. Debts by Cook Islands Maoris are merely incurred in the stores for purchases

made, and shopkeepers naturally keep such debts to a minimum because security is not given.

The laws relating to land tenure are contained in the Cook Islands Act, 1915, and its amendments. Practically all land is either Native customary land or Native freehold land as defined in the Act. Alienation, except to the Crown for public purposes or by lease for limited periods, is prohibited by law.

Native owners cannot mortgage their lands. Ownership of Native land is based on local custom. The sale of land is prohibited by law. The Native Land Court is empowered to validate an agreement reached by the owners of a piece of land whereby an individual is given an occupational right to part of that land for purposes agreed to by the owners. Apart from this, however, the family group is still the unit of ownership in the majority of cases, as it has always been under local custom. Tenancy arrangements are not usual. A co-operatives officer has been appointed to assist in the formation of producers' co-operatives. It is hoped thereby that suitable co-operatives in agricultural production will be encouraged under a sound leadership.

*Article 9.* The production of all crops, particularly bananas, tomatoes, pineapples and all types of citrus fruits, is promoted by the work of the Agricultural Department which, in 1937, recruited a citrus expert from Jamaica to establish a Citrus Replanting Scheme. The export trade encourages the majority of land owners, and provides employment intermittently for stevedoring labour. There are also a clothing and a shoe factory. Conditions of work and of wage earners are fixed by a series of industrial agreements made under the Cook Islands Industrial Unions Regulations, 1947. In fixing wage rates reference is had to the cost of living and to the general economy of the territory as represented by agricultural income. A five-day, 40-hour week operates in the territory. Medical care and education are free to Native people.

*Articles 10 to 12.* The only substantial body of workers employed away from their homes are those engaged in the Cook Islands for terms of 12 months' work in the French phosphate island of Makatea. Contracts follow a standard form and provide for repatriation, medical attention, good conduct bonuses, overtime rates and holidays. A specified portion of their wages is allotted, either to their families or to a post office savings account. It is understood that the Phosphate Company of Makatea will not be seeking further labour from the Cook Islands when the present one-year labour contracts expire.

*Article 13.* When members of the Cook Islands administration staff are transferred away from their home island where they own planting land, they are paid an "out station" allowance. More recently, salaries for such officials have been based on cost of living which takes into account produce normally grown on planting land.

*Article 14.* An industrial union of workers exists. An independent Industrial Relations

Officer, appointed in terms of the Cook Islands Industrial Unions Regulations, 1947, arbitrates in all cases of disagreement between employers and the union. Agreements made under these Regulations bind all private employers of any substance, as well as the Administration. Were an islander to be paid less than the rates to which he was entitled, he would seek the assistance of the Administration and thereafter have recourse to the court.

*Article 17.* A post office savings department is operated in most of the inhabited islands of the Group.

*Article 18.* The Cook Islanders are singularly unconscious of race distinction, and no discrimination of the types mentioned exists. The Polynesian people mix freely with Europeans on a basis of complete social and economic equality, and in all undertakings there is an equality of race, colour, sex, beliefs, tribal system and trade union affiliation. Europeans compete with Maoris for work on the basis of ability and any difference in wage rate is brought about by differences in performance only.

*Article 19.* Primary education and training suitable to the conditions is provided by the Administration. Education is compulsory between the ages of six and 14 years. A secondary school has been established in Rarotonga. A teachers' training class operates to provide trained teachers for the schools. In the absence of any substantial secondary economy, no system of apprenticeship has been introduced but vocational training in a few occupations is provided by the Administration.

*Article 20.* The school curriculum includes instruction in agriculture and citriculture and the Crop Development Officer has conducted classes in experimental agriculture and general sciences. The New Zealand Government arranges a scholarship scheme whereby students are sent to New Zealand for professional trade training.

#### *Niue (First Report).*

Cook Islands Act, 1915.

Cook Islands Industrial Unions Regulations, 1947.  
Cook Islands Co-operative Societies Regulations, 1953.

*Article 2 of the Convention.* Policies adopted have as their objective the promotion of the political, social, cultural and economic advancement of the people.

*Article 3.* As part of the Cook Islands, Niue comes within the area of assistance afforded by the international organisations to that Group. Likewise the island is within the locale of assistance provided by the two main regional organisations—the South Pacific Commission and the South Pacific Health Service. For example, the South Pacific Health Service has recently made available the services of a nutritionist who stayed a month in villages investigating the nutritional status of the population. The Commission provided the services of an ophthalmologist who stayed two months, visiting each village and school and inspecting the eyes of all those who wished to be examined. The Commission also assisted the school libraries.

The island, under present conditions, only derives limited revenue from exports and other sources. In order to meet costs of maintaining public services, the yearly deficit between revenue and expenditure is met by general and special subsidies from the New Zealand Government, which also provides financial assistance for capital development in health, education and other social work. Credit facilities are confined to the financing by the New Zealand Treasury of the Fruit Control Scheme, in terms of the Niue Fruit Control Regulations, 1945. Within the territory, all financial and technical assistance is given on the recommendation of the local administration, and is under the control of the Administration. The marketing of export crops is generally controlled by the Administration and protective agreements are in force to ensure adequate prices for copra and bananas. These agreements provide against normal market fluctuations and safeguard the standard of living.

*Article 4.* Steps to promote improvements in the social fields in the various territories are being continually taken. The Administration is giving technical assistance to improve housing construction and design. The issue of free meal rations in the schools may be cited as one measure helping to improve nutrition. Free universal and compulsory education is provided between the ages of six and 14 years, but children are permitted to enter school at five years of age and to remain until the end of the year in which they attain the age of 15 years. The welfare of children is attended to by a Child Welfare Sister.

There is no discrimination between the rights of men and women in the island. The status of women is being improved by granting scholarships to girls to attend schools in New Zealand and by training girls as teachers, nurses and office workers. The number of wage earners is extremely small. Salary and wage rates are fixed for Administration employees and these are generally followed by private employers. Social security is catered for by free medical, hospital and dental treatment and by government-subsidised superannuation for Administration employees.

*Article 5.* Representative self-government institutions are being developed in all the island territories and the New Zealand Government actively encourages greater participation by island people in the government and administration of their own affairs and in measures for social progress. Niuean people are represented by an Island Council which meets monthly to discuss matters of policy and measures for social progress, and which has fairly wide legislative powers. Councillors are nominated by the respective villages they represent.

*Article 6.* The improvement of standards of living is the aim of the metropolitan Government in respect of non-metropolitan territories. Although the great majority of Niueans are still mainly subsistence farmers, high export prices have enabled many of them to obtain articles which would have been considered luxuries a few years ago. The New Zealand

Government subsidised the economy in the year ended 31 March 1954.

*Article 7.* The only migratory trend is a voluntary one towards New Zealand, and the steady improvement in educational facilities should reduce the tendency for Niueans to take their children to New Zealand for education. There are no problems of congested living conditions. A village formerly situated in an unhealthy locality is being rebuilt with government assistance. Almost every islander supports himself and his family on his land and there is little permanent employment of any other type apart from positions in the Administration; wharf labour is normally engaged for only one day each month. Improvement in living conditions should result from the recent appointment of an agricultural officer with training in tropical agriculture.

*Article 8.* Protective legislation of an advanced nature is in force. There is no indebtedness among agricultural producers. The granting of credit to Niueans by merchants without the express approval of the resident Commissioner is prohibited. Alienation of land except for public purposes is limited by statute to leases for a limited period. All dealings with land other than family arrangements are subject to the control of the Native Land Court. There are no tenancies of agricultural land nor is labour employed in agriculture. Land is farmed by the family group which owns it. The export of crops is controlled on behalf of the growers by the Administration and by an increasing number of co-operative organisations.

*Article 9.* The natural resources of Niue lie exclusively in the produce of the soil. There are no natural power resources of any kind either hydraulic or fuel, nor are there any known deposits of mineral ores or fertilisers. Fish are neither plentiful nor easy to catch. Owing to the poor rocky soil the Niuean has always had to work hard and he is in consequence industrious and resourceful. The standard of living of independent producers is safeguarded by guaranteed prices for export crops. Price control of staple products is in existence. Where there is no guaranteed price, a fall in market prices is partly cushioned by a reserve fund built up by a levy on exports. The Administration helps in the matter of housing by technical assistance to improve construction and design.

*Article 14.* The amount of privately employed labour in Niue is very small. Administration employees have a salary scale fixed by the Public Service Commission in New Zealand. The Administration has recently encouraged the foundation of a body representing all of its employees to enable them to make representations on remuneration and conditions. Legislative approval exists for the formation of labour unions, but no wage earners have shown any interest.

*Article 17.* There exists a branch of the New Zealand Savings Bank.

*Article 18.* There is no discrimination. No industrial workers' unions have been formed, although there is provision for such in the Cook Islands Industrial Unions Regulations,

1947. Salary scales for European officials are higher than those for Native officials, but the standard of qualification required of the former is very much higher. Apart from heads of departments, there were only nine Europeans on the regular staff of the Administration as at 31 December 1953. One of the members of the Price Tribunal is a Niuean.

*Article 19.* Education is free and compulsory between the ages of six and 14 years, but children are permitted to enter school at five years and remain until the end of the year in which they attain the age of 15 years. Government scholarships provide for a number of Niuean children to receive a higher education in New Zealand schools. Medical and dental assistants are trained for Fiji and Western Samoa at government expense. Agricultural instruction is being given both in schools and amongst adults. A modified system of apprenticeship exists and vocational training given locally provides for training of teachers and typists. Education being compulsory, no children are employed during school hours.

*Article 20.* The whole economy of the island is based on agriculture—apart from basket-making which is a "cottage industry". The curriculum of the schools accordingly inclines towards agriculture, weaving, sewing and manual training. Articles on agriculture are now published each week in a "News Letter" issued by the Administration.

*Tokelau Islands (Frist Report).*

Tokelau Islands Act, 1948.

*Article 2.* Policies adopted have as their objective the promotion of the political, social, cultural and economic advancement of the people.

*Article 3.* The isolation of these islands and the limited nature of the economy have combined to produce an extremely simple pattern of living and a stable society in which there is a freedom from many social problems. There is little occasion for assistance on an international basis. The islands, however, come within the sphere of activity of the South Pacific Commission and the South Pacific Health Service, both of which are undertaking research work into plant and animal pests and diseases and studies in food technology, from which the islands are expected to benefit. The economic development of the Tokelau Islands is assisted by the metropolitan Government in many ways. The Group receives considerable direct financial assistance from the New Zealand Government, which also pays into a Tokelau Islands Reserve Account profits from the overseas trading operations of these islands, to be eventually used in developing and maintaining services in the Group. Annual estimates are prepared by the Tokelau Islands Administration (situated in Western Samoa), the Samoan Treasury collecting and dispersing funds on behalf of the Administration in accordance with estimates as provided by the New Zealand Minister of Island Territories. There is no public debt in the Tokelau Islands. Copra is the only commodity exported, agricultural pro-



ducts other than this being of a basic subsistence nature. The manufacture of plaited ware and woodwork for sale in Samoa are the only manufacturing industries. The disposal of the copra crop is in the hands of a government agency, the whole of the profits being applied for the benefit of the Tokelau Islands. The Copra Stabilisation Fund has been established under the Tokelau Islands Copra Regulations, 1952.

*Article 4.* Steps to promote improvement in the social fields in the various territories are being continually taken. Though remote, these islands are in the zone of activity of the South Pacific Commission, and in common with other non-metropolitan territories can thus look forward to benefiting from the present research work being carried out by that organisation. The islands are aided by the metropolitan Government in many ways. In the case of migrant workers a restriction of the right to leave the Group was introduced by the Tokelau Islands Departure Regulations, 1952, in which residents of the Group over the age of 12 years must obtain a permit from the Administration before departing from the islands. This measure was designed solely as a safeguard for the islanders themselves. The Administration helps the islanders in various ways—for example, through the provision of medical services; the institution of free education; a policy of taking Tokelauan students into the West Samoan Teachers' Training College, in order to build up a cadre of Tokelauan teachers; by conducting a secret ballot for the election of the islanders' faipule (the chief representative of local government); by the promotion of a capital development scheme; and by the institution of a vigorous campaign against rats so that general production will increase.

*Article 5.* Representative self-governing institutions are being developed in all the island territories and the New Zealand Government actively encourages greater participation by the island people in the government and administration of their own affairs and in measures of social progress. The Tokelau Islands are administered by the Tokelau Administration from Western Samoa, and proposals for the appointment of a Tokelau Islands Administrative Officer who will reside in the Group for substantial periods of the year are receiving consideration by the New Zealand Government. Local public services are carried out on each atoll by appointed Tokelauan officials such as the faipule (the chief representative of the local government) and the pulanu'u (village mayor). The village affairs are managed by a Council of Elders comprising representatives of the families and this body exerts some influence over the aumaga (village labour force). Although the Administrator still retains the power to appoint the faipule in each island, the Administration recently acceded to the request of the people of Atafu that they be allowed to elect their faipule for a term of three years by democratic election. The consent of the Government of New Zealand was obtained and elections were held on each of the three islands, properly conducted by means of secret ballot.

*Article 6.* The improvement of the standard of living is the aim of the metropolitan Government in respect of all the non-metropolitan territories. The Administration has assisted the standard of living by a capital development programme involving the construction of hospital wards, dispensary buildings, copra storage sheds, radio buildings and improvements of water storage facilities. The poisoning of rats, which constitute a serious problem, is being continued (it is estimated that rats damage up to 60 per cent. of the coconut crop).

*Article 7.* Only one islet in each of the three coral atolls of the Group is settled, the others being used as food plantations. The three villages in the Group have been well planned and laid out, although some overcrowding is now noticeable. To alleviate this, the Administration has offered to establish some of the people of Fakaofu on a portion of the neighbouring islet of Fanuafala. In general, the islanders take great pride in the appearance of their homes.

*Article 8.* Protective legislation of an advanced nature is in force. Indebtedness is foreign to the mode of life of the inhabitants of the Tokelau Group and there is no likelihood that chronic indebtedness would be allowed to develop. By the Sale and Lease of Native Lands Ordinance, 1917, indigenous inhabitants are permitted to dispose of their lands among themselves according to their Native laws and customs. They may not alienate land by sale or gift to non-indigenous inhabitants other than to the Crown. Non-indigenous inhabitants may lease land from islanders but only with the approval of the Administrator. No lease may be granted for a period of more than 99 years for any parcel of land greater in extent than five acres in any one island without the approval of the Administrator. In general land holdings tend to pass from generation to generation within the families, being held by the head of a closely related group, although some land is held in common. Although it has not so far been necessary to establish co-operatives, consideration is at present being given to their establishment in each island.

*Article 9.* The vast majority of the working population in each of the territories are independent agricultural producers, and basically their own efforts are necessary to improve their living standards. These efforts are supplemented by the work of the local department of agriculture which encourages improved methods of land cultivation. The atolls of the Tokelau Islands Group are covered by a coarse coral sand or rubble, consisting very largely of calcium carbonate and containing little soil or organic matter. This covering is sufficient to support a good growth of certain vegetation in which the coconut palm predominates, but it requires constant mulching and mixing with vegetable refuse to sustain good crops.

The coconut palm provides a staple export in the form of copra. A substantial increase in copra production with consequent benefit in the standard of living is practicable, depending on the extent to which the Tokelauans co-operate with the Administration in its campaign

to exterminate rats. Medical attention and education are free to the community. Housing gives no concern, dwellings—which are well-kept—being built of freely available local materials.

*Articles 10 to 17.* These Articles have no application in the territory.

*Article 18.* No discrimination exists on grounds of race, colour sex, belief or tribal association.

*Article 19.* While education is not compulsory, it is the duty of the faipule to see that every able-bodied child between the ages of seven and 16 years attends school. Attendance at all schools in the Group is very close to 100 per cent., parents being most enthusiastic and supporting the schools wholeheartedly. There is one school on each atoll.

*Article 20.* These provisions regarding the development of skilled labour are somewhat in advance of present economic requirements. The Administration has under constant consideration measures by which food production can be increased and diversified.

#### *Western Samoa (First Report).*

Samoa Act, 1921.

*Article 2 of the Convention.* Policies adopted have as their objective the promotion of the political, social, cultural and economic advancement of the people.

*Article 3.* The territory is assisted on an international, regional, national and territorial basis. Technical assistance is provided by specialised agencies of the United Nations. Valuable advice and assistance is received from both the South Pacific Commission and the South Pacific Health Service.

The major economic and social problems concerning the territory can be resolved satisfactorily by the Samoan people themselves; New Zealand policy is directed largely to analysing the problems and to indicating the manner in which they might be attacked. The territory has received extensive financial assistance, the policy of the administering authority being to devote the trading profits received from the New Zealand Reparation Estates towards expenditure on social and economic development schemes for the benefit of Western Samoa. The economy is aided by technical assistance provided by the New Zealand Government Departments. During the period of New Zealand's administration, many legislative provisions and regulations have been made relating to the survey and the protection of those resources upon which the substantial export trade of the territory and the material well-being of the inhabitants depend. The Legislative Assembly of the Government of Western Samoa (the majority of whose members are indigenous inhabitants) controls the financing of economic development. As the territory has an agricultural economy, most plans for economic development are inevitably based on the direct development of primary production, but other territorial government projects have great economic

significance, e.g. making roads, building hydraulic works, improving Apia Harbour and establishing a new shipping point in Savai'i.

*Article 4.* Steps to promote improvement in the social fields are being continually taken. Internationally, in the field of health, assistance has been given by the World Health Organisation and the United Nations International Children's Emergency Fund in an effort to counteract yaws. The Food and Agriculture Organisation has indicated that it cannot take account of the request for assistance in assessing the feasibility of an experimental fish pond culture project. The Ford Foundation is contributing to the research for methods of exterminating the rhinoceros beetle. Regionally, the South Pacific Commission is rendering assistance in connection with the fish pond culture project. Valuable advice and assistance continue to be given by the South Pacific Health Service. Nationally, several state departments of the New Zealand Government provide technical assistance with regard to health, education and the public services. New Zealand has also assisted the improvement of agriculture in a number of ways. The New Zealand Government provides an Administrations Counsel, acts as executive organ of the local territorial government, and carries out the over-all policy of the administering authority. The Administration promotes the welfare of the people in many ways by free medical and maternity treatment at a fully equipped general hospital having facilities for major surgery; by the setting up of the Apia Town Planning Committee; by the provision of free primary education for boys and girls in government schools; by enabling the study of labour conditions to be made; by assisting needy persons in a few cases with grants of charitable aid or pensions; by ensuring that adequate standards of public services exist through the establishment of public services; and by the general protection of the population by indirect assistance. In general, there is little evidence of malnutrition in the community. Child welfare clinics have been established and district nurses and Samoan medical practitioners pay regular visits to schools during school hours.

As only a small proportion of the territory is dependent on wages, and as the bulk of the people lead a communal life in villages, the labour situation does not present the Administration with any major problem. The establishment of a permanent Administration Board is under consideration. The largest employer of labour is the Administration (with the New Zealand Reparation Estates), and rates of wages fixed by it for unskilled and semi-skilled labour are usually adhered to by individual firms and planters. There is no system of labour passes or work books. No comprehensive scheme of social security is needed in the territory as far as most of the indigenous inhabitants are concerned. All treatment at the hospitals, including maternity treatment, is given free. Delinquent children and any other children who are not looked after by their families come under the protection of a child welfare officer. Unemployed workers in the territory are paid no insurance



but usually return to their village and take up duties with their families. The Government Bank and overseas firms have superannuation schemes which extend to all but casual workers.

*Article 5.* Representative self-government institutions are being developed, and the New Zealand Government actively encourages greater participation by island people in the government and administration of their affairs and in measures for social progress. A Constitutional Convention Assembly met from 10 November to 23 December 1954. Its recommendation was that the Samoan people wish to develop a constitution modelled on the British Parliamentary system. This recommendation will be seriously considered by the New Zealand Government.

*Article 6.* The improvement of standards of living is the aim of the metropolitan Government and depends fundamentally on production. Services and facilities of all descriptions are being expanded in the outside districts, but any substantial rise in the people's basic standard of living must depend largely on the money Samoans earn by the sale of their crops.

*Article 7.* The administering authority's economic policy has due regard to these provisions.

*Article 8.* Protective legislation of an advanced nature is in force. Small loan services are available mainly through the trading firms and through the Bank in Apia, but these facilities are seldom made use of. The indigenous inhabitants generally comprise an economically weaker section of the population, but they own most of the land and produce most of the crops exported, and many of them open up their own trading stations. In the Samoa Act, 1921, it is stated that no Samoan land or any interest therein can be taken in payment of a Samoan's debt on his death or insolvency. Similarly, the Samoan Land and Titles Protection Ordinance, 1934, provides that every Samoan alienating land held by individual title must first receive authority from the High Commissioner, and that the land cannot be taken for payment of debts on death or insolvency. Samoan land cannot, in general, be permanently alienated except to the Crown (Samoan Government), although with the sanction of that Government areas may be leased. Permanent alienation has taken place for public purposes, and compensation in land has been made when the area taken over was in a densely settled area. Tenancy arrangements are practically non-existent. The administering authority has agreed to the setting up of co-operatives for the protection and marketing of these crops upon which the economy of the territory depends.

*Article 9.* The vast majority of the working population are independent agricultural producers, and basically their own efforts are necessary to improve their living standards. In a normal season the Samoans find no difficulty in producing local food supplies sufficient for their requirements. Improvements made in the future will probably be slow as they depend on raising the total output of the complete family group. There have been no surveys

relevant to the standard of living, except for the agricultural survey made in 1950-51 and a consumers' price index survey in 1951-52 (based on family budgets of public servants). It is difficult to ascertain the cost of living for indigenous inhabitants as almost all of them obtain the greater part of their food, housing and fuel through the traditional domestic economy, not through purchases from any store. Close attention is being paid to population pressure on land. Progress made in road construction has opened up new areas of land for settlement and the policy of making grants of Crown land to congested villages has offered relief to more densely populated areas. The largest employer of wage labour is the Administration (with the New Zealand Reparation Estates) and the rates of wages for unskilled and semi-skilled labour, as fixed by the Government, are usually adhered to by firms and planters. The period of employment for labour employed by the Government is generally restricted to a 40-hour week, with a full holiday on Saturdays, Sundays and other holidays. There is no housing problem in the territory.

*Articles 10 to 13.* The recruiting of workers for employment outside the territory is prohibited by Ordinance No. 4 of 1951. In recent years, a number of unskilled, semi-skilled and skilled workers have voluntarily left the territory to work in New Zealand. They enter on a temporary permit for six months which may be extended, and pay their own passages and expenses. The Department of Labour keeps a general check on employment conditions. Welfare facilities for such islanders are concentrated in Auckland and Wellington, the main body of the work being done by the Pacific Islanders Congressional Charter which receives an annual government subsidy.

*Article 14.* In the absence of any significant section of the community dependent on wage earning outside Administration employees, the need has not yet arisen for a highly organised labour administration, or for labour legislation and regulations. There are no trade unions or occupational organisations and no system for collective bargaining, conciliation or arbitration of wages and working conditions.

*Article 17.* The Government operates its own postal department and provides savings bank facilities in the chief Post Office, Apia. Usury is not practised in the territory and there is little demand for lending facilities.

*Article 18.* The possibilities of developing labour legislation in this direction have been investigated by an officer of the New Zealand Department of Labour and his report is currently being studied. There is complete equality of the sexes before the law. The economic policy of the administering authority is aimed at reducing discrimination between indigenous inhabitants and part-Samoans of European status. Cases of friction between the European community and the Samoans society are few and insignificant. The policy of the Government does not differentiate between Samoans and the European sections of the community.

*Article 19.* The New Zealand Director of Education made extensive recommendations in

his report made recently on education in Western Samoa; it is likely that full consideration will be given to this report and to changes suggested before any regulations are drawn up. Although there is, as yet, no provision for compulsory education, the New Zealand Director of Education has suggested in his report a plan whereby compulsory education can be introduced district by district. There are over 100 village schools catering for primary education; there are four district schools staffed by Samoan teachers and taking pupils in forms I and II. Scholarships to New Zealand and the Fiji medical school are open to students of both government and mission schools. The Government conducts two vocational training schools at semi-secondary school level—one for teacher training and the other for nurse training. While a school-leaving age has not been prescribed there is a legal restriction on wage employment in manual work through the provisions of the Contracts of Employment (Indigenous Workers) Ordinance, 1950.

*Article 20.* As the economy of Western Samoa is almost completely based on agriculture, education and vocational training are directed towards making the majority of the people better and more productive land cultivators. Two residential boys' primary schools, with a practical and agricultural bias, have been established and this elementary agricultural training will be carried to a more advanced level in an agricultural high school to be established if staff is available. The New Zealand Reparation Estates present for the instruction of the indigenous inhabitants a sample of large-scale and well-organised commercial agriculture, but while at times the practices observed on commercial plantations are advanced, in general the standard of crop husbandry is not high. Meanwhile, the Department of Agriculture advises plantation holders and others on production, marketing, the diversification of crops and destruction of pests.

### United Kingdom.

#### GENERAL NOTE BY THE COLONIAL OFFICE ON ARTICLES 3, 5 AND 7, PARAGRAPH 1, OF THE CONVENTION

*Article 3, paragraph 1.* Assistance to British dependent territories generally takes one of four forms. Direct assistance has been given by Her Majesty's Government since 1940 under the Colonial Development and Welfare Acts by way of grants and loans; territories themselves raise funds on the London market with the approval of Her Majesty's Government; the Colonial Development Corporation undertakes or finances projects for agricultural, industrial and other economic development; and direct loans and grants are made from the United Kingdom Exchequer to assist with the administration of certain territories, and for other specific services in the territories. The extent of such assistance from the end of the war to June 1956 is indicated by the following figures:

	In million £
United Kingdom Government loans—Colonial Development and Welfare. . . . .	2.85
United Kingdom Government advances to the Colonial Development Corporation . . . . .	48.74
Other (Exchequer) . . . . .	30.19
London market loans . . . . .	140.—
United Kingdom Government grants—Colonial Development and Welfare. . . . .	113.76
Other (Exchequer) . . . . .	156.90
	<hr/> 492.44 <hr/>

No precise estimate is available of the total amount of money which has been provided since the war from private sources in the United Kingdom for economic development in the non-metropolitan territories for which the United Kingdom is responsible, but it is undoubtedly almost as great again as the Government's own contribution. It is thought that the total of United Kingdom assistance towards the economic development of British dependent territories since the war on a conservative estimate amounts in all to at least £750 million. In addition to direct assistance from the United Kingdom, Her Majesty's Government have encouraged and assisted colonial territories to seek financial and technical assistance from the International Bank for Reconstruction and Development, the United Nations and organisations participating in the Expanded Programme of Technical Assistance, the Government of the United States of America, the Colombo Plan, and other sources.

Assistance under the Colonial Development and Welfare Acts has been of fundamental importance in encouraging Colonial Governments to plan economic development. Though representing only about one-sixth of the total finance for development, Colonial Development and Welfare funds have given impetus to long-term planning and in some of the smaller and poorer territories have met nearly all the cost. While Colonial Development and Welfare funds have been spent on a wide variety of projects and priority has in general been given to economic work (see reply under Article 7), nearly half of the money has been devoted to social services, especially education. This is largely because some Colonial Governments have preferred to use loan funds rather than Colonial Development and Welfare money for revenue-earning projects. Colonial Development and Welfare funds have tended to be used for building schools, universities and hospitals, etc., and for the provision of such basic services as water supplies and housing. In this way the use of Colonial Development and Welfare funds has ensured that the social services have to a large extent kept pace with economic development. There has been steady progress in education at all levels up to university standard, with special emphasis on technical and vocational education, and in community development. The research which has been undertaken as part of the development policy has made a notable contribution. Striking success has been achieved in public health work, particularly in

anti-malarial measures; thus transmission of malaria has been eliminated in British Guiana, Cyprus and Mauritius.

Paragraph 2. See under Article 7, paragraph 1.

Paragraphs 3 and 4. Her Majesty's Government in the United Kingdom does not normally prescribe terms for private or public investment in companies registered in its dependent territories. Such companies, and investments therein, are subject to the local laws on taxation, company practice, industry, land and natural resources, etc., and local legislatures seek on such matters to secure the fullest social and economic benefits for the peoples of the territories concerned. In addition high priority is accorded to companies or corporations raising capital in the United Kingdom for investment in projects of special benefit to dependent territories.

Her Majesty's Government in the United Kingdom does, however, from time to time advise Colonial Governments on the form and manner of implementation of local legislation, particularly those involving obligations under international treaties or conventions or those involving a common measure of interest between the United Kingdom and the territories concerned, such as in the case of the gold and foreign currency reserves of the sterling area. Her Majesty's Government has also announced its desire to encourage all foreign investments of benefit to dependent territories.

Article 5. It has been a principal aim of policy of Her Majesty's Government in the United Kingdom to associate the peoples of the British non-metropolitan territories in the administration of those territories and while, as explained in the reply under Article 3, Her Majesty's Government in the United Kingdom makes available material help and advice, policy in the field of social development remains in the hands of the governments of the non-metropolitan territories concerned. Representatives of the peoples of non-metropolitan territories are actively associated with both the formulation and execution of policy and are increasingly concerned in the working out of schemes of social and economic development, including the voting of funds and the provision of staff and equipment.

This is particularly so in the field of local government, the development of which has been marked in recent years. Implementation of programmes of social and economic development calls for the special and intimate knowledge of local conditions that is available to local authorities.

An important feature of British policy in this field is "community development", that is to say the improvement of the social life of the community by stimulating the active participation and individual initiative of all members of the community in measures of social progress designed to promote their economic, social and cultural development. For this purpose, use is, wherever possible, made of local enterprise in agricultural improvement schemes, the development of fisheries, the building of schools, etc., on which are built community development projects in which the local and central government services are fully

associated. In this way a vigorous and healthy community is established by the active association of public opinion with measures of social progress at first hand.

Article 7, paragraph 1. Economic development in the British dependent territories is not planned centrally by Her Majesty's Government in the United Kingdom. Colonial Governments are encouraged to draw up their own plans in the light of local needs and resources, but they can and do look to Her Majesty's Government for advice and for material help (see reply under Article 3). In this connection Her Majesty's Government has stressed the importance of securing the co-operation of local people in economic development and of ensuring that development takes place along sound and balanced lines. In a despatch which was sent to Colonial Governments on 12 November 1945 in connection with the Colonial Development and Welfare Act of the same year, the Secretary of State said, *inter alia* :

"The main purpose of development planning should be to ensure that all the resources available are used to the best advantage, that the whole field of possible development and welfare is surveyed, and that the sums to be devoted to each project are determined so that the programmes form a well-balanced whole....

"A proper balance between different objects of development and welfare... is fundamental to a wise development policy. The dual title of the Colonial Development and Welfare Act clearly indicates its purpose, namely parallel progress in the development of the resources of the Colonial Dependencies and in the improvement of the welfare of their people. The first object is the more fundamental since without economic development it will be impossible for the Dependencies to maintain from their own resources the improved standards which are desired for them; but in the meantime the social services must be improved and in many cases this improvement in the social services will contribute indirectly to economic development and general advancement. I emphasise the fundamental character of economic development because the possibilities of expansion in the social services are commonly immediately apparent and, as a matter of administrative organisation, are directly the concern of particular departments, while economic development is at once a more general responsibility and a sphere in which the desirable course is less easy to determine. The relative roles played by the two parts of a general programme will vary from Dependency to Dependency, but the most careful attention should everywhere be given to the improvement of the productive efficiency of the Dependency's resources as a whole, both human and material.

"In the preparation of plans, and indeed in all work connected with them, it is of the first importance that the interest of the inhabitants of the Dependency should be aroused and their opinion consulted and their co-operation secured wherever possible. A great part of the value of the assistance given by the new Act will be lost if the developments financed

or assisted by it are regarded merely as an activity of 'Government' and not as the concern of the ordinary people of the country. The establishment of Development Committees containing unofficial representation is one obvious means of ensuring due public participation and such Committees have, I know, already been formed in many of the Colonial Dependencies."

Furthermore, in the foreword of the report on the administration and use of the funds provided under the Colonial Development and Welfare Acts which was presented to Parliament in January 1955 the Secretary of State commended the practice of planning development locally having regard to the interests of the people of the territories concerned. He said:

"The responsibility for drawing up and executing development programmes to which Colonial Development and Welfare funds have contributed has rested throughout on Colonial Governments. Local initiative has thus been stimulated in a way which would not otherwise have been possible and this local interest has been sustained."

While the methods adopted for planning development programmes vary from territory to territory the procedures followed derive from the fundamental need to harmonise economic development with the healthy evolution of the communities concerned.

#### Aden (First Report).

Minimum Wage and Wages Regulation Ordinance (Cap. 97, Laws of Aden).

Ordinance No. 1 of 30 May 1956 to make provision for the training of apprentices.

*Articles 3, 5 and 7, paragraph 1, of the Convention.* See above, General Note by the Colonial Office.

*Article 7, paragraph 2, subparagraph (a), of the Convention.* No measures have yet been taken to study the causes and effects of migratory movements. The report quotes figures to show that the small proportion of workers who leave the colony does not give rise to a serious sociological problem.

Subparagraph (b). The Town Planning Advisory Board is at present examining problems and drawing up town plans for various centres of population within the colony.

Subparagraph (c). The Town Planning Advisory Board lays down standards of density of housing development, and determines minimum sizes for the various types of houses, in respect of development areas and of reconstruction in existing areas. Road widening proposals are also under consideration. The report enumerates various programmes for squatter clearance and rehousing.

*Article 8.* There is no agriculture in the colony.

*Article 9, paragraph 1.* The Aden Technical Institute, opened in 1951, provides for study up to the City and Guilds of London Institute intermediate examination. Evening classes in technical and commercial subjects are available. An Ordinance making provision for the training of apprentices was enacted on 30 May 1956.

The Minimum Wage and Wages Regulation Ordinance provides for the determination of a minimum wage which is reviewed annually by a Labour Advisory Board appointed under section 10 of the Ordinance.

No measures have so far been taken to ascertain minimum standards of living by means of official inquiries.

Paragraph 2. No measures have so far been taken to meet the requirements of this paragraph.

*Articles 10 and 11.* All companies who recruit in the colony have arrangements whereby remittances can be sent to dependants. Except in one instance where the wages are well above those paid in the colony, free board and accommodation is provided, leaving the wage virtually untouched.

*Article 12.* While there is recourse to the labour resources of the Western and Eastern Protectorate and of the Yemen, the movement of workers from these areas is spontaneous. No agreements have been concluded in accordance with this Article, as conditions in the colony are very much better than in the territories of origin and the Government is satisfied that the private arrangements now operating for sending money to dependants are adequate.

*Article 13.* No measures have been adopted in compliance with this Article as it is exceptional for families to accompany workers entering the colony.

*Article 14, paragraph 1.* A representative of the British Trades Union Congress was in the colony, during the period under review, to advise the Government on the reorganisation of local trade unions. The report adds that consideration will be given to the wider application of the principles of collective bargaining.

Paragraph 2. Representatives of both employers and organised workers serve on the Labour Advisory Board mentioned under Article 9.

Paragraph 3. The statutory minimum wage is published in the *Government Gazette* and receives wide publicity in the press. It is enforced by inspection as prescribed by the Minimum Wage and Wages Regulation Ordinance.

Paragraph 4. Section 6 of the Ordinance mentioned above authorises the court to order the employer to pay such a sum as in the opinion of the court represents the difference between the amount paid and what should have been paid, without any limit of time.

*Article 15, paragraph 1.* The requirements of paragraph 1 are provided for by sections 6 (4), 14 and 35 (3) of the Minimum Wage and Wages Regulation Ordinance.

Paragraphs 2 and 3. The requirements of paragraph 2 are met by section 14 of the Ordinance.

Paragraph 4. The report states that no special measures covering the provisions of this paragraph are considered necessary in a Moslem community.

Paragraph 5. The report states that no special provision is considered necessary.

Paragraph 6. The requirements of this paragraph are met by section 16 (1) of the Ordinance.

Paragraph 7. The report states that circumstances such as those described in this paragraph apply generally to domestic service alone and that control of the working conditions in this sector in a "purdah" community is considered to be impracticable at present.

Paragraph 8. The provisions of this paragraph are met by publicising the function of the Labour Department and by encouraging workers to seek information there; by inspection and enforcement of section 19 (2) of the Ordinance; and by application of section 22 of the Ordinance.

*Article 16.* Section 23 of the Ordinance provides that recovery of an advance given before employment shall be made from the first payment of wages in respect of a complete wage period, but prohibits recovery of advances in respect of travelling expenses. Recovery of advances of wages not already earned is made subject to any rules made by the Governor in Council by virtue of this section, which also includes regulation of advances. The report adds that, while no specific provision has been made in respect of the requirements of paragraph 3, measures considered necessary may be introduced under section 23 of the Ordinance.

*Article 17.* An increasing number of employers are introducing contributory pension or superannuation schemes, and trade unions are encouraging workers to participate. On the other hand, no measures have as yet been adopted for the protection of wage earners and independent producers against usury.

*Article 18.* Apart from a recent instance concerning trade union affiliation, there is no racial or other discrimination in the labour field. It is generally accepted that the rate for the job shall be applicable irrespective of colour, class or creed. A pay differential has, however, been introduced for expatriates employed in the colony.

*Article 19, paragraph 1.* The report gives statistics relating to the various types of schools which have been established for boys and girls. The Apprentice Training Ordinance provides for compulsory release from industry to attend classes during one full day and three evenings every week. Part-time evening classes are provided both in technical subjects and in basic education for employed workers in industry.

Paragraph 2. There is no law or regulation prescribing the school-leaving age. The minimum age of employment for industry is 15 years and for domestic service 12 years. Young persons are defined as those having attained 18 years.

Paragraph 3. In view of the lack of minimum age legislation no measures have been taken in compliance with the provisions of this paragraph.

*Article 20.* No measures have been taken outside industry to provide training in new techniques of production. So far there has been no consultation in this sphere between employers, workers and the education authorities.

*Basutoland (First Report).*

Concessions Veto Proclamation, 1922.

Co-operative Societies Proclamation, 1948.

Basutoland Co-operative Societies Rules, 1948, as amended in 1954.

Basutoland Credit Restriction Proclamation, 1949.

*Articles 3, 5 and 7, paragraph 1, of the Convention.* See above, General Note by the Colonial Office.

The report presents details of the various grants received from the United Kingdom, and adds the following information in respect of these Articles :

There is no private or public investment in Basutoland.

The Resident Commissioner works in close co-operation with the Paramount Chief in all matters concerning the country and people of Basutoland, and District Commissioners similarly work in close co-operation with the Principal Ward Chiefs in districts. Heads of Departments and subordinate departmental officers, too, work with and through chieftainship authorities.

An advisory body known as the Basutoland Council, consisting of the Resident Commissioner as President, the Paramount Chief as Chief Councillor, and 99 Basuto members, of whom 42 are elected, 52 nominated by the Paramount Chief and five nominated by the Resident Commissioner, discusses matters affecting the domestic affairs of the Nation and expresses its opinion on any draft laws which are laid before it. A formal declaration has been made by the High Commissioner that "it is the policy of Her Majesty's Government to consult the Paramount Chief and the Basutoland Council before the Proclamations closely affecting the domestic affairs and welfare of the Basuto Administration are enacted". The Basutoland Council elects from among its own members a Standing Committee, presided over by the Resident Commissioner, and to it are referred all important matters which arise when the Council is not in session. In framing measures under Colonial Development and Welfare the Paramount Chief and National Council are always consulted.

The policy of the Basutoland Government in the planning of economic development is to harmonise such development, as far as possible, with the healthy evolution of the community. The tribal authority is always closely associated with any development plan.

The report gives examples of various types of economic development planning in Basutoland, including the stabilisation of arable soils and pasture management and general improvement in farming systems. It is considered that if any change is to bring lasting benefit it must be of a fundamental and widespread nature, and must be introduced as an integral part of the present tribal system. With this policy in view a preliminary large-scale experiment, known as the Pilot Project, is now in operation, in which all improved methods are tried and in which a representative cross section of the population takes part.

*Article 7, paragraph 2.* The pressure on land, together with other economic and social factors, have traditionally caused the Basuto to leave

home periodically to seek work. During 1955 a total of 59,085 passes were issued to Basuto who left the country to take up employment in the Union of South Africa temporarily.

Town planning schemes are controlled by the local District Commissioner advised by a Reserve Advisory Committee, on which both Africans and Europeans are represented.

Residence on the nine government reserves in the territory is restricted to persons born on such reserves or those who are employed or have business interests on the reserves. Sites on the reserves are inherited or allocated by the local authority, but may not be sold. Only the buildings erected on such property may be sold, and then only with the permission of the local authority.

Included with the report is a copy of the Basutoland Colonial Annual Report, 1955, which presents a survey of improvement programmes in the territory.

*Article 8.* Indebtedness does not present a problem in Basutoland. The Credit Restriction Proclamation No. 49 of 1949 controls the grant of credit and similar facilities to Natives living in Basutoland to ensure that such Natives do not incur pecuniary liabilities beyond their means and capacity to pay.

There are practically no industries in Basutoland and what mineral wealth may exist is still underdeveloped. Development schemes are all of an agricultural nature. The necessity to control alienation of agricultural land to non-agriculturists does not arise.

Basutoland is an African territory and is not open to settlement. In practice the land is held in trust for the Basuto Nation by the Paramount Chief who exercises and performs these judiciary rights and duties through the Chieftainship. There is no freehold tenure, the Chiefs allocating land to their subjects for occupancy and use according to their needs and with the right to re-allocate to another any land occupied or used by each individual in excess of his needs.

The Basuto are a nation of peasant farmers and labour is performed by the family unit. Tribal custom does not allow occupation of land by a tenant.

The fostering of co-operative development in Basutoland is accepted as a government responsibility. The report quotes figures relating to various types of societies established in the territory.

*Article 9.* The policy of the Government is to educate the people in better farming methods and to show them that a better living can be obtained from their small holdings if such methods are put into practice. Reference is made to the Basutoland Colonial Annual Report, 1955. A Social Survey and a Nutritional Survey of the territory are at present being conducted.

*Article 10.* Migration is from Basutoland to the Union of South Africa. Conditions of employment for migrant workers living away from their homes are therefore beyond the control of Basutoland.

*Article 11.* The Agent for the High Commission Territories, living in Johannesburg, deals with the domestic affairs of the Basuto

on the Witwatersrand encouraging them to save money. Agencies have also been opened in other centres where there is a concentration of Basuto labour. The majority of Basuto recruited for the mines defer a portion of their earnings for payment to them on their return to Basutoland. Many also remit money to their families through the recruiting organisations.

*Article 12.* Recourse has not been made in any region of the territory to the labour resources of a territory under a different administration.

*Article 13.* Owing to the fact that migration is from Basutoland to the Union of South Africa this is beyond the control of Basutoland.

*Article 14.* The Basutoland Trades Unions and Trade Disputes Proclamations were promulgated in 1942 and amended in 1949. The Proclamations provide for the registration and regulation of trade unions in Basutoland and for the orderly settlement of trades disputes. By the end of 1955 only four trade unions had been registered.

*Article 15.* The necessity for the measures described in this Article does not arise.

*Article 16.* The advance payable to recruits recruited in Basutoland by labour agents for employment in the Union is limited to £2 in accordance with the Basutoland Native Labour Proclamation. No interest is payable on the advance. Contracts must be in writing. All contracts must be signed before a competent officer who must satisfy himself that the worker understands the terms of the contract. An advance in excess of £2 would render the recruiting agent liable to prosecution. The law does not specify whether any advance in excess of this amount would be irrecoverable.

*Article 17.* The necessity to protect wage earners and independent producers against usury does not arise.

*Article 18.* Labour legislation affecting trade unions in the territory does not discriminate on any of the grounds mentioned in this Article.

*Article 19.* The report quotes figures relating to expenditure on education and to the number and types of schools available in the territory.

There are no laws or regulations in force in the territory which prescribe the minimum school-leaving age. Section 27 of the Native Labour Proclamation (Chapter 57 of the Laws of Basutoland) prohibits non-adults from entering into a contract. By tribal custom the young boys are required to look after any animals which the family may possess. This is an all-day task and accounts for there being a higher proportion of girls than boys attending schools in the territory. No measures have been put into effect to compel parents to send their children to school, but compulsory education will no doubt be introduced in time to come.

*Article 20.* There is no provision for the training of skilled labourers in new techniques of production.

The report refers to pages 73-82 and 99 of the Basutoland Colonial Annual Report, 1955, and adds that there is no labour inspectorate in Basutoland.



*Bechuanaland (First Report).*

Co-operative Agricultural Societies Proclamation, 1910.

Native Labour Proclamation, 1941.

Wages Boards Proclamation, 1949.

*Articles 3, 5 and 7, paragraph 1, of the Convention.* See above, General Note by the Colonial Office.

The report includes the following additional information in respect of these Articles :

Since 1940 Colonial Development and Welfare grants to the territory have amounted to over £2 million for a present population of 300,000.

Grants have been used for the provision of underground water supplies and water-raising machinery to encourage stock-raising in areas without open waters; for the investigation of mineral resources with a view to their exploitation for the benefit of the indigenous peoples, who retain full rights to any minerals discovered in their territories; for the improvement of livestock and the provision of advisory services and the training of indigenous staff; for the improvement of agriculture by the distribution of improved seed and the dissemination of improved methods through qualified agricultural officers and trained indigenous demonstrators; for the combating of soil erosion; for the construction of improved roads and bridges; for the combating of tsetse fly encroachment; for the clearing of overgrown swamp waterways; and for special social service projects.

There is full consultation with local administrations in determining the nature of economic development.

The report quotes examples of government intervention in accordance with the requirements of Article 3, paragraph 4.

The peoples of the territory are associated in the framing of social policy through advisory councils and through various committees and boards. Members of the European Advisory Council are elected. Members of the African Advisory Council are tribal representatives. Eight members each of these councils constitute the Joint Advisory Council. Members of these councils are represented on boards and committees.

*Article 7, paragraph 2.* A study of migrant labour was made in 1943, at the request of the Administration. District Commissioners now work in close contact with the African authorities to ensure that excessive numbers are not recruited for work outside the territory, so disrupting tribal life. Recruiting organisations are obliged to submit monthly returns of the numbers of such workers recruited. No new recruiting agent's licences are being granted. The problems of town planning, creation of township authorities and the drafting of appropriate legislation are being fully investigated. There is at present no problem of congestion in urban areas in the Bechuanaland Protectorate.

*Article 8.* There is no problem of chronic indebtedness in the territory.

The alienation of any Crown land to Europeans for agricultural purposes will be strictly controlled to ensure that the land will be properly used. The use of land in the African

reserves is regulated by Tswana law and custom. Legislative measures by the central Government are unnecessary.

Tswana law and custom make it the duty of every male member of the tribe to do his part in tending the family livestock. There are consequently only a very few agricultural labourers and they are engaged by European farmers.

No co-operatives are at present registered under the Co-operative Agricultural Societies Act.

*Article 9.* The Bechuanaland Protectorate has no machinery for ascertaining standards of living.

*Article 10.* The conditions of labour of Bechuana recruits are governed by the laws of the countries in which they contract to work.

*Article 11.* Workers contracting for work in the mines of the Union of South Africa or in Rhodesia may take advantage of a deferred pay scheme.

*Article 12.* The Bechuanaland Protectorate does not import labour.

*Article 13.* There is practically no internal movement of labour in the territory and in any event the cost of living does not vary greatly from one part of the country to another.

*Article 14.* There are no employers' organisations and only one employees' organisation.

Under section 7 (1) of the Bechuanaland Protectorate Wages Boards Proclamation, representatives of both employers and employees in equal numbers may sit on a wages board appointed by the Resident Commissioner. A wages board is empowered to fix the minimum rate of remuneration for all the workers in respect of whom the particular board operates. The wages boards must publish in the official gazette the rates of wages so fixed. If an employer is convicted for failing to pay an employee at the minimum rate of remuneration laid down the court may order him to pay, in addition to the fine, any such sum as appears to be due to the worker.

*Article 16.* The maximum advance permissible is £2. Contracts must include details of the advances of wages made and the manner of repayment of any advances. The attesting officer must satisfy himself that the terms of the contract are fully understood by the recruit. No measures have been taken to meet the requirements of paragraph 3 of this Article.

*Article 17.* Workers recruited for the mines may, if they so wish, take advantage of a deferred pay system, which enables them to receive a proportion of their total wages in a lump sum on the completion of their contracts.

*Article 18.* It has not been established that there are any grounds of discrimination.

*Article 19.* The report describes the expansion of educational facilities. There are no regulations governing the school-leaving age in the territory nor minimum age and conditions of employment of children. Since education is not compulsory no measures have been taken to prohibit the employment of children during school hours in any areas.

*Article 20.* The Bechuanaland Protectorate is a non-industrial country. The application of the laws and administrative regulations mentioned above is in the hands of the Administration. While the Convention is being applied by the Administration to the best of its ability, rapid progress in the social and economic spheres is not possible because the Protectorate has few natural resources and its funds are very limited.

*Bermuda (First Report).*

Agriculture Act, 1930.  
Public Health Act, 1949.  
Schools Act, 1949.  
Labour Act, 1953.  
Education Act, 1954.

*Articles 3, 5 and 7, paragraph 1, of the Convention.* See above, General Note by the Colonial Office.

*Article 7, paragraph 2.* Subparagraphs (a) and (b) are not relevant to Bermuda. In regard to subparagraphs (c) and (d), the report refers to sections 135 to 144 of the Public Health Act, 1949, which provides for measures against the overcrowding of dwelling-houses.

*Article 8.* There is little general and still less chronic indebtedness among either farmers or farm workers. Out of a total of 11,360 acres there remain only about 870 acres available for agriculture and less than 2,700 acres for pasture, and these are being steadily encroached upon to provide living accommodation for the dense and ever increasing population. Everything possible continues to be done, however, by way of zoning and similar expedients to check and control this tendency. There is extensive and strictly enforced legislation restricting the acquisition of land by non-Bermudians, protecting the ownership of land and safeguarding individual and public interests in the amenities and use of land other natural resources.

The 1950 census showed only 165 farmers and 195 farm workers out of a total population of 37,403 persons. These totals have since decreased. As this minority of farmers and farm workers enjoys the same unusually high standard of comfort and living as the majority of the population, no special legislation either exists or is necessary to provide for supervision of tenancy arrangements and of working conditions in accordance with subparagraph (d).

In 1949 the Bermuda Government Department of Agriculture inaugurated a "Planned Production and Marketing" arrangement to encourage farmers to grow on contract with that Department certain kinds of vegetables which the Department undertook to purchase at guaranteed minimum prices. The success of the scheme is demonstrated by the fact that the amount realised for crops has increased from £14,618 in 1949 to £47,326 in 1955.

*Article 9.* No measures either have been or need to be taken because the present standard of living of most of the local population—irrespective of race—is probably higher and more uniform than that of any other community in the world. There are no central organisations representative of the workers or employers

in Bermuda and no Labour Advisory Board which could be consulted.

*Articles 10 to 13.* These Articles are not applicable to Bermuda where there are no migrant workers, except about 600 hotel workers annually who are admitted for specified periods of limited duration and a few farmers who are admitted temporarily under contracts with the Portuguese Government. The members of both categories are adequately cared for under these contracts during their stay in Bermuda.

*Article 14.* No measures either have been or need to be taken because, owing to the high standard of living and general prosperity in Bermuda, although there are five trade unions their total membership is less than 300, they are not all active and neither their members nor independent workers are interested in collective agreements. Employment is so plentiful and wages are so high that workers prefer to be free to transfer from well-paid to better-paid employment within their competence.

*Article 15.* There is no legislation on the provisions of paragraphs 1 to 3, but local custom and the competitive strength of labour ensures that wages are in fact paid promptly and properly. No measures are necessary in respect of paragraphs 4 and 5 as no such practice exists in Bermuda. Except in a few instances employees are paid weekly in cash. The provisions of paragraph 7 apply only to the minority of farm workers and hotel employees, who would certainly protest vigorously were they not satisfied that such goods and services were adequate and their cash value properly assessed. No measures have been or need to be taken in respect of paragraph 8, as the Bermudian worker is too well educated and intelligent not to be fully aware of his or her wage rights and how to protect them.

*Article 16.* No measures have been or need to be taken because, owing to the local tendency for workers to transfer at the shortest, or even without, notice from well-paid to better-paid employment, it is not customary for employers to make advances of wages.

*Article 17.* No official measures have been taken to encourage voluntary forms of thrift but there are savings systems promoted by insurance and similar organisations, whose activities are controlled by legislation. The financial activities of the institutions described in paragraph 2 are regulated by the legislative Acts under which they are incorporated.

*Article 18.* The policy of the Government is to foster equality of treatment for all workers. No measures have been taken in accordance with paragraph 2 because, as the wages and consequent standard of living of the workers are so high, none is necessary.

*Article 19.* The requirements of this Article are met by the Schools Act, 1949, and the Education Act, 1954.

Various types of schools of general, technical commercial and home economics education, are described in the report.

Section 28 of the Education Act, 1954, prescribes that the school-leaving age shall be 13 years and that it shall be raised to 14 years



as soon as it is practically feasible. Many children receive free primary education from five to 16 years of age. The present minimum age for employment is 14 years and this will be raised to 15 years as soon as it is practically feasible to raise the school-leaving age to 14 years.

No measures prescribe the conditions of employment because those conditions are already so favourable to the workers that legislation on the subject is unnecessary. There are no measures to prohibit the employment of persons below the school-leaving age during the hours when the schools are in session, but sections 30 to 37 of the Education Act, 1954, make extensive provision for the regular attendance of every child at school during the compulsory school-age period.

*Article 20.* No measures have been taken because there are virtually no productive industries in Bermuda. There are no central organisations representative of the workers or employers and no Labour Advisory Board to consult in this connection.

The report enumerates the authorities responsible for application of the legislation, and adds that as there are no organisations of employers and only five of workers with an insignificant and inactive membership, no observations have been received from such sources regarding the Convention.

#### *British Somaliland (First Report).*

Town Planning Ordinance No. 7 of 1947.  
Local Authorities Ordinance No. 8 of 1950.  
Local Government Councils Ordinance No. 1 of 1953, as amended to date.  
Subsidiary legislation to apply section 3 (1) of the Ordinance (Government Notices Nos. 6 and 7 of 1953).

The above legislation has been enacted in pursuance of the policy of the Protectorate in application of the Convention.

*Article 1 of the Convention.* All measures and projects designed to promote the welfare and advancement of the people are implemented only after the nature of such projects has been put before the people, in so far as existing consultative machinery allows.

*Article 2.* See Article 1 above.

*Article 3.* Every effort is made to secure from external sources whatever financial and technical assistance may be found to be necessary for the advancement and welfare of the people and the territory. In the year 1955-56 the sum of £122,572 was provided from United Kingdom resources for various projects under Colonial Development and Welfare Schemes, in addition to a sum of £418,000 provided to meet a deficit in the normal budget. The assistance of certain welfare organisations promoted by the United Nations has also been sought.

*Article 4.* See Article 3 above.

*Article 5.* See Article 1 above.

*Articles 6, 7 and 9.* The bulk of the population are nomadic pastoralists whose migratory movements are dictated by a need to make the best use of such grazing and water as becomes available after each seasonal rain. A close

study has been made of such movements and every encouragement is given to the people to utilise the grazing and water resources in accordance with most productive methods. In the same way, every endeavour is made to encourage the introduction of more productive methods in those limited areas where agriculture is feasible. In the principal towns Town Planning Committees have been established, whose recommendations are subject to scrutiny by a Central Town Planning Board. The plans prepared by these bodies are designed to promote the creation of pleasant and healthy townships and to prevent and eliminate congestion.

*Article 8, clauses (b) and (c).* The Cultivation and Use of Land Ordinance gives District Commissioners powers to demarcate areas for agricultural purposes and to control the agriculture within such areas.

*Articles 10 to 13.* There are no migrant workers.

*Articles 14 to 17.* There are no large-scale employers of labour outside the Government whose relations with its employees are conducted through the medium of staff committees and associations.

*Article 18.* There is no discrimination between workers on grounds of race, colour, belief, sex, tribal association or trade union affiliation.

*Articles 19 and 20.* Educational facilities are provided by the Government up to secondary school level. Many scholarships are provided by the Government for advanced education and higher training in other countries. There is at present no legislation prescribing a school-leaving age or any minimum age for employment.

The application of the above-mentioned legislation is entrusted in the main to the courts.

#### *Cyprus (First Report).*

Minimum Wage Law, Cap. 215 and Regulations of 1942.

Trade Unions Law, Cap. 172 and Laws Nos. 15 of 1952 and 3 of 1954.

Domestic Servants (Employment of Children and Young Persons) Law of 1952.

Domestic Servants (Employment of Children and Young Persons) Regulations of 1953.

Children and Young Persons (Employment) Law No. 33 of 1953.

*Articles 3, 5 and 7, paragraph 1, of the Convention.* See above, General Note by the Colonial Office.

*Article 7, paragraph 2.* Studies show that there is considerable movement of population to the three main towns of the island caused by the rapid growth of population surplus to the rural economy. The local authorities, who are advised by the Planning and Housing Department of the Government, control the construction and sanitation of buildings. A town and country planning law is under consideration. Under the Streets and Buildings Regulation Law density of development is controlled.

Under a new Five-Year Development Programme, 1956-61, provision has been made for £2½ million for village improvement, and appropriate encouragement will be given to the establishment of suitable rural industries.

*Article 8.* A debt settlement board was set up in 1940 and operated until 1945, when very little indebtedness remained. Since that time the co-operative credit movement has grown rapidly and there are government purchasing schemes for two of the main crops. Rural indebtedness does not present a serious danger.

The alienation of agricultural land to non-agriculturists is a very exceptional occurrence. There is no legislation for the control of the ownership and use of land and resources but the better use of land is achieved through irrigation and soil conservation associations of farmers, subsidised by public funds.

There is a department for co-operative development in the Government and a co-operative central bank. There are 250 co-operative societies with over 40,000 members. Almost every village has its own thrift and credit society.

*Article 9.* Where wages in a particular occupation are considered unreasonably low, action is taken under the Minimum Wage Law to fix minimum wages.

*Article 10.* The territory is small and there are therefore few workers who have to live away from their homes. These are mainly employed by mining concerns, some of which provide houses at low rent, subsidised food-stuffs and allowances. Government workers temporarily employed away from home receive special wage rates. The small number of foreign labourers is assured conditions not less favourable than those of native workers.

*Article 11.* The problem does not arise.

*Article 12.* There is very little immigrant labour in Cyprus.

*Article 13.* Wage rates are mainly fixed by collective agreements which take account of variations in the cost of living.

*Article 14.* The Department of Labour promotes joint negotiating machinery. The minimum wage law empowers the Governor in Council to fix minimum rates of wages in any case he deems desirable. These rates are published in the local press. Section 6 of the Law enables a worker to recover arrears due to him.

*Article 15.* The requirements of paragraphs 2 and 3 are met by established practice and no special measures are necessary. Wages are not paid in taverns or stores. Workers are paid at regular intervals. Food, housing and supplies seldom form part of the remuneration. No special measures are considered necessary to inform workers of their wage rates. Officers of the Labour Department investigate complaints regarding unauthorised deductions.

*Article 16.* The practice of making advances on wages does not exist.

*Article 17.* The co-operative credit movement attracts substantial savings and a successful school savings scheme has been organised through co-operative societies. A special "Usury (Farmers) Law" enables courts to reopen transactions between farmers and money-lenders. A Bill to register and control money-lenders is under consideration.

*Article 18.* There is no discrimination in public employment. In private employment

sporadic signs of discrimination on grounds of trade union affiliation appear from time to time and such tendencies are discouraged. Customary differences in salary scales for male and female workers in certain occupations are diminishing.

*Article 19.* Free elementary education is available to all children between the ages of six and 14. There is no legal compulsion but the vast majority of children attend primary school. Special attention is being paid to technical and practical education. There are two Rural Central Schools and a Government Apprentices Training Centre.

The elementary education regulations set the school-leaving age at 14. The Children and Young Persons (Employment) Law, 1953 and Regulations, and the Domestic Servants (Employment of Children and Young Persons) Law and Regulations, prescribe minimum ages and conditions of employment.

*Article 20.* The Government refers to the annual report of the Department of Labour for 1955.

*Article 23.* The Government accepted Articles 15 (1), 15 (4), 16 and 19 (2) with modifications. Article 15 (1) presents great difficulties in a country where a great number of small undertakings are very often run by illiterate persons. Where minimum wages have been fixed, however, employers are required to keep registers.

Articles 15 (4) and 16 deal with evils which do not exist in Cyprus. Legislation to cover the first Article in a country where alcohol is plentiful and the habit of borrowing common might have the opposite effect to that desired. Local practice is in accordance with Article 16 and no legal sanction is necessary.

Regarding Article 19 (2) it is not yet considered practicable to make education up to a minimum school-leaving age compulsory.

The application of the legislation is the responsibility of the Department of Labour.

There have been no decisions of courts of law or other courts relating to the Convention.

#### *Dominica (First Report).*

Alien Land Holdings Act, L.I. Chapter 76.

Labour Minimum Wage Act, L.I. No. 21/37 as adapted by No. 19/39.

Employment of Women, Children and Young Persons, L.I. Act No. 5/38 as adapted.

Employment of Children Prohibition Act, L.I. No. 5/39.

Labour (Minimum Wage) (Advisory Boards) Rules, S.R. and O. No. 34/44.

Slum Clearance and Housing Ordinance No. 5/46.

Town and Country Planning Ordinance No. 4/46.

Town and Country Planning Regulations No. 50/49.

Co-operative Societies Ordinance No. 6/49.

Education Ordinance No. 3/49.

Banana Consolidation Ordinance No. 6/49.

Trade Unions and Trade Disputes Ordinance No. 12/52.

Agricultural Small Tenancies Ordinance, 1953.

Wages Councils Ordinance No. 7 of 1953.

*Articles 3, 5 and 7, paragraph 1, of the Convention.* See above, General Note by the Colonial Office.

*Article 7, paragraph 2.* The only significant migratory movement is that of persons proceeding to the United Kingdom in search of

employment; during the period under review 1,310 left the colony for this reason. The principal motive appears to be search of employment opportunities in a wider atmosphere rather than economic pressure. There is no formal control of this migration but steps are taken to inform intending migrants of certain conditions and difficulties which may be expected.

The principal concentration of population is in Roseau. It is hoped shortly to undertake slum clearance schemes in two badly congested areas of this town. In addition, an extensive road construction programme may be expected to check the drift to the urban area as it increases opportunities for economic development in rural areas at present difficult of access. A number of villages have been provided with water supplies and in a smaller number electric power is now being installed.

*Article 8.* Chronic indebtedness among agricultural producers is very limited and warrants no specific measures to relieve it. Local legislation requires the issue of an Aliens Land-Holding Licence before any person not a British subject may own land, but no other measure to control the alienation of agricultural land to non-agriculturists has been found necessary. The Agricultural Small Tenancies Ordinance, 1953, requires compliance with certain provisions aimed at ensuring security of tenure for the agricultural tenant, so long as he observes sound agricultural practices, and adequate compensation in the event of disturbance of his tenancy for reasons other than any breach of that tenancy committed by him. In the case of the two principal export crops, bananas and limes, co-operative associations are provided for by local legislation. The operations of other co-operative societies is controlled by statute under which the normal functions devolve on a Registrar of Co-operatives.

*Article 9.* The measures for the development of co-operation, described above, assist independent producers to improve their living standards. No specific measures have been taken for ascertaining and maintaining minimum standards of living.

*Articles 10 to 13.* The conditions described in these Articles are not relevant to Dominica.

*Article 14.* The Trade Unions and Trade Disputes Ordinance permits the organisation of employers' and workers' trade unions. Representative organisations have been registered by law and have negotiated several voluntary agreements fixing minimum wages and working conditions for employees in various occupations. Minimum wage enabling legislation empowers the Governor to fix minimum wages in any occupation, in which he considers wages are unduly low, after consultation with representatives of the employers and workers. In addition, legislative provision exists for the fixing of minimum remuneration for workers in any occupation when the Governor is satisfied that no adequate machinery exists for that purpose. Minimum wage rates, either fixed by law or negotiated by voluntary agreement, are published and all interested parties are notified. The law provides for inspection of wage records, and enforcement officers have

been appointed by Government. A worker to whom wages have been paid at less than the prescribed minimum rate may recover any arrears accruing over a period of two years preceding the discovery of the irregularity.

*Article 15.* As far as minimum wages are concerned the law requires payment to be made in legal tender only at weekly or fortnightly intervals. No deductions from wages are allowed for any concession or privilege but workers are free to make their own arrangements for the payment of any debts contracted outside the terms of their employment.

*Article 16.* The difficulties envisaged by the provisions of this Article have not been encountered locally and no steps have yet been taken to give effect to them.

*Article 17.* With the encouragement of the Government credit union societies have done a great deal to encourage voluntary forms of thrift. While there are no legal controls on the operations of money-lenders, the credit unions provide facilities for borrowing money.

*Article 18.* There is no such discrimination, except that women manual and agricultural workers are paid at lower rates than men.

*Article 19.* The Government provides free primary education for children between the ages of five and 14. The Government also operates a secondary school for boys, at which the fees are low, and gives financial assistance to three other secondary schools. Within the limits of available funds these facilities will be extended as opportunity permits. Limited vocational training is conducted in one primary school. There is no apprenticeship system.

The Education Ordinance, 1949, provides for the requirements of paragraphs 2 and 3.

*Article 20.* Beyond the activities of the field officers of the Agricultural Department there is no training in new techniques of production.

The enforcement and supervision of all legislation and administration orders devolve on the staff of various government departments, under the general direction of the Administrator.

#### *Falkland Islands (First Report).*

Truck Acts.  
Education Ordinance (Chap. 22).  
Employment of Children Ordinance (Chap. 24).  
Labour (Minimum Wage) Ordinance (Chap. 35).  
Licensing Ordinance (Chap. 38).

*Articles 3, 5 and 7, paragraph 1, of the Convention.* See above, General Note by the Colonial Office.

*Article 7, paragraph 2.* Living conditions in rural areas are being steadily improved by farm management and the standard of housing is generally of a higher order. Social amenities are also being steadily developed and improved.

*Article 8.* No chronic indebtedness exists in the islands.

Working conditions are the subject of annual negotiations between representatives of employers and employees.

*Article 9.* Collective agreements and annual negotiations between employers and employees

have secured a steady improvement of conditions and standards of living. The Governor in Council is empowered to fix minimum wage rates in any occupation if he is satisfied that the wages paid in that occupation are unreasonably low. The Cost of Living Committee, in fixing the cost-of-living index, takes all such items as food, housing, rents, clothes, etc., into account.

*Article 14.* Minimum wages are fixed by collective and individual agreements freely negotiated. In the case of the principal industry (sheep farming) wages and working conditions are negotiated by custom on an annual basis.

*Article 15.* The payment of wages in taverns or stores is forbidden by law. Workers' wages are paid weekly, except in the case of agricultural workers who are paid monthly under an established and accepted local custom. Agricultural workers are supplied in addition to wages with meat, milk, fuel and housing, under an agreement between the Labour Federation and the Sheep Owners Association.

*Article 18.* There is no discrimination of any sort among workers.

*Article 19.* Educational facilities are being steadily improved. Recently a boarding school was established in the colony. It is hoped that eventually boarding schools will replace entirely the present system of travelling teachers. The minimum school-leaving age is laid down at 14 years under the above-mentioned Education Ordinance, but facilities are provided to enable children to continue their education and to stay at school beyond the age of 14 years.

#### *Gambia (First Report).*

The Government states that it is impossible to give a detailed list of the legislation and administrative regulations which apply the provisions of a Convention which extends so widely over the whole range of government activity.

*Articles 3, 5 and 7, paragraph 1, of the Convention.* See above, General Note by the Colonial Office.

*Article 7, paragraph 2.* There are no major migratory movements within the territory or to other territories. The only concentration of population requiring town planning is the Bathurst area. This is governed by the Town of Bathurst (Building Regulations), 1936, as amended.

Agricultural production is being increased and diversified. There are no apparent openings for the establishment of rural industries at present.

*Article 8.* The main approach to reducing indebtedness has been by establishing fair marketing procedures for the country's main product—ground nuts. There is no appreciable alienation of agricultural land. The Protectorate Land Ordinance No. 16 of 1945 provides for the control and use of land in accordance with customary rights. Land is generally farmed directly by village communities without tenancy arrangements.

A small co-operative department has been formed and an Ordinance (No. 4 of 1950) enacted

to provide for the establishment of co-operative societies.

*Article 9.* The Government has always tried to make funds available for new enterprises. Cost-of-living statistics are maintained for the area of Bathurst and a nutritional survey of the rural area was carried out in 1950.

*Articles 10 and 11.* These do not apply to Gambia.

*Article 12.* A limited number of farmers from adjoining French territories enter Gambia annually to work on ground-nut production. They enjoy the same rights and protection as resident workers. In general they do not wish to remit money to their homes but prefer to take their savings in kind.

*Article 13.* The problem does not arise in Gambia.

*Article 14.* The requirements of this Article are covered by the Minimum Wage Order No. 23 of 1952 and by section 20 (1) of the Labour Ordinance No. 21 of 1944.

*Article 15.* Payment of wages is largely limited to the Government and to certain large commercial firms. No specific legislation governs the maintenance of registers. Wages are paid in legal tender regularly and directly to the worker. No question of payment by alcohol has ever arisen. The Labour Office in Bathurst advises workers in case of a dispute arising out of deductions from wages.

*Article 16.* No legislation exists to limit the amount of advances or the method of their recovery.

*Article 17.* Thrift co-operatives are encouraged under the co-operative societies ordinance. The Money-Lenders Ordinance No. 22 of 1954 governs the registration of money-lenders and the interest they may charge.

*Article 18.* There is no discrimination.

*Article 19.* Every effort is being made to accelerate the progress of education. Vocational training experiments in the form of Training within Industry have already been made. The technical departments of the Government operate apprenticeship schemes. The time is not yet ripe for prescribing a minimum school-leaving age but the Labour Ordinance prohibits the employment of children under 14 years of age.

The legislation is applied by the social welfare departments of the Government and the Protectorate Administration.

There have been no decisions of courts of law or other courts relating to the application.

The Government invites attention to the biennial reports on Gambia and to the labour officers' reports for 1955.

#### *Gibraltar (First Report).*

Regulation of Wages and Conditions of Employment Ordinance.

Regulation of Conditions of Employment Board (Procedure) Regulations.

Regulation of Wages and Conditions of Employment (Forms) Regulations.

Omnibus Drivers and Conductors General Standard Order.

Annual and Public Holidays General Standard Order.

Truck Ordinance.  
Employment of Women, Young Persons and Children Ordinance.  
Education Ordinance.  
Money Lending Ordinance.

*Articles 3, 5 and 7, paragraph 1, of the Convention.* See above, General Note by the Colonial Office.

*Article 7, paragraph 2.* Because of the geographical features of Gibraltar, congestion of the population cannot be avoided but the Government, over many years, has undertaken major schemes for rehousing the civil population.

*Article 14, paragraph 1.* It is the policy of the Government to encourage the fixing of wages and conditions of employment by collective agreements negotiated between workers and employers or their respective organisations.

Paragraph 2. Provision is made for establishing Joint Industrial Councils, Wages Councils and also for prescribing minimum standards of general application. A Conditions of Employment Board, which is responsible for recommending General Standard Orders, has been established and includes representatives of workers and employers. All Wage Councils must be fully representative of workers and employers in the industries for which they have been set up.

Paragraph 3. Employers must exhibit prominently copies of all wage regulation orders, and on the engagement of a worker must explain the recognised conditions of employment to him.

Paragraph 4. Powers given to the courts require an employer convicted of improper payment of wages to refund to the employee any amount of wages due to him.

*Article 15, paragraph 1.* The above-mentioned Regulation of Wages and Conditions of Employment Ordinance provides for the proper payment of wages and for the keeping of records of hours worked and wages paid.

*Article 16.* It is unlawful for an employer to withhold any advance made to an employee or to make changes on it.

*Article 17, paragraph 1.* Facilities are available through the Post Office Savings Bank for voluntary thrift among workers.

Paragraph 2. Under the above-mentioned Money Lending Ordinance, every money-lender must be licensed. Restrictions on interest rates are imposed and charges for expenses on loans are prohibited.

*Article 18.* There is no discrimination on the grounds of this Article. As, however, the cost of living in Spain is less than in Gibraltar, Spanish workers employed by the Gibraltar Government have a smaller cost-of-living addition to their basic wages.

*Article 19, paragraph 1.* Schools are organised on the English pattern and comprise primary (infants and juniors) and secondary (secondary grammar, secondary technical and secondary modern). Adult education is provided by Army Education Corps, chiefly in languages and commercial subjects. A secondary technical school prepares boys for apprenticeships in the dockyard. This is now being

extended to include apprenticeships for all employers in Gibraltar. A commercial school is being opened for girls over 15 and a three-year course in homecraft is also being opened in the secondary modern school for girls. Preliminary study for a pre-nursing course is operating for girls in Loretto High School and the modern secondary school.

Paragraph 2. In accordance with the Education Ordinance above-mentioned, a person is deemed to be of compulsory school age if he has attained the age of five years and has not attained the age of 15 years. The Governor is empowered to raise to 16 years the upper limit of the compulsory school age if he is satisfied that it has become practical to do so.

Paragraph 3. The above-mentioned Employment of Women, Young Persons and Children Ordinance limits the employment of children. In addition, the Shop Hours Ordinance limits the employment of children in shops.

#### *Grenada (First Report).*

Primary Education Regulations, 1938, Part III.  
Department of Labour Ordinance No. 16 of 1940.  
Department of Labour (Amendment) Ordinance No. 6 of 1941.

Department of Labour Order, 1942 (S.R. and O. No. 68 of 1942).

Department of Labour (Amendment) Order, 1950 (S.R. and O. No. 4 of 1950).

Agricultural Small Tenancies Ordinance No. 17 of 1952.

Agricultural Small Tenancies (Amendment) Ordinance No. 11 of 1956.

Recruiting of Workers Ordinance No. 17 of 1939, as amended by Ordinance No. 5 of 1941.

Recruiting of Workers Regulations, 1941 (S.R. and O. No. 81 of 1941) as amended by the Recruiting of Workers (Amendment) Regulations, 1942 (S.R. and O. No. 58 of 1942).

Recruiting of Workers (Amendment) Regulations, 1943 (S.R. and O. No. 25 of 1943).

Wages Council Ordinance No. 4 of 1951.

Wages Council (Clerks) Order, 1951 (S.R. and O. No. 58 of 1951).

Wages Regulation (Clerks) Order, 1952 (S.R. and O. No. 7 of 1952).

Employment of Women, Young Persons and Children Ordinance (Cap. 71, Volume I of the Laws of Grenada), as amended by Ordinances Nos. 20 of 1939 and 9 of 1945. (For Regulations made thereunder, see S.R. and O. No. 14 of 1938.)

*Articles 3, 5 and 7, paragraph 1, of the Convention.* See General Note by the Colonial Office.

*Article 7, paragraph 2.* A study of migration to Britain was undertaken in 1955 on behalf of the Government of Jamaica. As a result all British West Indian Governments participate in the maintenance of welfare services for these migrants in the United Kingdom. The majority of these migrants are unmarried men.

Town planning is undertaken by a Central Housing and Planning Authority. It is an aim of policy to improve wages and housing conditions constantly.

*Article 8.* The Government states that the problem of eliminating cases of chronic indebtedness does not arise in the territory. It has not been necessary to control the alienation of land or the ownership and use of land and resources. Tenancy arrangements are supervised under the Small Tenancies Ordinance.

Provision has been made for the appointment of a co-operatives officer.

*Article 9.* The Agricultural Department assists in improving efficiency and production. Agricultural wage earners are encouraged to use land which employers are willing to distribute free of charge, or at a peppercorn rent, to improve their earnings. A cost-of-living index is maintained and *ad hoc* committees deal with the ascertaining of minimum standards from time to time.

*Article 10.* The sponsored migration of workers is controlled by the Recruiting of Workers Ordinance, as amended, and the Regulations made under it.

*Articles 11 and 12.* Agricultural workers are recruited from time to time for employment on farms in the United States. In every case an agreement is made between the territory, the employer and the worker providing protection and advantages not less than those enjoyed by workers resident in the United States and for the compulsory transfer of part of their wages to their home territory.

*Article 13.* Agricultural workers employed in the United States receive certain concessions such as reduced cost of food and housing.

*Article 14.* The Labour Department encourages voluntary negotiations. Where no adequate arrangements exist, wages councils are set up. Various wages councils orders provide for informing employers and workers of the minimum rates in force. Under the Wages Council Ordinance underpayments are recoverable.

*Article 15.* The requirements of paragraphs 1, 2 and 3 are met by the Department of Labour Orders and Wages Councils Orders. Wages are paid weekly, fortnightly or monthly and in cash.

*Article 16.* In agriculture wages are paid fortnightly and workers may obtain an advance of approximately one week's wages. In government employment no advances are made. The need to provide against excessive advances has not arisen.

*Article 17.* Government Savings Banks have been established throughout the territory. Interest rates are controlled by law. There are no money-lenders in this territory.

*Article 18.* No discrimination of any sort exists.

*Article 19.* Free primary education is available and compulsory education legislation exists in some areas. There are no schemes for vocational training and apprenticeship and the matter is left to individual employers. The school-leaving age is prescribed in the Primary Education Regulations and the minimum age and conditions of employment are laid down in the Department of Labour Ordinance as amended and in the Employment of Women, Young Persons and Children Ordinance.

*Article 20.* This is an agricultural country and the provisions of this Article do not apply.

The legislation is applied by the Labour Department, the Agricultural Department and the Education Department.

There have been no decisions of courts of law or other courts relating to the Convention.

#### *Leeward Islands.*

##### *Antigua (First Report).*

Labourers' Payment Ordinance, 1908.  
Labour (Minimum Wage) Act, 1937, as amended.  
Employment of Women, Young Persons and Children Act, 1938.  
Town and Country Planning Ordinance, 1948, as amended.  
Education Ordinance, 1956.  
Labour Ordinance, 1956.

*Articles 2, 4 and 6 of the Convention.* The report cites the 1955 report of the Antigua Labour Department to show that the general principles embodied in these Articles are observed.

*Articles 3, 5 and 7, paragraph 1.* See above, General Note by the Colonial Office.

*Article 7, paragraph 2.* As the area of Antigua is only 108 square miles, no problems due to migratory movements arise. Legislative effect is given to the provisions of subparagraphs (b) to (d) by the Town and Country Planning Ordinance, 1948, and by the appointment of the Industrial Development Board.

*Article 8.* While there is no legislation giving effect to the provisions of this Article, the Government has set up a Peasant Development Service which assists peasants in cultivating their smallholdings and marketing their produce.

*Article 9.* In most cases land is available to wage earners: revenue from the cultivation of crops is a factor in improving living standards. No action has been taken to meet other requirements of this Article.

*Articles 10 to 13.* There are no migrant workers in Antigua. Twenty per cent. is deducted from the earnings of workers employed in the United States Virgin Islands and 15 per cent. from the earnings of workers in the United States.

*Article 14.* According to the report of the Labour Department for 1955, a number of collective agreements were concluded in industry. The Labour (Minimum Wage) Act, 1937, as amended, empowers the Governor to appoint an Advisory Committee to investigate conditions of employment in any occupation and to make recommendations as to the minimum wages which should be payable. Upon determination of a minimum wage for any industry, every employer concerned is bound to pay wages not less than the minimum wage, on penalty of summary conviction and fine in respect of each offence, as well as payment of arrears of wages calculated on the basis of the minimum wage. The report adds, however, that it has not been found necessary to appoint any Advisory Committee as described above.

*Article 15.* The report states that the provisions of the Article are in practice observed. The requirements of paragraphs 2, 4 and 6 are met by the Labourers' Payment Ordinance, 1908. The conditions described in paragraph 7 are not found in Antigua.

*Article 16.* The provisions of this Article are covered by the Labourers' Payment Ordinance, 1908.



*Article 17.* There is no legislation giving effect to the provisions of this Article.

*Article 18.* Discrimination among workers on grounds of tribal association does not arise, while discrimination among workers on grounds of race, colour, sex and belief or trade union affiliation presents no problems.

*Article 19.* A committee has been set up to organise on a voluntary basis facilities for training on the job and in evening classes.

The Department of Education operates a number of training programmes for boys and girls attending school. The Education Ordinance, 1956, prescribes the school-leaving age; and the Employment of Women, Young Persons and Children Act, 1938, prohibits the employment of children under the age of 14 years in any industrial undertaking other than one in which members of the same family are engaged.

*Article 20.* No measures have been taken to meet the requirements of this Article.

*St. Christopher-Nevis-Anguilla (First Report).*

Emigrant's Prohibition Act, No. 10 of 1929, as amended.

Labour (Minimum Wage) Act No. 21 of 1937.

Employment of Women, Young Persons and Children Act No. 5 of 1938.

Employment of Children Prohibition Act No. 5 of 1939.

Trade Unions Act No. 16 of 1939, as amended.

Trade Disputes (Arbitration and Inquiry) Act No. 17 of 1939.

Recruiting of Workers Act, No. 4 of 1941.

Labour (Minimum Wage) (Amendment) Act No. 5 of 1944.

Town and Country Planning Ordinance No. 2 of 1948.

Labour Ordinance No. 1 of 1950.

Slum Clearance Ordinance No. 2 of 1952.

Education Ordinance No. 16 of 1955.

Workmen's Compensation Ordinance, No. 21 of 1955.

*Articles 2, 4 and 6 of the Convention.* The report states that youth clubs and community centres provide facilities for working people throughout the colony, and describes the free facilities provided by the Public Health Department.

*Articles 3, 5 and 7, paragraph 1.* See above, General Note by the Colonial Office.

*Article 7, paragraph 2.* There are no problems due to migratory movements.

A Central Housing and Planning Authority, operating under the Town and Country Planning Ordinance, 1948, and the Slum Clearance Ordinance, 1952, has been engaged for several years with the large-scale clearing of slums, the resiting of villages, the laying out of new settlements, the rehabilitation of old houses and the erection of new ones.

*Article 8.* There is no evidence of chronic indebtedness among the majority of labourers. Where there are no smallholders, as in St. Kitts, the scarcity of agricultural land precludes its alienation for other purposes. The price of agricultural land in the other islands in the colony is rising, and there appears to be little in favour of its easy alienation. There is no local legislation to compel a landowner to use his land otherwise than as he wishes, although he may be required by Defence Regula-

tions to devote a certain acreage to food production. By virtue of the Land Acquisition Act the Government may, if the land is being neglected or it can be put to better use in the public interest, deprive the owner of his land, on payment of due compensation. A Land Settlement and Development Board was set up for each of the islands of the colony, by an Ordinance of 1949, which authorised them to promote the interests of agriculture, and to acquire land and so develop it as to conserve the natural resources in the economic and social interests and the requirements of the community.

Tenancy is safeguarded by the Small Tenements Act, the Agricultural Small Holdings Act, 1938, and the Rent Restriction Ordinance, 1954.

There are no known corporations among agricultural labourers. The Government Agricultural Service has set up a Marketing Department which provides trained instructors, agricultural machinery for use at a nominal charge, fencing wire and fertilisers for sale at a minimal cost, and the use of stud centres at a nominal fee.

*Article 9.* In St. Kitts generally only marginal land on sugar estates is available on rent for peasant cultivation. In Nevis and Anguilla land is, however, better distributed. Wage earners are protected by the Labour (Minimum Wage) Act, 1937, as amended, which empowers the Governor, on the advice of a committee representative of both employers and labour, to determine the minimum wages in respect of any employment. Wages in agriculture, industry, shipping and government have for several years been negotiated annually. Wage negotiations take into account minimum standards of living. A quarterly index of retail prices returned by the Department of Labour is of use in such negotiations.

*Article 10.* Most migrant workers are recruited on contract, which includes provision for the payment of allowances for the maintenance of their families resident in their homes.

*Article 11.* Under the terms of contracts entered into by labourers recruited for work in the United States and the United States Virgin Islands, deductions amounting to 12 per cent. and 20 per cent. respectively are made from their wages as compulsory savings to be remitted periodically for safe keeping on their behalf by the Government of the colony.

*Articles 12 and 13.* There are no existing practices or measures in operation relating to the matters covered by these Articles.

*Article 14.* See under Article 9 the statement relating to the Labour (Minimum Wage) Act, 1937. The report adds that so far there has been no appointment of such a committee. There are, however, annual negotiations between representatives of employers and trade unionists on a voluntary basis. In the event of deadlock, reference is made to the Labour Commissioner as mediator.

*Articles 15 and 16.* The conditions described in these Articles are not applicable to the colony.

*Article 17.* A Government Savings Bank is available for the savings of the labouring and domestic servant classes. A co-operative bank

recently established in Nevis for the promotion of peasant development has enjoyed considerable success. Some years ago a system of savings stamps was initiated by the Post Office, expressly in encouragement of peasant saving. This scheme, however, has not proved popular. In the elementary schools savings accounts are run on behalf of the pupils, and are at the end of every year lodged in a savings account at the Government Savings Bank in the name of the individual schools. This programme has proved extremely popular and may account for a considerable share of parental savings.

*Article 18.* The conditions described in this Article are not relevant to the colony.

*Article 19.* Primary education is compulsory between the ages of five and 13 years. Primary and secondary schools have been set up, as well as post-primary schools which combine an academic curriculum with training in such subjects as domestic science, handicrafts and agriculture. No child under the age of 12 years may be employed in work other than domestic work or agricultural work of a light nature at home by the parents or guardian of the child. No child under the age of 14 years may be employed in any public or private industrial undertaking, nor on any ship, except when the undertaking or ship employs only members of the same family. There is also prohibition of night work for persons under the age of 18 years in industrial employment, except under certain specified conditions which apply only to persons over the age of 16 years.

*Article 20.* The conditions described are not applicable to the colony.

#### *Montserrat (First Report).*

Labour (Minimum Wage) Act No. 21 of 1937.  
Employment of Women, Young Persons and Children Act No. 5 of 1938.  
Labour (Minimum Wage) (Amendment) Act No. 5 of 1944.  
Labour Ordinance No. 5 of 1950.  
Labour (Amendment) Ordinance No. 50 of 1954.  
Education Ordinance No. 11 of 1956.

*Articles 2, 4 and 6 of the Convention.* The report describes measures adopted in furtherance of the principles enunciated in these Articles.

*Articles 3, 5 and 7, paragraph 1.* See above, General Note by the Colonial Office. The report adds that the economic resources of the island are limited because of its dependence on a single crop. The United Kingdom has allocated funds for agricultural, livestock and fisheries projects, and for improvement of roads and housing.

*Article 7, paragraph 2.* There are no problems of migratory movements within the island which is only 32½ square miles in area. Under the colony's Development Plan for 1955-60 provision has been made for housing projects and the purchase of village sites.

*Article 8.* There is no legislation giving effect to the provisions of this Article. Credit is, however, granted to peasants for cotton cultivation under a government scheme. The Agricultural Department gives advice to peasants in the cultivation of their small-

holdings and has arranged for the purchase and marketing of their produce.

*Article 9.* A considerable proportion of the workpeople have their own holdings, and in the majority of cases land is available to wage earners for the cultivation of crops for subsistence as well as for cash. Housing projects have been started with Colonial Development and Welfare funds. Medical and surgical aid is made available by the owner or person in charge of any land, plantation or estate.

*Articles 10 to 13.* There are no migrant workers in the colony.

*Article 14.* The Labour (Minimum Wage) Act, 1937, as amended, empowers the Governor to appoint an advisory committee to investigate the conditions of employment in any occupation and to make recommendations as to the minimum rates of wages. The employers concerned are obliged to observe the minimum rates determined, on penalty of summary conviction and fine and reimbursement of wages if the court so determines. It has not been found necessary, however, to appoint any advisory committee under the Labour (Minimum Wage) Act, 1937.

*Articles 15 to 17.* There is no legislation giving effect to these Articles, and the conditions described therein are not relevant to the colony. The report adds, in connection with Article 15, that as the colony's finances are unable to bear the cost of a Labour Department or a Labour Office to administer and enforce labour legislation, it is not desirable to introduce such legislation unless it is clearly justified by existing conditions.

*Article 18.* Discrimination among workers on grounds of tribal association does not arise and discrimination among workers on grounds of race, colour, sex, belief or trade union affiliation presents no problems.

*Article 19.* The Education Ordinance, 1956, provides for primary, post-primary and secondary types of education. There is no system of apprenticeship but some training is given to boys and girls attending government schools where facilities exist. The Education Ordinance also prescribes the school-leaving age, while the Employment of Women, Young Persons and Children Act No. 5 of 1938 prohibits the employment of children under the age of 14 years in any industrial undertaking other than those in which members of the same family are engaged.

*Article 20.* No such measures have been taken to provide the type of training specified in the Article.

#### *British Virgin Islands (First Report).*

Employment of Women, Young Persons and Children Act, 1938.  
Employment of Children Prohibition Act, 1939.  
Labour (Minimum Wage) Act, 1937, as amended by the Labour (Minimum Wage) Amendment Act, 1944.  
Labour Ordinance, 1950.  
Buildings Ordinance, 1955.  
Education Ordinance, 1955.

*Articles 2, 4 and 6 of the Convention.* The general principles of these three Articles are adhered to in the Virgin Islands.



*Articles 3, 5 and 7, paragraph 1.* See above, General Note by the Colonial Office.

*Article 7, paragraph 2.* There are no problems due to migratory movements within the 67 square miles of the colony. The Building Ordinance is designed to prevent overcrowding and congestion in urban areas.

*Article 8.* There is no legislation giving effect to the provisions of this Article. Nearly all agricultural land in the colony is owned by the people who cultivate it, the average size of each holding being 18 acres. There are comparatively few tenant farmers. There is no evidence of chronic agricultural indebtedness and the sole source of agricultural credit is the Government which operates a number of loan schemes. Whilst there are no producers' and consumers' co-operatives in the colony, farmers are given every assistance and encouragement by the Department of Agriculture in the care and marketing of their livestock.

*Article 9.* This Article cannot be applied as the majority of the people are landowners. Where the Government owns land, the people are allowed to use it on payment of a small annual rental.

*Article 10.* Few of the migrant workers in this colony are recruited on contract, but such contract embodies provision for the payment of allowances for the maintenance of their families resident in their homes. Both employers and the Government prefer to include such provisions but the nearness of the United States Virgin Islands make workers prefer to make their own arrangements to provide for their families. Such arrangements have been satisfactory and no complaints have arisen.

*Article 11.* Under the terms of the contract entered into by labourers recruited for work in the United States Virgin Islands 20 per cent. of all wages earned may be withheld by the employers as compulsory savings to be remitted periodically for safe keeping on behalf of workers by the Government of the colony.

*Article 12.* British residents of the colony are permitted to enter the United States Virgin Islands for employment on contract for periods up to one year at a time. The principles of this Article were applied in negotiating the arrangement so far as wage rates, conditions of employment, insurance, etc., were concerned. It was not, however, found practicable or necessary to make provision for the transfer of wages and savings.

*Article 13.* Workers recruited on contract for employment in the United States Virgin Islands are paid the same wage rates as obtain in that territory and not less than the minimum rates prescribed by the laws of that territory.

*Article 14.* The Labour Ordinance, 1950, provides for the appointment of a Labour Commissioner who is by law authorised to visit and inspect premises. In practice, however, the law is not applied. Consequently there is no inspection service, nor are employers required to render returns as to the number of workmen employed, wages, etc.

There is a trade union law and a minimum wages law but there are no trade unions or employers' organisations, and in fact no

machinery for collective bargaining. As the colony is predominantly a community of small farmers and fishermen who own their land and who do most of their own work, there is comparatively little regular employment for wages. There are no industries or organisations employing a large work force.

The Executive Council approved a recommendation that a small standing wages committee should be formed to consider representations from government-employed labour, but advised that its implementation should be deferred.

*Article 15.* There is no legislation giving effect to this Article and none is considered necessary. The measures enumerated in paragraphs 2 to 8 are in fact observed; payments are made weekly in cash in United States currency.

*Article 16.* There is no legislation giving effect to this Article. In practice, advances of wages are given only to contract workers; such advances are in fact payments made before payday for work already done and are not advances of the kind the Article is designed to prevent.

*Article 17.* While there is no legislation giving effect to the provisions of this Article, there is a Government Savings Bank, an Agricultural Credit Scheme, a Cistern Loans Scheme and a Fisheries Credit Scheme, all run by the Government.

*Article 18.* Discrimination in the forms enumerated in this Article does not exist in the colony.

*Article 19.* Effect was given to this Article by the Leeward Islands Act, 1925, which was superseded by the Virgin Islands Education Ordinance, 1955, which became operative on 30 June 1956.

The law provides for primary education for pupils up to the age of 15 years and gives power to the Board of Education to fix the school-leaving age for pupils in secondary schools. The Legislative Council is empowered to declare compulsory education areas and the Governor to appoint attendance officers to enforce compulsory education within such areas. The Board is also empowered to make regulations to provide for vocational and technical education. The Employment of Women, Young Persons and Children Act, 1938, prohibits the employment of children under the age of 14 years in any industrial undertaking other than an undertaking in which only members of the same family are employed. The Employment of Children Prohibition Act, 1939, forbids the employment of children under the age of 12 years.

*Article 20.* No such measures have been taken to provide training of the nature specified by the Article.

#### *Malta (First Report).*

Fertile Soil (Preservation) Ordinance, 1935.

Irrigation Ordinance, 1939.

Agricultural Leases (Control) Regulations, 1943.

Employment of Children (Regulation) Ordinance, 1944.

Trade Unions and Trade Disputes Ordinance, 1945.  
Compulsory Education Ordinance, 1946.

Co-operative Societies Ordinance, 1946.  
 Conciliation and Arbitration Act, 1948.  
 Conditions of Employment (Regulation) Act, 1952.  
 Industrial Training Act, 1952.  
 Agricultural and Fishing Industries (Financial Assistance) Act, 1956.

*Articles 3, 5 and 7, paragraph 1, of the Convention.* See above, General Note by the Colonial Office.

*Article 7, paragraph 2.* In view of the small size of the country and the homogeneous nature of the population, no special measures are necessary to ensure that development harmonises with the healthy evolution of the communities. No migratory movements exist within the country and there are no undue concentrations of population.

*Article 8.* The Agricultural and Fishing Industries (Financial Assistance) Act, 1956, provides for the grant of loans and other assistance to farmers and fishermen. The Agricultural Leases (Control) Regulations, 1943, control the conditions of leases of agricultural land.

The Co-operative Societies Ordinance, 1946, encourages the formation of co-operatives.

*Article 9.* This Article does not apply.

*Articles 10 to 13.* There are no migratory movements within the country.

*Article 14.* The Conciliation and Arbitration Act, 1948, permits the settlement of trade disputes. The Conditions of Employment (Regulation) Act, 1952, encourages the formation of joint industrial councils and permits the setting up of wage councils where no adequate arrangements exist for the fixing of minimum wages. Where minimum wages are fixed by a Wage Regulation Order, a copy of such Order must be exhibited in the place of work. It is a punishable offence for the employer to pay wages less than those established by a wage regulation order. In the case of wages determined by collective agreement their observance is enforced by trade unions.

*Article 15.* The requirements of this Article are met by the provisions of the Conditions of Employment (Regulation) Act, 1952.

*Article 16.* Advances on wages are very rare. The law prohibits any deductions from wages by way of a discount, interest or charge.

*Article 17.* The Government Savings Bank and other savings banks are available to everyone. The rate of interest on loans is controlled by law.

*Article 18.* The Government does not discriminate on grounds of race, colour, belief or trade union affiliation. The policy in regard to discrimination on the grounds of sex in respect of wages is under study.

*Article 19.* The Compulsory Education Ordinance, 1946, made education compulsory for all children between the ages of six and 14 years. Secondary and university education and vocational training are being developed. The Industrial Training Act, 1952, regulates apprenticeship and the Employment of Children (Regulation) Ordinance, 1944, prescribes the minimum age for employment.

*Article 20.* Ordinary technical education and vocational training facilities are available.

The legislation mentioned above is administered by the Department of Emigration, Labour and Social Welfare, the Department of Education, the Department of Agriculture and the Department of Fisheries.

No decisions were given by courts in regard to the application of the Convention.

*Mauritius (First Report).*

Workmen's Compensation Ordinance (Cap. 220).  
 Emigration Ordinance (Cap. 150).  
 Safety of Dockers Ordinance (Cap. 219).  
 Labour Ordinance (Cap. 214, as subsequently amended).  
 Education Ordinance (Cap. 93).  
 Co-operative Societies Ordinance No. 51 of 1945, as amended by Ordinances Nos. 66 of 1946, 3 of 1952 and 3 of 1956.  
 Factories Ordinance No. 42 of 1946.  
 Minimum Wages Ordinance No. 36 of 1950.  
 Trade Union Ordinance No. 36 of 1954.  
 Trade Disputes Ordinance No. 37 of 1954.  
 Town and Country Planning Ordinance No. 6 of 1954.

*Articles 3, 5 and 7, paragraph 1, of the Convention.* See above, General Note by the Colonial Office.

*Article 7, paragraph 2.* Migratory movement within the colony is negligible and does not require special study or control. There is no channel of recruitment for service abroad but a small number of artisans are serving on contract in East Africa.

The Town and Country Planning Ordinance, 1954, has not yet been implemented for lack of the necessary staff or organisation. A master-plan exists, however, for Port Louis and due regard is paid to this plan in so far as the development of Crown land there is concerned. Minimum standards for the spacing of buildings are laid down in the regulations under the Buildings Ordinance (Cap. 263) and are generally observed.

The report describes the development of water and electricity supply and adds that the rural areas, like the rest of the island, have benefited from the eradication of malaria and from the extension of public health services, including maternity and child welfare. Sugar estates have spent considerable sums on improved housing for workers and the Sugar Industry Labour Welfare Fund Committee, which controls funds derived from a cess on sugar exported under the Commonwealth Agreement, has undertaken the construction of seven housing estates for workers in the sugar industry. While the mainstay of the island's economy is the sugar industry, it is expected that another 3,000 acres of land will be under tea by 1960.

*Article 8.* Agricultural indebtedness does not exist as a serious problem in Mauritius. There are at present 144 agricultural credit and thrift societies with over 9,000 members, including about half the small owner-planters of sugarcane. The Mauritius Co-operative Central Bank Ltd. was set up in 1948 to enable societies to obtain loans at reasonable rates of interest and the Government has also lent money direct to societies. The Mauritius Agricultural Bank is another source of finance.

Roughly five-sixths of the land is privately owned and the owners are free to dispose of

such land: the remaining sixth is owned by the Crown. The rapid growth of the population in the last ten years has rendered inevitable some degree of encroachment on agricultural land for building purposes. No special measures are taken to control the ownership or use of privately-owned land and other natural resources, nor is there any evidence of need to take such measures. There are no natural mineral resources. No special arrangements are made to supervise agricultural tenancies of land other than Crown land. The working conditions of agricultural labourers in the sugar industry are governed by agreements made between the employers and the appropriate union; the Labour Department has adequate powers of inspection and resort may be had, if necessary, to the Industrial Court.

The Department of Co-operation exists to encourage and assist co-operation of all types. The Government has also assisted co-operatives by such measures as an annual grant-in-aid; exemption from payment of various fees and taxes, including income tax; funds for loan to producers' and housing societies; and the appointment of representatives of the movement to appropriate advisory boards and committees.

The report presents statistics relating to marketing arrangements organised by thrift and credit societies and co-operatives.

*Article 9.* The report gives figures relating to facilities afforded to producers of sugarcane, tobacco leaf and tea leaf. The Department of Agriculture through its extension services, which are being expanded, provides advice and guidance on agriculture and horticulture. The rights of employers and employed alike to associate for all lawful purposes are safeguarded by the Trade Union Ordinance, 1954. The working conditions of artisans and agricultural labourers in the sugar industry, *inter alia*, are governed by agreements negotiated between the employers and the unions.

Where no effective machinery exists for the regulation of conditions of employment in any industry or trade, there is power under the Minimum Wages Ordinance, 1950, to establish minimum wages in such industry. For the purpose of advising the Government what such wages should be a Board is set up consisting of government officials, representatives of interested parties and independent members. Whenever minimum wages are under review in any industry or trade full consideration is given to the essential needs of workers and the cost of living. An index of the cost of living for various income groups is maintained and is supplemented by an index for agricultural workers compiled by the Labour Department. Full account is taken of the family needs described in paragraph 2.

*Articles 10 and 11.* The situation described in these Articles does not arise within Mauritius. A worker proceeding overseas must obtain an Emigration Certificate from the Regional Controller (Labour Commissioner) which is only granted if the proposed contract of service is fair and reasonable.

*Article 12.* A number of Seychellois are employed on contract in the Lesser Depen-

dencies of Mauritius. It has not been found necessary to enter into any agreement with the Government of the Seychelles.

*Article 13.* The situation described in this Article does not arise within Mauritius.

*Article 14.* The Labour Commissioner and staff of the Labour Department maintain contact with both workers' and employers' organisations and do their best to encourage the negotiation of collective agreements between the parties where this seems appropriate. If a dispute arises the Trade Disputes Ordinance applies. Minimum Wages Orders, and certain collective agreements, are published in the *Government Gazette*. Orders must be displayed by employers at the place of work. Employers are required to keep full records of wages paid and these are subject to periodical inspection by the staff of the Labour Department.

The report refers to sections 8 and 9 of the Minimum Wages Ordinance, 1950, in regard to paragraph 4 of this Article.

*Article 15.* The requirements of this Article are met by the Labour Ordinance, except that no measures have been taken in regard to the provisions of paragraph 5.

*Article 16.* No measures exist in regard to the provisions of this Article.

*Article 17.* The following measures have been taken to encourage voluntary forms of thrift among wage earners and independent producers: the formation of co-operative school savings banks; the active encouragement of thrift and savings in the societies through share subscriptions, building up reserves and savings deposits.

The report gives statistics in regard to the co-operatives mentioned above.

The formation of the Mauritius Co-operative Central Bank Ltd. and of co-operative agricultural thrift and credit societies has been an important measure for the protection of independent producers against usury, for the general control of rates of interest and for the encouragement of facilities for borrowing money for appropriate purposes. Co-operative credit organisations for the protection of wage earners have not yet been formed. The co-operative consumer societies sell goods on credit, which is a great help to both wage earners and independent producers in the rural areas.

The Money Lending Transactions (Relief) Ordinance (Cap. 405) and the Pawnbrokers Ordinance (Cap. 407) are relevant to this Article.

*Article 18.* There is no discrimination between workers in any of the matters listed in this Article, except on grounds of sex. In the Public Service the principle of equal pay for work of equal value is fully applied. The differential between certain male and female manual workers takes account of the fact that the output of men is expected to be and normally is higher than that of female workers. Moreover, as in the case of hospital servants, there is a close connection with the traditional discrimination in wage rates between male and female domestic workers in private employment. It is not considered necessary at the present time to regulate conditions of employ-

ment of domestic workers generally, but a recommended code of fair conditions of employment for domestic workers in private households was published as General Notice No. 901 of 1953.

*Article 19.* Education is largely academic in content but the Government is committed to the development of technical education. A start has been made by the setting up of handicraft and homecraft workshops in many primary schools. Secondary education is available up to university entrance level. Education is not compulsory and the minimum school-leaving age is consequently not prescribed by law. The minimum age for entry into industry is 15 years; for entry into agriculture the age is 12 years. Conditions of employment are determined by negotiated agreements between employers' and employees' organisations and by Orders made under the Minimum Wages Ordinance. The report states, in regard to paragraph 3, that it is an offence under section 12 of the Labour Ordinance to employ a child under the age of 12 in any place of employment.

*Article 20.* No measures in accordance with the terms of this Article have yet been implemented but approval has been given for the establishment of a government technical school and the sugar industry is planning a trade school.

The report enumerates the authorities responsible for the administration of the relevant legislation.

The report adds that the task of improving standards of living generally presents particular difficulty in an island whose economy is, and must continue to be, almost wholly dependent on one crop and whose population has increased by about 25 per cent. in the last ten years. If the rate of increase in the population continues the point must soon be reached at which it will overtake the growth of the national income, which has already slowed down. In such conditions a decline in standards of living will become inevitable. The population problem is a matter of grave concern to the Government and no easy solution is in sight.

More immediately the embryonic state of trade unionism and the lack of organisation of workers give rise to difficulties. It is the policy of the Government to promote by all means at its disposal a better understanding of the principles and practice of trade unionism and the advantages of industrial association.

*North Borneo (First Report).*

Labour Ordinance, 1949 (Cap. 67).

*Articles 3, 5 and 7, paragraph 1, of the Convention.* See above, General Note by the Colonial Office.

*Article 7, paragraph 2.* There have been no migratory movements within the territory resulting in the disruption of family life. After the war, under the Town and Country Planning Ordinance (Cap. 141) of 1950, existing town planning was improved and extended. Urban congestion resulting from the war has been virtually eliminated. There is no problem of lack of employment in rural areas.

*Article 8.* There is no chronic indebtedness nor is there any problem resulting from the alienation of agricultural land to non-agriculturists. All agricultural leases now contain cultivation clauses. The Government encourages and assists the formation of co-operatives.

*Article 9.* Living standards in the territory are considerably above what can be regarded as minimum standards.

*Article 10.* Workers taking up employment which is not within the territory are normally accompanied by their families and no special measures are required.

*Article 11.* There is no restriction on the transfer of wages and savings of workers.

*Article 12.* Skilled workers have been recruited mainly from Hong Kong and usually on written contracts which assure to them conditions of employment not less favourable than those enjoyed by local workers. There is no restriction on the transfer of wages and the Labour Department ensures that the worker does in fact transfer to his dependants adequate funds for their maintenance.

*Article 13.* Wages are paid at local rates and there are in effect no considerable differences in cost of living.

*Article 14.* Wage rates are negotiated directly and in view of the labour shortage there has been no necessity to fix minimum wages.

*Article 15.* The requirements of paragraphs 1 to 6 are met by the Labour Ordinance. The provision of food, housing and supplies as part of the remuneration is almost unknown in the territory. Housing and medical services are normally provided free by employers. Workers are well acquainted with the requirements of the law and need little information regarding their wage rights.

*Article 16.* Section 102 of the Labour Ordinance limits the amount of loans or advances payable to a worker.

*Article 17.* Money lending and usury is not a problem in the territory. The rate of interest is restricted by the Money Lenders Ordinance, 1901 (Cap. 81). Workers are increasingly using commercial savings banks.

*Article 18.* There is no discrimination.

*Article 19.* Educational facilities are expanding and one-third of the children now attend school. A trade school has been established and the provisions of the Labour Ordinance regarding apprenticeship are used by some of the larger employers. The employment of children under 14 years of age in industrial undertakings is prohibited and the employment of young persons between the ages of 14 and 18 is restricted.

*Article 20.* The Agricultural Department has organised a series of public demonstrations for better agriculture, and short courses for students, farmers and Native chiefs have also been held at the Central Agricultural Station.

*Article 23.* The only modifications in the application of the Convention are in respect of provision of statements of payments to workers under Article 15, paragraph 1, of the Convention and the establishment of a school-leaving age under Article 19.

The application of the legislation is the responsibility of the Department of Labour and Welfare, the Director of Lands and Surveys and the Director of Education.

There have been no decision of courts of law or other courts relating to the application of the Convention.

*Nyasaland (First Report).*

Wages and Conditions of Employment Ordinance, 1949.

Natural Resources Ordinance, 1949, and Rules thereunder.

Town and Country Planning Ordinance, 1949.

Credit Trade With Natives Ordinance (Cap. 28).

Employment of Women, Young Persons and Children Ordinance (Cap. 39).

Africans on Private Estates Ordinance, 1952.

African Employment Ordinance, 1954.

African Emigration and Immigrant Workers Ordinance, 1954.

Native Authority Ordinance, 1955.

*Articles 3, 5 and 7, paragraph 1, of the Convention.* See above, General Note by the Colonial Office.

The report adds the following information in respect of these Articles.

The Colonial Development Corporation is at present engaged on the development of tung production and tobacco production.

Apart from representation on the Legislative Council there is machinery at various low levels whereby representatives of the African population are consulted in regard to development generally.

Five Africans and six non-Africans are elected to the Legislative Council and to the Standing Committee on Finance. Provincial Councils permit representatives of the African people to express their opinions in regard to the framing and execution of measures of social progress. District Councils have been progressively established during the past two years and these bodies are free to discuss and make recommendations on all aspects of development and progress within their respective areas.

In labour matters the Government is advised by the Central Labour Advisory Board and by Provincial Standing Labour Advisory Boards. These Boards consist of representatives of employers and workers, voluntary agencies and the Government departments concerned with social development.

*Article 7, paragraph 2.* Migratory movements are kept under review by a joint committee consisting of representatives of the three Central African territories. In pursuance of an agreement made in 1947 by the three Governments concerned, legislation has been enacted in each territory to control the movement of migrant labour and to ensure that migrant workers do not remain abroad beyond a specified period, unless they are accompanied by their families. Provision is also made for compulsory family remittances and the accumulation of deferred pay to safeguard the family interests during the migrant's period of residence abroad.

Town Planning Committees have been set up in respect of all the major urban areas and the Government Town Planning staff also concern themselves with the layout and development of the minor townships and trading areas.

Plot areas have been prescribed for high density, medium density and low density residential areas in all main urban areas. Active steps are being taken by the Government in the main urban areas to provide African housing in conformity with the Town Plans.

Living conditions in the rural areas have been improved by the provision of village water supplies and health services and concentrated supervision has been applied to the matter of improving rural agriculture. There is at present very little industrial development in Nyasaland.

*Article 8.* Chronic indebtedness is not a problem in Nyasaland. Under customary tenure land cannot be mortgaged. The alienation of agricultural land to non-agriculturists is not a problem in Nyasaland. Control over the allocation of land in the indigenous areas is left to the traditional authorities, and alienation to other races is illegal, except with the consent of the Governor. Less than 4 per cent. of the total land area is privately owned freehold land, the rest being either African trust land or public land vested in the Governor. No steps are taken to control the ownership of freehold land. The use of all land regardless of its status and of all natural resources is subject to the provisions of the Natural Resources Ordinance, 1949, and to Rules made thereunder, and, within Town Planning Areas, to the provisions of the Town and Country Planning Ordinance, 1949.

Tenancy arrangements and working conditions of tenants and agricultural labourers are controlled by the following ordinances: the African Employment Ordinance, 1954; the Wages and Conditions of Employment Ordinance, 1949; and the Africans on Private Estates Ordinance, 1952. The Government Labour Department supervises the working conditions of Africans on all estates.

A Department of Co-operative Development was formed in 1947. The report enumerates the number and types of co-operative societies existing at the end of 1955 and adds that the financing of the 74 African co-operatives has been borne so far by the Government. The capital for the two existing European societies is, however, provided exclusively by the subscriptions of members.

*Article 9.* Legislation has been enacted to ensure a minimum rate of wage for an adult male unskilled labourer. No other measures have been adopted to meet the requirements of this Article.

*Articles 10 and 11.* No measures have been taken in respect of the requirements of these Articles.

*Article 12.* Each year a considerable number of migrant workers leave Nyasaland for employment in the Rhodesias and in the Union of South Africa. Under an Inter-territorial Agreement on African Migrant Labour made in 1947 between the Central African territories (Nyasaland and the Rhodesias) reciprocal legislation has been introduced in each territory regulating the movement of migrant labour. The agreement provides for reciprocal arrangements being adopted for the identification and control of migrant workers; repatriation after an agreed

period; the maintenance of the families and dependants of migrant workers during their absence from their homes; a system of deferred pay for migrant workers; the provision of adequate medical services, housing and feeding including a pure water supply; and the provision of adequate migrant labour inspectorate staff.

Reciprocal arrangements provide for the issue to migrant workers of work books containing sheets on which are to be affixed wage stamps for the purpose of making family remittances and accumulating deferred pay. Employers are required by law to make specified deductions from the migrant worker's pay and to purchase and affix in the work book wage stamps to the value of the deductions. When the family remittance sheets have been completed they are detached and transmitted to the migrant worker's District Commissioner for payment to his dependants, while the deferred pay sheets are retained in the work book and are encashable on the migrant's return home.

Arrangements for family remittances and deferred pay are in force in respect of migrant workers who leave the territory under contract for work either in the Rhodesias or the Union of South Africa.

*Article 13.* Provision is made in the Minimum Wage Order, 1954, for a higher minimum daily wage in urban areas than in rural areas.

*Article 14.* Trade unionism is still in its infancy and the fixing of minimum wages by collective agreements is not a practicable proposition.

The Standing Labour Advisory Boards which advise the Government on the question of minimum wages consist of representatives of both employers and workers.

Minimum wages prescribed by an Order made under the Wages and Conditions of Employment Ordinance, 1949, are published in the official gazette. The Labour Inspectorate staff are responsible for the enforcement of such Orders, infringement of which is a punishable offence.

On conviction for paying less than the prescribed minimum wage the court may require the employer to pay to the employee any sum that may have fallen due during the preceding two years.

*Article 15.* Provision to safeguard the payment of proper wages to employees is made in the African Employment Ordinance, 1954. Every employer is required to keep in a prescribed form a proper record of wage payments. Employers are, however, not required to issue statements of payments to workers. Section 40 of the Ordinance also provides for wages to be paid to the employee in legal tender. The substitution of alcohol or other spirituous beverages for wages due would appear to contravene the provisions of section 40. There is, however, no specific prohibition as required by paragraph 4 of the Article. The Ordinance prohibits the payment of wages in trading stores or in places where intoxicating liquor is sold, except in the case of workers employed therein.

The Ordinance provides that the wages of every employee shall be due and payable on

completion of a ticket contract (not exceeding 30 days), on the last day of the month in the case of a monthly contract, or otherwise in accordance with the terms of a particular contract. Some employers have introduced weekly payment of wages but this has not proved popular with the majority of labourers.

The approval of a Labour Officer is required in cases where an employer, with the consent of an employee for whom he provides housing, wishes to deduct from the employee's wages a sum not exceeding the economic rent of the housing accommodation provided. In the case of housing rented in a township by an employer on behalf of an employee the amount must not exceed the amount of rent paid to the local authority.

The Minimum Wage Order, 1954, prescribes the amount which may be deducted from the consolidated minimum daily rate by an employer who supplies proper and sufficient food.

The Ordinance of 1954 requires an employer to provide water for domestic purposes for the use of his employees, and to provide free medical attention and medicines during the illness of an employee where such illness is caused by his employment.

Labour Officers, District Commissioners, Medical Officers and Health Inspectors are given powers to ensure that the requirements relating to care of employees and health and sanitation are adequately observed.

Minimum Wage Orders are promulgated in the official gazette, and in the local press, including vernacular papers.

Save with the consent of a magistrate or a Labour Officer no deductions shall be made from the wages of any employee unless authorised by law.

In the case of deductions in respect of food supplied by the employer, such deductions are restricted to the amounts prescribed in the Minimum Wage Order, 1954.

*Article 16.* The amount of any advance which can be made to an employee engaged on an oral contract and which is legally recoverable from the employee's monthly wage is one-half of such wage. In the case of written contracts any advances which can be made and method of recovery must be stated in the contract and any advance in excess of the amounts provided shall be irrecoverable by deductions from the employee's wages. The labour inspectorate staff are available to advise any employee on the question of advances. In the case of written contracts, the contract must be presented for attestation to an attesting officer who is required to satisfy himself that the conditions of the contract are fully understood by the employee.

Any deduction made with the object of recovering an advance which was otherwise irrecoverable would be traceable in the wage record.

*Article 17.* Savings bank facilities are available at the main post offices in the territory. Any form of interest on advances made is prohibited. No debt for money lent or goods or services supplied or rendered which exceeds £30 is recoverable by a non-Native from a Native unless the contract creating the debt



is in writing and attested by a District Commissioner or the Native has the written permission of a Provincial Commissioner to contract such debts without the approval of a District Commissioner.

*Article 18.* Discrimination among workers on the grounds specified in this Article does not exist in this territory, the labour legislation relating to the employment of Africans being essentially of a protective nature.

*Article 19.* The expansion of African educational facilities in this territory is planned in accordance with an agreed development programme to provide for primary and secondary education. Compulsory education is, however, not yet feasible.

An Artisan Training Centre will shortly be set up near the main centre of industrial employment. Students at this Centre will receive five years' training in building and mechanical engineering.

Training is provided for suitable students by a number of government departments. At the mission schools training in carpentry and bricklaying is given and courses are conducted for girls and women at homecraft centres.

An apprenticeship council has been established which will consider the introduction of suitable legislation governing apprenticeship. A trade testing scheme is being inaugurated by the Government which will enable craftsmen to obtain recognition appropriate to their skill.

No school-leaving age has been prescribed in respect of Africans. The Employment of Women, Young Persons and Children Ordinance prescribes the minimum ages and conditions of employment of children and young persons.

In a number of areas Native authorities have made rules under the provisions of the Native Authority Ordinance, 1955, making non-attendance without reasonable cause an offence in respect of a child who has been registered with a local school.

*Article 20.* It has not been possible to provide facilities for the training described in this Article.

The general supervision of the Labour Department, including the inspectorate staff, is entrusted to the Commissioner for Labour, who is assisted by provincial labour officers, to whom all labour officers, inspectors and assistants submit detailed reports of inspections carried out.

#### *St. Helena (First Report).*

Forestry Ordinance, 1954.

Agriculture and Livestock Improvement Ordinance (Chap. 2).

Co-operative Credit Societies Ordinance (Chap. 19).

Minimum Wage Ordinance (Chap. 73).

Education Ordinance (Chap. 29).

*Articles 3, 5 and 7, paragraph 1, of the Convention.* See above, General Note by the Colonial Office.

*Article 7, paragraph 2.* There is only one small town of 1,500 inhabitants in St. Helena and there is therefore no scope for town planning in the modern sense, but building is controlled.

Government housing schemes have received particular attention in areas outside Jamestown.

*Article 8.* There is no serious problem of chronic indebtedness in St. Helena. In all cases of proposed alienation of Crown land the Agricultural and Forestry Officer is asked for his comments, which are considered before any final alienation. In particular, the possible effects on agriculture of any proposals for residential sites are always given serious consideration. Legal powers exist under the above-mentioned legislation to ensure adequate conservation of natural resources on both Crown and private lands. Most tenants hold their land from the Crown and rents are kept down to a level consistent with the economic conditions of the agricultural industry. As regards agricultural labourers, working conditions have been greatly improved in recent years through the operation of the Flax Mills Rehabilitation Fund. The Government sets a standard with wages paid to its labour and private employers have been pressed to aim at similar levels.

At present only one co-operative society, the St. Helena Growers' Co-operative Society, has been formed but two impending development schemes in the island have been planned on co-operative lines and have, as an ultimate objective, the formation of suitable co-operative societies. The possibility of a consumer co-operative has been considered but conditions at present do not seem to favour such a development.

*Article 9, paragraph 1.* Assistance in the form of subsistence and loans has been given to people wishing to build better houses, and encouragement has been given to workers to take up small areas of land for use as food gardens. Government stock centres supply both cattle and pigs to country dwellers at convenient prices. The Handicrafts Association, with an element of government control, promotes cottage industries such as lacemaking and needlework and the making of light furniture.

*Paragraph 2.* The occasion has not arisen for invoking the above-mentioned Minimum Wage Ordinance and no minimum wages have been fixed by law. In practice the Government and the flax milling industry set the standards of wages in the island. Inquiries into living conditions are made from time to time and a cost-of-living index is compiled annually.

*Article 17.* Through the Post Office Savings Bank facilities are available to encourage voluntary forms of thrift.

*Article 18.* Discrimination of the various kinds enumerated in the Convention does not exist.

*Article 19, paragraph 1.* Education is compulsory up to the age of 15. An extension of the school curricula at the selective secondary school is planned for 1957. There is an agricultural element in education in the rural areas based on school gardens. While there are no technical schools, some technical training is given in the schools. There is at present a Youth Training Scheme in agriculture for selected youths between 15 and 18 years of age. The Agricultural and Forestry Department and

the Public Works Department run apprentice schemes.

Paragraph 2. The age of attendance at school (five to 15 years) is prescribed in section 3 of the above-mentioned Education Ordinance. Sections 13 and 14 of the Ordinance prohibit any employment of children under 14 years of age, as well as the employment of children under 15 years during school hours, without special exemption in cases of employment considered beneficial.

Paragraph 3. Employers in industrial undertakings are required to maintain a register of employed persons under the age of 16 years showing names and dates of birth. The register is open for inspection at any time by the employment officer.

As indicated, several problems within the scope of the Convention do not arise in St. Helena, and no serious practical difficulties are experienced in dealing with those which do arise.

*Sierra Leone (First Report).*

Co-operative Societies Ordinance (Cap. 43).  
Employers and Employed Ordinance (Cap. 70).  
Friendly Societies Ordinance (Cap. 96).  
Income Tax Ordinance (Cap. 112).  
Money Lenders Ordinance (Cap. 146).  
Money-Lending and Standing Crop Transactions (Protectorate) Ordinance (Cap. 147).  
Protectorate Lands Ordinance (Cap. 186).  
Tribal Authorities Ordinance (Cap. 245).  
Wages Boards Ordinance (Cap. 258).  
Town and Country Planning Ordinance No. 19 of 1946.

*Articles 3, 5 and 7, paragraph 1, of the Convention.* See above, General Note by the Colonial Office.

*Article 7, paragraph 2.* There is little migratory movement, and such movement as takes place is seasonal, affecting only peasant farmers who during slack periods at their farms move to urban areas in search of wage-earning employment for a few months. Consequently no disruption of family life results.

Effect is given to subparagraph (b) by the declaration of town planning areas under the Town Planning Ordinance. Effect is given to subparagraph (c) by the loans made to a number of local government bodies to enable them to maintain funds from which loans could be made to individuals for building houses or buying building materials. The Government operates a building scheme in the colony area for its indigenous civil servants and builds throughout the country suitable houses and dwellings for civil servants. A further safeguard is the provision of health centres and the declaration of health areas. Orders made under the Employers and Employed Ordinance require the major mining employers to construct suitable houses for their workers. General encouragement is given to the establishment and growth of new industries: for example, under the Income Tax Ordinance, new enterprises are substantially relieved in the early stages of their development of direct taxation.

*Article 8.* Agricultural indebtedness, which is not a serious problem in the territory, is being removed by the help and encouragement

given to co-operative societies by the Registrar of Co-operative Societies and his staff.

Control over disposal of agricultural land is exercised through the Protectorate Lands Ordinance, which vests the land in each chiefdom in the tribal authority on behalf of the local community. With regard to the use of land generally, certain powers of control exist in the Tribal Authorities Ordinance.

The provisions of clause (d) are of little relevance, because land is communally held and family or individual rights are established by prescription.

The setting up of the Co-operative Department and the appointment to it of specialist staff assist the development of co-operative societies.

*Article 9.* While no inquiry into living conditions has been undertaken the Government gives the subject constant attention and takes steps to import from overseas essential foods such as rice and palm oil when these foods are in short supply. In addition an official inquiry is conducted monthly to ascertain the movement in the index of retail prices in respect of workers.

*Article 10.* There is very little migratory movement of workers in the territory. Where, because of shortage of workers in one area, an employer is compelled to employ workers from outside the area, free or cheap housing and/or rates of wages higher than need be paid in the area concerned are offered in practice.

*Article 11.* As this Article has little relevance for the territory, no measures have been taken to encourage the transfer of part of workers' wages.

*Article 12.* No recourse has been had in any region of the territory to the labour resources of a territory under a different administration.

*Article 13.* If a worker is within the scope of the Wages Boards Ordinance he enjoys as of right the higher rate of wage when he moves from a low-cost to a higher-cost area.

*Article 14.* Every possible assistance was given by the Labour Department to employers' and workers' representatives in the setting up a few years ago of the Joint Industrial Councils for Artisans and General Workers, and for the Transport Industry, and every possible assistance continues to be given to these Councils. Agreements reached by these Councils are made statutorily enforceable throughout the industries concerned.

In three sectors—mining, maritime and waterfront, and printing—where no such arrangements are possible, the Government has set up statutory wages boards. The wages fixed by these boards are binding on all employers in the industries concerned.

The wage rates agreed or fixed are published in the *Royal Gazette* and special notices (which have to be posted up in employers' establishments) are communicated to every employer known to be engaged in the particular industry concerned. Wages inspectors ensure by frequent visits of inspection that the wage rates are in fact paid.

A claim of arrears of wages is forwarded by the Labour Department to an employer on behalf



of a worker found to be underpaid. The large majority of employers settle these claims without delay. Legal proceedings are taken by the Department against an employer who shows a repeated tendency to infringe the provisions of the Wages Boards Ordinance.

*Article 15.* The provisions of this Article are either included in legislation or are observed in practice. The Employers and Employed Ordinance (Cap. 70) stipulates that wages shall be payable in money, provided that, by special agreement, part payment may be made by means of a food ration, which shall not include any intoxicating drink. The Schedule to the Ordinance provides that wages shall be paid to the worker personally and shall be free of all deductions except those specifically authorised by the contract or by law; it also lays down that the pay period shall not be longer than one month. Employers employing workers covered by the Wages Boards Ordinance are required to keep records. It is not the practice for employers to issue statements of wage payments to workers but most employers require their workers to sign for their wages either by putting their signatures or thumb-prints to receipts.

*Article 16.* This Article is excluded from application to the territory.

*Article 17.* Co-operative societies, friendly societies and the country-wide facilities of the Post Office Savings Bank which offer attractive rates of interest all serve to encourage wage earners and independent producers to save.

The Money Lenders Ordinance and the Money-Lending and Standing Crop Transactions (Protectorate) Ordinance provide borrowers with protection against usurious money-lenders. Money-lenders are required to register and are issued with a certificate as proof of being registered. The maximum interest rates that may be charged are laid down. The Development of Industries Board is concerned with the development of secondary industries and has certain lending powers.

*Article 18.* No discrimination exists in regard to the matters mentioned in this Article.

*Article 19.* Paragraph 2 of this Article is excluded from application to the territory.

The industrial employment of children under 15 is prohibited by section 43 of the Employers and Employed Ordinance. Largely because of the statutory minimum rates for apprentices and learners there is no demand for child labour. The educational facilities available are not yet adequate for the majority of children of school-leaving age but steady progress is being recorded.

*Article 20.* Effect is given to the provisions of this Article by the facilities provided by the Technical Institute which has a branch in the provinces. Employers' and workers' representatives are members of the Advisory Committee to the Institute and this fact ensures that their views are taken into consideration in the formulation and putting into effect of policy.

*Article 23.* No progress has been made which enables Articles 16 and 19 (2) of the Convention to be accepted.

*Singapore (First Report).*

Children and Young Persons Ordinance No. 18 of 1949.

Wages Councils Ordinance No. 11 of 1953.

Co-operative Societies Ordinance No. 20 of 1953.

Central Provident Fund Ordinance No. 34 of 1953.

Labour Ordinance No. 40 of 1955.

Money Lenders Ordinance (Chapter 218).

*Articles 3, 5 and 7, paragraph 1, of the Convention.* See above, General Note by the Colonial Office.

*Article 7, paragraph 2.* No point in Singapore is more than two hours' journey from any other. The Master Plan of Singapore provides for the control of the development of the Island from 1953 to 1972. The Government gives details of this Plan which provides for both the urban and rural areas.

*Article 8.* Co-operative societies have been formed in seven areas to free farmers from the need of obtaining credit from local store-keepers. There is no new agricultural land available for alienation. The Master Plan provides for control of the ownership and use of land and other natural resources. To counter the tendency for small fruit and vegetable growers to be driven off the land by the great rise in land values, the Government issue permits renewable annually for the temporary occupation of Crown land. Recently approval has been given to the issue of agricultural leases of 30 or 60 years on favourable terms.

Seven production and marketing societies have been established and six store and shop consumers' societies have been registered. The Government has appointed co-operative officers to promote the co-operative movement.

*Article 9.* A free economy is maintained enabling the disposal of Singapore's industrial product in the most favourable world markets. The Government has power under the Wages Councils Ordinance to decide on minimum wages. The social research section of the Ministry of Labour and Welfare undertakes research into various social problems.

*Articles 10 and 11.* Internal migration is not a problem as the area of Singapore is only 200 square miles.

*Article 12.* A limited number of workers come to Singapore from the Federation of Malaya but the movement is spontaneous and individual.

*Article 13.* Singapore is not divisible into low-cost and higher-cost areas.

*Article 14.* Trade unions have achieved collective agreements in most industries but an Ordinance exists enabling the establishment of wages councils where necessary. Trade unions inform their members of wage rates, which are also given newspaper publicity. Freely negotiated agreements are not in themselves enforceable but wages regulations orders made on the proposal of a wages council are enforceable by legal process. Claims can be lodged with the Commissioner for Labour who is empowered by the Labour Ordinance to make orders in disputes arising out of the terms of a contract of service.

*Article 16.* The requirements of this Article are met by sections 29 and 35 of the Labour Ordinance.

*Article 17.* Singapore has 34 thrift and loan co-operative societies. Post Office Savings Bank facilities are also available. There is a Money Lenders Ordinance to regulate the activities of money-lenders.

*Article 18.* There is no discrimination in labour legislation or in public employment. Free trade union movement and the encouragement of collective bargaining has, however, resulted in "closed shop" arrangements in some private enterprises. Some of the trade unions concerned limit membership to a particular Asian race. The Labour Ordinance invalidates contracts of service which debar membership or participation in the activities of a trade union. There is no discrimination with regard to vocational training, conditions of work, health, safety and welfare measures, discipline and participation in negotiating collective agreements. The only surviving differentiation in wage rates is between men and women and even this is not general among manual workers although quite common in clerical and professional grades. Legislation to abolish this is not proposed at the moment.

*Article 19.* Technical education is provided at a junior technical school, a trade school and a polytechnic. Vocational training is available only through apprenticeship schemes. There is no legally prescribed school-leaving age. The minimum age and conditions of employment are prescribed by Part IX of the Labour Ordinance and by the Children and Young Persons Ordinance.

*Article 20.* Training is available only in industry itself. Consultation is secured through the joint advisory council on apprenticeship training whose members include representatives of employers' and workers' organisations.

The application of the legislation is entrusted to the Ministry of Labour and Welfare, the Chief Secretary's Ministry, the Ministry of Commerce and Industry and the Ministry of Local Government Lands and Housing.

There have been no decisions of courts of law or other courts relating to this Convention.

*Solomon Islands (First Report).*

Lands Regulation, 1914.  
Native Contracts Regulation, 1939.  
Labour Regulation No. 5 of 1947.  
Co-operatives Societies Regulation, 1953.  
Education Regulation, 1954.

*Articles 3, 5 and 7, paragraph 1, of the Convention.* See above, General Note by the Colonial Office.

*Article 7, paragraph 2.* There are no migratory movements within the Protectorate nor are there any heavy concentrations of population. As yet there is no demand or scope for establishing industries in rural areas.

*Article 8.* Chronic indebtedness is unknown in the Protectorate. King's Regulation No. 3 of 1914 safeguards Native land rights. A co-operatives society officer will shortly be appointed under the Colonial Development and Welfare Scheme.

*Article 9.* Employees on plantations normally earn additional income through incentive bonus methods of work. They are not interested in trying to improve their living conditions as they rarely remain in employment for any length of time. Minimum standards of living for workers and essential family needs are ensured by Labour Regulation No. 5 of 1947.

*Article 10.* Workers are seldom accompanied by their families and as they rarely stay away from their homes for more than a year no special measures to take account of normal family needs are in force.

*Article 11.* While not compulsory, the authorities are encouraging employers and employees to adopt a deferred pay system.

*Article 12.* A small group of Papuan workers has been imported temporarily to train local workers in prospecting techniques. No special arrangements have been necessary.

*Article 13.* This Article is not applicable at present.

*Article 14.* There are no trade unions in the Protectorate. The Labour Regulation provides machinery for fixing the minimum wage. This is normally announced in the *Western Pacific Commission Gazette* and given local publicity. The question of underpayments is covered by the Labour Regulation.

*Article 15.* The Labour Regulation empowers the High Commissioner to make rules regarding the proper payment of wages at regular intervals but these have not yet proved to be necessary. The Labour Regulation obliges an employer to pay wages in legal tender.

The requirements of paragraphs 7 and 8 are ensured by the labour inspection service.

*Article 16.* The Labour Regulation governs the amount of an advance and its repayment but there are no special measures to make it impossible to recover excessive advances as it is considered that normal legal processes will be sufficient.

*Article 17.* Savings bank agencies exist in the main centres of employment. Usury is rare. The government-controlled Agricultural and Industrial Loans Board lends money for appropriate purposes.

*Article 18.* No legal discrimination exists, though strong tribal customs do not permit of women being paid at rates equal to those paid to men.

*Article 19.* The Education Regulation of 1954 is intended to improve the standard and range of education. The Government is constructing a Teachers' and Vocational Training Centre and a Nurses' Training Centre. The employment of children and young persons is governed by Part IX of the Labour Regulation.

*Article 20.* The Training Centre referred to above will be under the control of the Government which is in close touch with both employers and the general population.

*Article 23.* With reference to paragraph 2 of Article 19, the time is not yet opportune to prescribe a school-leaving age.

The application of the legislation is the responsibility of the High Commissioner for the Western Pacific.

There have been no decisions of courts of law or other courts relating to the application of the Convention.

*Southern Rhodesia (First Report).*

Native Labour Regulations Act (Cap. AT 6).  
Town and Country Planning Act, 1945, as amended.  
Native Labour Boards Act, 1947, as amended.  
Migrant Workers Act, 1948.

*Article 3 of the Convention.* Loans and grants have been provided on a national and territorial basis. Staff has also been provided. Local councils are asked for their views.

Funds loaned by the central authority have often been invested by public and private sources. Moreover, work is given out to the lowest tenders.

*Article 5.* There are many elected bodies such as city councils, road councils, hospital advisory committees, native councils, etc.

*Article 7.* When still in the planning stage, elected representatives of the various industries, trades and communities in the region are able to put forward their views.

The inspectors of the Labour Department continually watch migratory movements and report on causes and effects. Both the central authority and the various municipal councils have their own town planning departments, which derive their powers from the Town Planning Act, the Municipal Act and the Town Management Act. The central authority has set up a Select Committee of Parliament to go into the whole matter of decentralisation.

*Article 8.* Land development officers, Native demonstrators and supervisors are appointed to raise the standard of agriculture. No measures have been taken to control the alienation of agricultural land to non-agriculturists. The Natural Resources Act, controlled by the Natural Resources Board and its various committees, is strictly applied. One of the main aims of the Native Agriculture Department is to supervise tenancy arrangements and working conditions. Producers' and consumers' co-operatives are encouraged by the Co-operatives Societies Act of 1956 together with regulations which came into effect on 1 June 1956. A registrar and staff are now commencing duty.

*Article 9.* Producers and workers are eligible for free education up to standard VI and other training facilities provided by the Department of Native Education. European education is a federal subject. The maintenance of minimum standards of living is ensured by the various employment regulations published under the Native Labour Boards Act, 1947, which guarantees minimum conditions of service in the industries concerned. Before the Employment Regulations lay down the minimum conditions of service in a particular industry employers and workers are invited to submit evidence to the Labour Board, which consists of an independent chairman and of members representing employer and employee interests. The Labour Boards hear evidence from anyone who desires to appear. Medical care is free for the Native races.

*Article 10.* Conditions of employment for migrant workers living away from their homes

are regulated by the Native Labour Regulations Act and the Migrant Workers Act.

*Article 11.* It is compulsory for a worker in such circumstances to transfer part of his wages for the purposes of family remittance and deferred pay in terms of the Migrant Workers Act, 1948.

*Article 12.* Recourse has been had to the labour resources of territories under a different administration, particularly in respect of workers from Nyasaland, Northern Rhodesia, Portuguese East Africa and Italy. Matters of common concern are regulated by the Migrant Workers Act, 1948, and the Tete Agreement. These agreements provide protection and advantages not less than those enjoyed by workers resident in the area of labour utilisation. They also provide for facilities to enable the workers to transfer part of their wages to their homes, except for the Tete Agreement in respect of Native migrants from Portuguese East Africa.

*Article 13.* No measures have been adopted to take account of higher-cost areas. These are inevitably in the towns and it is the policy of the central authority to discourage as much as possible the drift to the towns.

*Article 14.* Collective agreements when approved by the Minister are given the force of law in terms of the Industrial Conciliation Act, 1945. Where no adequate arrangements exist for the fixing of minimum wages by collective agreement this is facilitated by the various Labour Boards set up under the Native Labour Boards Act, 1947. The various employment regulations and agreements stipulate that summaries must be posted at all working places. To pay a worker less than the minimum rates fixed is an offence under the Native Labour Regulations Act and the Native Labour Boards Act, 1947. Where the worker complains to an inspector of the Labour Department the inspector takes the necessary action to ensure that any underpayments are recovered.

*Article 15.* The requirements of paragraphs 1, 2 and 3 are met by the Native Labour Regulations Act and the Native Labour Boards Act, 1947, as amended. These also meet the requirements of paragraphs 4 and 5.

All casual and factory workers are usually paid weekly where it is the normal practice for that particular industry.

The cost of essential supplies and services are continually kept under review by the Department of Labour and, where necessary, action is taken to have employers reassess their value.

Notices summarising the main conditions of employment are posted at workplaces. Unauthorised deductions from wages are prevented by the various Acts and by the labour inspectors. The amounts deductible from wages in respect of supplies, etc., are restricted by the watching brief of the Department of Labour.

*Article 16.* The regulations in Government Notice No. 150 of 1939 published under the Native Labour Regulations Act meet the requirements of this Article.

*Article 17.* Propaganda is carried out by the Savings Bank Section of the Department of Posts and Telegraphs. The Usury Act protects all borrowers against all usury. At present, due to the credit squeeze policy, borrowing is discouraged.

*Article 18.* The Southern Rhodesia Proclamation No. 16 of 1956, in terms of section 60 of the Industrial Conciliation Act, 1945, lays down that those sections of the Building Industry Agreement dealing with minimum wages shall also be binding upon every Native employed by an employer and upon every employer of such Native. No measures have been taken to lessen existing differences in wage rates but it is the aim of policy to have no discrimination other than on the grounds of sex.

*Article 19, paragraph 1.* This paragraph is covered by the addition of new schools and a large increase in the number of teachers.

Paragraph 2. European education is a federal subject. For Natives there is no school-leaving age for as yet there is no registration of births. The various Native Employment Regulations define a juvenile employee as one under the age of 16 but no minimum age is prescribed.

Paragraph 3. No measures have been taken as Native education is not compulsory

*Article 20.* Most large organisations have their own training schemes. The competent authorities do not as yet assume the organisation and supervision of training centres.

The application of the appropriate legislation and administrative regulations, etc., is entrusted to several authorities of the Southern Rhodesia Government, in particular the Native Affairs Department, the Native Education Department and the Labour Department.

There have been no decisions of courts of law or other courts relating to questions of principle concerning the application of the Convention.

The Government states that the Convention covers such a wide field that it is not feasible to forward a general appreciation.

Reports on the application of the Convention have been communicated to the British Employers' Confederation and the Trades Union Congress.

#### *Swaziland (First Report).*

Laws of Swaziland, Chapter 38.

Laws of Swaziland, Chapter 104.

Laws of Swaziland, Chapter 123.

Proclamation No. 79 of 1950.

Proclamation No. 59 of 1951.

Proclamation No. 71 of 1951.

Proclamation No. 4 of 1952.

Proclamation No. 35 of 1954.

Proclamation No. 70 of 1954.

High Commissioner's Notice No. 179 of 1954.

*Articles 3, 5 and 7, paragraph 1, of the Convention.* See above, General Note by the Colonial Office.

The report adds the following information in respect of these Articles:

Colonial Development and Welfare Funds totalling more than £146,000 were spent between April 1955 and 30 March 1956 on communications, rural development and Native

land settlement programmes, African education and training, anti-malaria and public health measures, and geological survey, and included several important research projects. It is hoped by advances in various forms of land use, both in Native areas and on private land, to bring about a diversification of the territory's economy, which at present is largely dependent on mining, particularly asbestos.

Apart from one case, large scale investment has not yet begun to produce revenue.

The European population is effectively associated with social measures by representation on the European Advisory Council, and the African population through the Paramount Chief in Council. There is a Eurafrican (Coloured) Welfare Association which is consulted on matters affecting the small Eurafrican population.

No serious social maladjustment has as yet resulted from the economic development of the territory which is still in its early stages; the African population is still rural and tribalised to a large extent.

*Article 7, paragraph 2.* There have been no significant migratory trends in the population. Town plans have been drawn up for the three largest urban areas in the territory; congestion in urban areas is not serious but is most likely to occur in African townships. To prevent this it is the Government's policy to make available cheap lots for purchase and occupation by Africans. There are no urban areas set aside for the exclusive use of Africans and the population lives in scattered family units. Improvement of living conditions in rural areas is sought through intensive rural development schemes which are now being applied in Native areas.

*Article 8.* Chronic indebtedness is not a problem among African agricultural producers. There is no law specifically prohibiting the alienation of private agricultural land to non-agriculturists but the subdivision of land is controlled by Proclamation No. 59 of 1951, as amended.

Native areas are held in trust for the Swazi Nation by the High Commissioner and cannot be alienated.

Tenancy arrangements and working conditions generally are supervised by District Commissioners.

Except for a tobacco co-operative there are no co-operatives in Swaziland but farmers' associations are encouraged, particularly in Native areas.

*Article 9.* While no specific measures have been taken under this Article, continued efforts are made to promote better farming methods, and assistance is given in the purchase of farm implements and fertilisers, and the marketing of crops.

*Articles 10 and 11.* See under Convention No. 64.

It is the practice for workers recruited for work in the mines in the Union of South Africa and neighbouring territories to remit part of their earnings to their dependants. When families of such workers are left without any support their complaints are heard by the District Commissioner, who then takes the

matter up with the recruiting organisation concerned, or the employer, or in the last resort the magistrate of the district where the labourer is employed in the Union of South Africa.

*Article 12.* Approximately 2,000 foreign Africans were employed in the territory during the period under review; these workers were, however, not recruited but have entered the territory voluntarily to seek employment.

No such agreements have been concluded as are described in this Article.

*Article 13.* No specific measures have been adopted under this Article, as the cost of living does not vary to any appreciable degree from area to area.

*Articles 14 to 16.* These Articles are excluded from application to the territory.

*Article 17.* Post Office Savings Banks are available in all large administrative centres. A mobile bank unit is operated in one part of the territory. There has been no need for legislative provision against usury.

The territory has no co-operative credit institutions but there are two funds which make loans to individuals at low rates of interest.

*Article 18.* See under Convention No. 64.

No anti-discriminatory measures have been taken regarding private employment, as the demand for labour at present exceeds the supply and is likely to do so to a greater extent as the economy expands in the next ten years.

An African trade school has been established and maintained for several years from Colonial Development and Welfare Funds; and a school for training African Land Utilisation Officers has been provided for and is expected to open very shortly.

While conditions of employment for Africans are generally lower than for Europeans they may be expected to improve as the demand for labour increases.

There is no discrimination on any grounds in the matters of health, safety, welfare measures or discipline.

There are at present no workers' organisations which could participate in the negotiation of collective agreements.

It has not been necessary to make any legislative provision for raising the minimum rates of wages payable to lower-paid workers, as there is every indication that the laws of supply and demand will achieve this purpose without assistance from the Administration.

*Article 19.* The report describes educational facilities, both general and vocational, at present available for Africans, Eurafricans and Europeans.

Proclamation No. 31 of 1943 provides that a child must attend school until his 16th birthday or until he has successfully passed the eighth standard (ten years of schooling). This is applicable to Europeans only. Education is not compulsory for Africans and Eurafricans, and therefore no school-leaving age is laid down. No provision exists in respect of conditions of employment, nor of the requirements of paragraph 3.

*Article 20.* There is no training in new techniques of production save such training as is done by employers. There is no necessity for organised training as the territory is not yet industrialised.

*Article 23.* This Convention was applied to Swaziland with modifications in respect of Articles 14, 15 and 16. While fullest compliance remains the ultimate aim of government policy, it is not considered that the general social, economic and labour situation in the territory has yet reached the stage where the general implementation of these Articles is yet justified or necessary. Meanwhile machinery already exists for the fixing of minimum wages, which can be put into operation when necessary.

#### 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.  
Not applicable: French Guiana, Guadeloupe, Martinique, Réunion.  
No declaration: Algeria.  
Applicable without modification: all other non-metropolitan territories.

*Italy.*<sup>1</sup>  
Applicable without modification: Trusteeship Territory of Somalia.

*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: Guernsey, Jersey and Isle of Man, British Somaliland.  
Applicable without modification: all other non-metropolitan territories.

*France.*

*Cameroons* (First Report).

Order of 27 April 1954 to set up a territorial advisory labour board.

See under *French Equatorial Africa*.

*Comoro Islands.*

See under *French Equatorial Africa*.

*French Equatorial Africa* (First Report).

Act No. 53-1322 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).

With regard to freedom of association see under Convention No. 87.

The representatives of employers' and workers' organisations are closely associated with

<sup>1</sup> Unratified Convention. See footnote 1 to Convention No. 17.

the adoption of regulations in the field of conditions of work and labour legislation. Before being adopted, all provisions concerning occupational safety are submitted for examination to an Advisory Technical Committee which is attached to the Inspectorate of Labour and Social Legislation for matters affecting the Federation as a whole. There is also a technical committee to consider matters of local interest, which collaborates with the territorial labour inspector.

Advisory labour boards are asked for their opinions on all provisions concerning labour legislation generally.

Collective agreements are governed by sections 68 to 87 of the Act cited above. The report cites the provisions of section 69 of the Act.

Individual disputes may be submitted for conciliation to the local labour inspector, but they may also be submitted directly or, if conciliation fails, to the labour court corresponding to conciliation boards in metropolitan France. The procedure is expeditious and there are no court fees. The presiding judge is assisted by two assessors appointed by the employers' organisations and two appointed by the workers' organisations in the occupation concerned.

Collective disputes are covered by sections 209 to 219 of the Act cited above. It is compulsory for all collective disputes to be submitted to the Labour Inspectorate for conciliation. If that fails, the so-called recommendation procedure is resorted to: an expert is chosen by the parties or, if no agreement can be reached, is appointed by the Governor from a list of experts comprising persons chosen for their moral authority and their knowledge of economic and social affairs (officials in positions of authority are excluded). This expert submits a report, which may be contested; if there is an objection to his conclusions the remaining points of disagreement are referred to an arbitration board consisting of the chief justice of the court of appeal and two assessors appointed by the Governor. An appeal may also be made in the last resort to the Higher Arbitration Court.

There have been no observations on the application of the Convention.

In 1955 there were 38 collective disputes, affecting 36 undertakings with 4,332 workers; 21 of these disputes were settled by conciliation and 17 led to strikes.

#### *French Settlements in Oceania (First Report).*

Order of 5 December 1953 to set up a Labour Court.

Order of 9 March 1954 to set up an Advisory Technical Health and Safety Committee.

Order of 11 May 1954 to determine the conditions for the filing, publication and translation of collective agreements.

During the year 1955, 144 individual disputes were submitted to the Labour Inspectorate; 115 were settled out of court and 29 were referred to the Labour Court. Three collective disputes broke out during the same year.

See also under *French Equatorial Africa*.

#### *French Somaliland (First Report).*

See under *French Equatorial Africa*.

#### *French West Africa (First Report).*

Decree of 20 March 1937 to set up occupational associations in French West Africa to represent and defend the occupational interests of certain Native workers.

Decree of 22 August 1939 to amend the Decree of 20 March 1947.

Decree of 7 August 1944 to set up trade unions.

See under *French Equatorial Africa*.

#### *Madagascar (First Report).*

Every month new unions are formed and established unions are transformed. On 1 January 1956 there were 64 employers' organisations, with 4,000 members, and 215 workers' organisations, with 64,880 members.

In 1955, 2,954 disputes were submitted to the labour inspectors. Of that number 2,472 were settled by conciliation or withdrawn and 524 were referred to the competent courts for settlement. In 1955 there were eight collective disputes affecting 2,208 workers.

See also under *French Equatorial Africa*.

#### *New Caledonia (First Report).*

See under *French Equatorial Africa*.

#### *St. Pierre and Miquelon (First Report).*

Order of 18 April 1953 to set up an Advisory Labour Board.

Order of 30 October 1953 to set up a Labour Court.

See under *French Equatorial Africa*.

#### *Togoland (First Report).*

During the period under review the Labour Court had occasion to issue awards for the settlement of 71 disputes.

See also under *French Equatorial Africa*.

#### *Italy.*

##### *Trusteeship Territory of Somalia.*

Ordinance No. 5 of 2 February 1956 to set up a Court of Justice.

The Court of Justice established by the above-mentioned Ordinance began to function on 10 May 1956. Since then it has been possible to lodge an appeal with this Court against any decision by the Trusteeship Administration to order the dissolution of an association.

#### *New Zealand.*

##### *Western Samoa.*

See under Convention No. 26.

#### *United Kingdom.*

##### *Bermuda.*

The five trade unions in the territory now have a total membership of under 300, of whom some 250 are white-collar workers.

##### *British Honduras.*

During the period under review the Governing Body of the I.L.O. considered the 17th report of the Committee on Freedom of Association

relating to the complaint (Case No. 73) of the General Workers' Union against the Government of the United Kingdom and approved the Committee's recommendation that the case did not call for further examination.

#### *Brunei.*

The report states that draft trade union and draft disputes Bills complying with the Convention have been forwarded for consideration by the State Council.

#### *Cyprus.*

Emergency Powers (Public Safety and Order) Regulations, 1955 (Regulation No. 61: Prohibition of Illegal Strikes).

The report contains the following extracts from the annual report of the Department of Labour for the year 1955: of the 69 industrial disputes reported to the Department during the year only 28, involving 1,596 workpeople, resulted in stoppage of work. A total of 9,983 man-days were lost, as compared with 19,979 in 1954, 6,257 in 1953, 226,870 in 1948 and approximately 20,000 in each of the intervening years. Of the 28 stoppages of work caused by disputes, eight, directly involving 419 workers, lasted for five days; another eight, directly involving 357 workers, lasted two days; two directly involving 72 workers lasted for five days; one, directly involving 350 workers, lasted for six days; and nine directly involving 398 workers, lasted over six days. Most of the disputes were settled by conciliation; one was settled by voluntary arbitration; 41 other disputes, affecting 4,557 workpeople, were settled by conciliation without stoppage of work.

Trade union membership showed a remarkable increase in 1955. The grand total of trade union members was estimated at the end of the year to be 39,015, as compared with 26,754 in 1954, i.e. a net increase of 12,261, or 45.8 per cent. The figures include 3,258 members of four civil servants' unions which are not registered. The Pancyprian Federation of Labour increased its membership by 4,840, the Cyprus Workers' Confederation by 2,492, the Turkish trade unions by 1,474 and the group of independent trade unions by 3,493. The membership of the civil servants' trade unions increased by 104. The most significant development was among the group of "independent" trade unions, which from a membership point of view rose to third place.

Some restrictions were imposed upon the right to strike by the above-mentioned Regulations, which are directed against political strikes; power was reserved to the Governor under Regulation 61 (2) (b) to prohibit by Order a strike or lockout in connection with any trade dispute and to establish a tribunal for the settlement of trade disputes.

#### *Fiji.*

Consideration is being given to two legislative changes (a) the deletion of the words "regular and normal" from section 8 (a) of the Industrial Associations Ordinance; (b) specific inspection

of industrial associations in section 35 of Fijian Regulation No. 10 of 1948.

#### *Gambia.*

Arbitration Ordinance No. 6 of 1955.

The above Ordinance provides for legislation enabling parties to agree to refer future disputes to arbitration.

#### *Gibraltar.*

During the period under review there were 17 registered trade unions, 14 of which were associations of employed persons and three of employers. The reported total paid-up membership of the unions of employed persons was 3,697, representing approximately 60 per cent. of the labour force of British nationality.

There were two collective agreements known to be in force, covering the conditions of employment of workers employed in stevedoring and ancillary trades. In addition, in a number of industries new wage rates and conditions of service were agreed between groups of alien workers and their employers.

#### *Hong Kong.*

On 31 March 1956 there were 301 trade unions registered, of which 228 were workers' organisations, 70 employers' organisations and 3 mixed organisations. It is considered that in local circumstances appeals from decisions of the Registrar to refuse registration of a trade union or to cancel the registration of a registered trade union must continue to come before the Governor in Council.

#### *Kenya.*

In its 1954-55 report the Government stated that the legislation assures the right of association of workers in any occupation whatsoever, including agriculture; and also provides that appeal lies to the Supreme Court against decisions of the Registrar of Trade Unions.

The Registrar may refuse a trade union's application to register if he is satisfied that any other trade union already registered is sufficiently representative of the interests of the workers concerned.

In practice this provision has not led to any refusal since 1952. The object of this provision, which is supported by the Kenya Federation of Labour, is to discourage both an undue overlapping of trade unions' spheres of activity, and undue fragmentation of existing unions owing to personal rivalries. It also provides some safeguard against a multiplicity of small, weak unions with ineffective bargaining powers.

The report indicates also in which cases the Registrar may refuse registration or cancel or suspend the registration of the trade union.

#### *Leeward Islands.*

The report contains extracts from the 1955 report of the Antigua Labour Department which refer to agreements reached in the sugar industry and in respect of port workers between the Antigua Employers' Federation and the



Antigua Trades and Labour Union. The report also notes, in respect of St. Kitts-Nevis-Anguilla, developments in industrial relations during the period and the continued use of collective bargaining as the normal means of fixing wages and settling disputes over other conditions of employment. There were no labour disputes in the British Virgin Islands during the period under review.

#### *Mauritius.*

Trade Union Ordinance No. 36 of 1954.

Trade Disputes Ordinance No. 37 of 1954.

Trade Union Rules, 1954 (Government Notice No. 137 of 1954).

*Article 2 of the Convention.* Section 2 of the Trade Union Ordinance safeguards the right of association for employers and employed; the Ordinance requires every trade association to apply to the Registrar for registration within three months of its formation. Provision is also made in respect of registration requirements, refusal to register, cancellation of registration and dissolution of trade associations. Rules are laid down in the Ordinance in regard to the creation of a political fund. The powers and objects of trade unions are also defined by the Ordinance.

*Article 3.* The settlement of trade disputes by agreement is governed by section 6 (3) of the Trade Disputes Ordinance.

*Article 4.* The Labour Advisory Board composed of employers' and workers' representatives has all matters referring to labour legislation referred to it in the first instance. The Labour Inspectorate and the Conciliation Officers of the Labour Department deal with complaints. Labour Officers take up individual cases in which no offence has been committed. Efforts are made to induce the unions to deal themselves with such individual cases.

*Article 6.* The Labour Commissioner and the Industrial Court are provided with general powers of conciliation. Wherever possible, joint *ad hoc* negotiating machinery is established when disputes arise. The Labour Commissioner, assisted by the Industrial Court, is charged with the investigation and settlement of disputes.

Application of the legal provisions is the responsibility of the Labour Department, which has a staff of labour and factory inspectors and an industrial officer, and of the Registrar of Associations and the Industrial Court. Copies of agreements relating to the principal industries of the territory are appended to the report.

#### *Nigeria.*

*Article 2 of the Convention.* As at 30 June 1956 there were in existence 246 registered trade unions, with paid-up membership of 176,626.

*Article 5.* During the period under review 89 trade disputes were reported to the Department of Labour, 38 of which resulted in stoppage of work. Approximately 912,000 man-days were lost. The longest duration of a strike was 17 days; only one dispute was referred to an arbitration tribunal for settlement.

*Article 6.* New Whitley Councils for the federal and Eastern Nigerian Governments have been established.

#### *North Borneo.*

The power to refuse registration of a newly constituted trade union if a trade union sufficiently representative of the trade concerned was already in existence has never yet been exercised in this territory.

#### *Nyasaland.*

Ordinance No. 28 of 1954, to amend section 12 of the Trade Disputes (Arbitration and Settlement) Ordinance.

#### *St. Lucia.*

The Government transmitted copies of the collective agreements entered into in the territory during the period 1954-55. No collective agreements were concluded during the period 1955-56.

#### *Sarawak.*

Trade Unions and Trade Disputes (Amendment) Ordinance No. 15 of 1955.

The above Ordinance has established conciliation machinery for resolving trade disputes. Conciliation would be carried out by the Commissioner of Labour in association with representatives of the parties to the disputes. Representatives of the employers and employees affected by the disputes would at all times be associated with the machinery.

#### *Sierra Leone.*

The report indicated the conditions necessary to the registration of trade unions. The existence of a sufficiently representative trade union is a bar to the registering of a new trade union. The refusal of the Registrar may be appealed against to the Governor, whose decision is final. The Government stated that the suggestion of the Committee of Experts that express provisions should be made for an appeal against a decision of the Registrar to come before the Supreme Court was noted. It is intended to give effect to it in the near future when certain other amendments to the Trade Unions Ordinance are brought into force.

As regards the power of the Registrar to refuse to register a new trade union when there is already in existence one sufficiently representative, the Government points out that the action of refusal was not taken on the initiative of the Registrar but was based on objections received from existing trade unions. Consideration will be given to the law in this respect with a view to bringing it more into line with the modern conception of the right of association.

#### *Singapore.*

Emergency (Strikes and Lock-outs) (Essential Services) (Amendment) Regulations, 1954.  
Criminal Law (Temporary Provisions) Ordinance No. 26 of 1955.



Two officers of the Labour Department are specially assigned to act as conciliators in labour disputes. The last occasion on which a dispute was referred to arbitration was in the case of a dispute between temporary clerks, represented by the Singapore Clerical and Administrative Workers' Union, and the Government. The report contains a table giving the number and membership of trade unions registered as at 30 June 1955 and 30 June 1956.

#### *Southern Rhodesia.*

Industrial Conciliation Act, 1945.  
Native Labour Boards Act, 1947.

Effect is given to the Convention by customary law and practice under which there is no restriction of the right of association for lawful purposes, and by the above-mentioned Acts.

The Industrial Conciliation Act provides for registration of trade unions and for machinery to settle industrial disputes. African workers are not within the scope of this Act. A Bill to provide for registration of African trade unions has been rejected by a Select Committee of Parliament, which has recommended that the Industrial Conciliation Act be amended to provide for the inclusion of African workers and the formation and registration of non-racial trade unions and employers' organisations.

Detailed information is also given on the working of the machinery for settlement of trade disputes. The report states that no practical difficulties have been encountered in the application of the Convention and that six

collective agreements were voluntarily concluded by Industrial Councils.

#### *Uganda.*

*Article 6 of the Convention.* In 1955, 2,730 inspections of working and living conditions at places of employment were carried out by officers of the Labour Department and 6,781 complaints were dealt with.

*Article 7.* There are now in existence 70 joint staff committees, covering approximately 38,000 employees.

There are at present ten registered trade unions in Uganda, including one trade union of employers.

#### *Zanzibar.*

Trade Disputes (Arbitration and Settlement) Decree, 1954.

The above-mentioned Decree became law in October 1954. In the three principal labour-emplying departments of Government there exist staff councils which work satisfactorily. Similar councils have been set up by two companies which employ a large number of workers but, apart from this, there has been little support for the Government's efforts to set up bodies of this kind. However, efforts continue to be made by the Labour Officer toward their formation.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 85. Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947

*This Convention came into force on 26 July 1955*

*Australia.* Ratification: 30 September 1954.  
Applicable with modification: New Guinea and Papua.

Not applicable: Norfolk Islands.  
Decision reserved: Nauru.

*Belgium.* Ratification: 27 January 1955.  
No declaration.

*France.* Ratification: 26 July 1954.  
No declaration: Algeria.

Not applicable: French Guiana, Guadeloupe, Martinique, Réunion.  
Applicable without modification: all other non-metropolitan territories.

*Italy.*<sup>1</sup>

Applicable without modification: Trusteeship Territory of Somalia.

*United Kingdom.* Ratification: 27 March 1950.

Not applicable<sup>2</sup>: Guernsey, Jersey and Isle of Man.

No declaration: British Somaliland.

Decision reserved: Basutoland, Bechuanaland, Bermuda, Falkland Islands, Gilbert and Ellice Islands, Sarawak, Solomon Islands, Swaziland.

Applicable with modification: Barbados, Brunei, Fiji, Nigeria, North Borneo, Nyasaland, Uganda.

Applicable without modification: all other non-metropolitan territories.

#### *Australia.*

*Nauru* (First Report).

Chinese and Native Labour Ordinance, 1922-53.

*Article 1 of the Convention.* The Administrator or any person authorised by him may at any time enter into any place in which workers may be employed and may inquire into any complaint (section 46 of the Ordinance).

*Article 2.* Places of employment are inspected as occasion requires by senior officers of the Administration, including the Government Medical Officer.

*Article 3.* Any labourer who wishes to bring any complaint to the notice of the Administrator shall be given every reasonable facility for so doing (section 15 of the Ordinance). The Nauruan workers' organisation and the representatives elected by Chinese and other employees from the Pacific islands may bring complaints or subjects for discussion to the notice of the Administration.

*Article 4.* See under Article 1. The report adds that employers of five or more labourers are required to keep ration books and to produce them for inspection (section 30 of the Ordinance).

<sup>1</sup> Unratified Convention. See footnote 1 to Convention No. 17.

<sup>2</sup> Article 9 of this Convention provides that the Convention shall not apply to territories to which the Labour Inspection Convention, 1947 (No. 81) applies.

*Article 5.* Inspecting officers have no direct or indirect interests in the undertakings supervised; all officers are bound by an oath of secrecy in regard to official matters coming to their knowledge.

The Administrator is responsible for administering the provisions of the Chinese and Native Labour Ordinance.

*New Guinea (First Report).*

Native Labour Ordinance, 1950-55.

*Article 1 of the Convention.* The Labour Inspection Service is a function of the Department of Native Affairs.

*Article 2.* Labour inspectors are required to have a thorough knowledge of the Ordinance and the Regulations made thereunder and the ability to advise workers and employers in relation to their respective obligations under the legislation. In-training is conducted by senior officers.

*Article 3.* Labour inspectors or field staff authorised to perform inspectorial duties are posted to each government station in the territory and visit places of employment at regular intervals. Workers are given every facility to communicate freely with inspectors during inspection visits.

*Article 4.* Section 107 of the Ordinance provides that labour inspectors may at all reasonable times enter upon and inspect any premises at which any Native is working or which is used or occupied by any Native worker. The inspector may examine any Native worker and question him or his employer or the occupier of the property in regard to any matter affecting the employment or welfare of the Native worker. An employer is required to produce all documents relating to the employment of any Native worker upon the demand of an inspector. A penalty of £50 may be imposed on any person hindering or obstructing an inspector in the performance of his duty.

*Article 5.* The provisions of this Article are applied under territorial legislation except that the provisions of clause (b) are not applicable to inspectors who have left the Labour Inspection Service.

The administration of the Inspection Service is vested in the Director of Medical Affairs who administers the Native Labour Ordinance. Besides the Senior Inspector of Labour provision is made for 12 full-time Labour Inspectors and for utilising the part-time service of Patrol Officers and Assistant District Commissioners authorised to perform inspections.

There are approximately 70,000 Native workers employed in the territory under the provisions of the Native Labour Ordinance, 1954-55. During the year 312 inspections were performed of major employment centres where 16,142 workers were covered.

*Norfolk Island (First Report).*

The report states that there are no secondary industries in the territory, and that primary

production is confined to smallholdings worked by farmers on their own account.

*Papua (First Report).*

See under *New Guinea*.

*France.*

*Cameroons.*

The inspectors are required to visit at least once a year any establishments with more than 20 workers and at least twice a year those with more than 60 workers.

The courts took no decisions during the period under review involving questions of principle concerning the application of the Convention. During the same period no observations were received from the employers' or workers' organisations.

See also under *French West Africa*.

*Comoro Islands (First Report).*

The report reproduces sections 145 to 154 of the Overseas Labour Code.

A labour inspectorate was formed in the Comoro Islands in August 1954. The courts have taken no decision involving questions of principle concerning the application of this Convention.

See also under *French West Africa*.

*French Equatorial Africa (First Report).*

For details of legislation and the application of the Convention see under *French West Africa*.

There is a general Inspectorate of Labour and Social Legislation, together with four territorial inspectorates and three inter-regional inspectorates.

The courts have taken no decisions involving questions of principle concerning the application of the Convention and no observations have been received.

*French Settlements in Oceania (First Report).*

For details of legislation and the application of the Convention see under *French West Africa*.

*Article 4 of the Convention.* Instructions have been given by the Central Service that the larger an establishment the greater the number of inspections that should be made.

No decision involving questions of principle concerning the application of the Convention has been taken by the courts.

As a general rule the provisions of the Overseas Labour Code are applied. No observations have been received from employers' or workers' organisations.

*French Somaliland (First Report).*

The courts took no decisions during the period under review regarding the application of the Convention. No observations have been received from employers' or workers' organisations.

See also under *French West Africa*.

*French West Africa (First Report).*

Decree of 17 August 1944 to set up a corps of overseas labour inspectors.

Order of 10 June 1946 to regulate the operation of the labour inspectorate in French West Africa.

Act No. 52-1322 of 15 December 1952 to establish a Labour Code in the Territories and Associated Territories under the Ministry for Overseas France (L.S. 1952—Fr. 5).

Decree of 29 December 1956, to define the status of Inspectors of Labour and Social Legislation in overseas France.

*Article 2 of the Convention.* The regulations require Inspectors of Labour and Social Legislation to be recruited from among pupil inspectors who have qualified at the Ecole nationale de la France d'outre-mer; they must all be graduates in law. They can only become Class I pupil inspectors after they have served a period of probation overseas; this period must be served with an Inspectorate of Labour and Social Legislation. As an exceptional measure administrative officers in the overseas territories who, between 1 January 1950 and 29 December 1956, have chiefly been employed as Inspectors of Labour and Social Legislation either overseas or in the Department for Overseas France, may apply to join the service of Inspectors of Labour and Social Legislation for overseas France without loss of salary.

*Article 3.* The report refers to sections 151, 154 and 168 of the Overseas Labour Code and adds that there is frequent and unrestricted contact with the representatives of the trade unions, so that the workers and their representatives have ready access to the Labour Inspectorate.

*Article 4.* The overseas Inspectorate of Labour and Social Legislation is responsible for all matters concerning the workers; its competence includes all public and private establishments in agriculture, industry and commerce. With respect to establishments which are also subject to technical inspection (mining, etc.), and military establishments, the Labour Inspectorate is subject to section 158 of the Labour Code. The powers of labour inspectors are defined in sections 153 and 154 of the Labour Code.

The report describes the organisation of the overseas Inspectorate of Labour and Social Legislation which is assisted in its work by deputy inspectors and industrial doctors. Finally, the report states that by law the District Officer is the authorised representative within his district of the Inspector of Labour and Social Legislation whenever the latter is absent or unable to attend.

*Madagascar (First Report).*

The inspectors have at all times the staff and facilities required to carry out inspections at frequent intervals.

Article 5 of the Convention is applied by virtue of section 152 of the Labour Code.

See also under *French West Africa*.

*New Caledonia (First Report).*

See under Convention No. 81.

*St. Pierre and Miquelon (First Report).*

Order of 13 May 1954 respecting shop stewards.

Inspections of working conditions take place at frequent intervals and as often as the staff position allows.

The provisions of the Convention have been fully applied. Two infringements were brought to light with respect to employment returns.

See also under *French West Africa*.

*Togoland (First Report).*

Order of 18 August 1946, as amended by the Order of 21 March 1947 respecting the operation of the Inspectorate of Labour and Social Legislation in Togoland.

A draft ministerial Order respecting the scope, organisation and operation of the Inspectorate of Labour and Social Legislation is at present being prepared to supersede the above-mentioned Orders which, however, already ensured that the Inspectorate of Labour and Social Legislation conformed to the principles laid down by the Convention.

The Inspector of Labour is responsible to the Chief Inspector of Labour for overseas France. He is required to make annual reports and periodical returns together with any information on individual points which he may be asked to provide. The Inspectorate for this territory is divided into a secretariat, a research department, a manpower section, a social security section and a legal section. All of these are staffed by qualified persons.

During the period under review the courts took no decisions involving questions of principle concerning the application of the Convention. The employers' and workers' organisations concerned have made no observations.

See also under *French West Africa*.

*Italy.**Trusteeship Territory of Somalia (First Report).*

See under Convention No. 81 (for the period from 1 July 1953 to 30 June 1954).

*United Kingdom.**Aden (First Report).*

Labour Ordinance (Cap. 84 of the Laws of Aden).  
Minimum Wage and Wages Regulation Ordinance (Cap. 97).

Factories Ordinance (Cap. 63).

Employment of Women, Young Persons and Children's Ordinance (Cap. 55).

*Article 1 of the Convention.* Labour inspection services in conformity with the requirements of the Convention are maintained.

*Article 2.* Only the Labour Commissioner and the Labour Officer are authorised officers for labour inspection purposes; both are fully trained. In addition four inspectors are employed on the enforcement of Part I of the Minimum Wage and Wages Regulation Ordinance and the Employment of Women, Young Persons and Children's Ordinance. Detailed knowledge of the legislative provisions is ensured by written tests and field work is first conducted under the supervision of the trained Labour Officer. When the inspectors are

considered sufficiently experienced arrangements are made for them to attend courses at the Ministry of Labour and National Service in the United Kingdom. Two inspectors have already attended such courses.

*Article 3.* Inspectors have been instructed to ask for permission to enter workplaces where they have no specific authority to do so under the legislative provisions; they have not reported that employers are other than co-operative in this respect. All officers give publicity to the functions of the Department and seek to ensure that workers may have ready access to them at all times. During 1955, 1,085 workers visited the Department for advice or to make complaints; 2,200 written complaints were investigated.

*Article 4.* Inspectors are provided with credentials and records of all inspections are maintained. The provisions of paragraph 2 of the Article are covered by the legislative provisions and the principle of paragraph 3 is applied.

*Article 5.* There are no exceptions by law or regulation to the requirement that labour inspectors shall be prohibited from having any direct or indirect interest in the undertakings under their supervision. The requirements of clauses (b) and (c) of the Article are covered by the Colonial Regulations and the Official Secrets Act.

The Labour Commissioner is responsible for the administration and enforcement of the legislative provisions. The report contains details regarding the actual working of the Labour Inspection Service.

No decisions have been given by courts of law regarding the application of this Convention and no observations have been received from organisations of workers or employers.

#### *Basutoland (First Report).*

The Basuto are a nation of peasant farmers, the family holding being farmed by the family unit. There are no mining or industrial enterprises in the territory. The necessity for labour inspectorates therefore does not arise.

For these reasons, therefore, in terms of paragraph 1 (c) of Article 6, this Convention is inapplicable in respect of Basutoland.

#### *Bechuanaland (First Report).*

There is no labour inspectorate in the Bechuanaland Protectorate. The present state of the territory's development does not warrant the establishment of such. The care of labour and the administration of laws relating to labour are in the hands of District Commissioners.

#### *Bermuda (First Report).*

No legislation or administrative regulations exist to apply the provisions of the Convention.

*Article 1 of the Convention.* There are no labour inspection services; there are no factories, mines or other forms of large-scale industry and most persons are employed in the hotel industry or in connection with the tourist trade.

*Articles 2 to 5.* See under Article 1.

*Articles 6 to 9.* The report states that, in view of the favourable conditions of employment for the employee and the mobility of labour, the application of the Convention is inappropriate.

#### *British Honduras (First Report).*

Official Secrets Act, 1911.

Employers and Workers (Amendment) Regulations, 1953.

Employers and Workers (Amendment) Regulations, 1955.

*Article 1 of the Convention.* A Labour Inspection Service complying with Articles 2 to 5 is maintained by the Labour Department.

*Article 2.* Labour inspectors receive training from the officer in charge of the Department and from courses of instruction in other Labour Departments in the Caribbean area and in the Ministry of Labour and National Service in the United Kingdom.

*Article 3.* The office of the Labour Department is freely open to any worker or any representative of workers and, inspectors are available to them. No obstruction of any kind is placed in the way of persons wishing to make representations to officers of the Department.

*Article 4.* Inspectors are appointed by the Government and are provided with credentials. They are required to inspect all places of employment at as frequent intervals as may be found practicable. The provisions of paragraph 2 of the Article are applied by the legislative provisions; the provisions of paragraph 3 are applied by administrative arrangements within the Labour Department.

*Article 5.* Labour inspectors are prohibited from having any direct or indirect interest in undertakings under their supervision and are bound to secrecy in accordance with the provisions of the Article by the legislative provisions, the Colonial Regulations and the provisions of the Official Secrets Act of 1911 of the United Kingdom. They are required by administrative rule within the Department to treat as absolutely confidential the source of any complaint.

The maintenance of the Labour Inspection Service is the general responsibility of the Central Government. The small size of the Labour Department to which the duties of inspection are entrusted prevents specialisation of the inspectors and permits the task of inspection to be adequately performed without elaborate administration organisation.

No decisions have been given by courts of law regarding the application of the Convention and no observations have been received from any organisation.

#### *British Somaliland (First Report).*

There is no legislation or any administrative regulation applying the provisions of this Convention. In the present stage of the territory's development the establishment of a labour department and inspectorate would be impracticable, for the great majority of the work-

ing population are nomadic pastoralists. Only the working conditions of the few persons employed by the Government in varying capacities are suited to administrative supervision and control, in consultation with staff committees and associations.

*Cyprus (First Report).*

Employment of Women (During the Night) Law (Cap. 213).

Employment of Women (In Mines) Law (Cap. 214).  
Steam Boilers, Engines and Receivers Law (Cap. 163).

Docks (Regulation) Law (Cap. 210) and Regulations made thereunder, 1939 and 1940.

Minimum Wage Law (Cap. 215) and Regulations made thereunder, 1942.

Trades and Industries (Regulation) Law (Cap. 179) and Regulations made thereunder, 1947, and Law No. 18 of 1953.

Shop Assistants Law (Cap. 159) and Law No. 8 of 1952.

Domestic Servants (Employment of Children and Young Persons) Law, 1952; and Regulations made thereunder, 1954.

Summer Afternoon Recess Law (Cap. 168) and Law No. 36 of 1953.

Children and Young Persons (Employment) Law, 1953 (L.S. 1953—Cy. 2).

Hotels (Condition of Service) Regulations, 1953.

Mines and Quarries (Regulation) Law, 1953.

Motor Vehicles and Road Traffic Law, 1954, and Motor Vehicles (Drivers Hours of Work) Regulations, 1955.

*Article 1 of the Convention.* A Labour Inspection Service deriving its powers from the above-mentioned legislation complies with the requirements of Articles 2 to 5 of this Convention.

*Article 2.* Labour inspectors are normally recruited locally and are given instruction and practical training in the field by experienced officers. Most of the inspectors, after obtaining some practical experience of their work, have had a specially designed training course in the United Kingdom, provided by the Ministry of Labour and National Service.

*Article 3.* The right of the workers and their representatives to communicate freely with the inspectors has never been challenged, although so far there has not been any legal provision to this effect. Trade union representatives or works committees wherever they exist have no difficulty in communicating with inspectors, either during inspections at the place of work or at the inspectors' offices. In a new Factories Bill which is now before Government and will be enacted soon, a provision reproducing Article 3 has been included to add legal force to an existing practice.

*Article 4.* Conditions of employment are inspected at frequent intervals by inspectors of the Department of Labour and by police officers. The inspectors are provided with special credentials enabling them to gain access to premises subject to inspection under the provisions of relevant legislation. There is no special law laying down the powers and duties of inspectors in standard form but the legal provision for the appointment of inspectors and the extent to which they are authorised by law to exercise the powers referred to in subparagraphs (a) to (c) of paragraph 2 of this Article are shown in the legislation above cited.

Apart from the Mines and Quarries (Regulation) Law, 1953, no specific provision is made

to secure the application of subparagraph (c) (iv) of Article 4, paragraph 2. Measures are being taken to rectify this omission in the new Factories Law.

*Article 5.* Effect to the provisions of clauses (a) and (b) of this Article is given by the Cyprus Government General Orders (Cap. II/4.10 and 20). In a new Factories Bill now ready for enactment, specific provision is made in section 89 for safeguarding manufacturing or trade secrets and penalties are prescribed against offenders. Effect is given to clause (c) by standing administrative instructions.

*Articles 6 to 9.* The declaration made by the United Kingdom Government accepts the obligations of the Convention without modification.

Generally the application of the above legislation is entrusted to the Commissioner of Labour and, in the case of certain laws, also to the police and the Inspector of Mines. Supervision of the Labour Inspectorate is exercised by the Commissioner of Labour through a Chief Inspector of Factories. The Inspectorate includes one Mechanical and Electrical Inspector, one Boiler Inspector, one Mechanical Inspector and a number of Labour Officers (including two women), stationed in each district. Weekly reports on inspection work have to be submitted by each inspector to the Chief Inspector, who co-ordinates and controls the service. Prosecutions can be instituted and conducted in court by the inspectors in addition to police.

No decisions have been given by courts of law.

No observations have been received regarding the practical fulfilment of the conditions prescribed in the Convention or the application of the relevant legislation.

*Falkland Islands (First Report).*

Owing to the sparseness of the population and the absence of a labour department, the provisions of the Convention cannot be applied at the present time.

*Gambia (First Report).*

Factory Ordinance No. 8 of 1941.

Labour Ordinance No. 21 of 1944, as amended in 1950.

Labour Advisory Board (Appointment) Order No. 111 of 1955.

*Articles 1 and 2 of the Convention.* It is the duty of the Labour Officer to carry out periodical inspections of workplaces.

*Article 3.* Workers and their representatives can at any time during work hours interview the Labour Officer on any matters affecting their interests.

*Article 4.* Paragraph 1 is covered by section 24 of the Labour Ordinance, 1944. Paragraph 2 (a) and (c) (i) and (ii) is provided for in sections 6 (3), 11, 14 (a) to (d), 15 (1) and (2), 16 (b), 25 and 26 of the Labour Ordinance. Paragraph 3 is covered by sections 11 and 12 of the Labour Ordinance. In addition section 5 (6) of the Factory Ordinance empowers the Governor in Council to make regulations for the appointment of inspectors and for prescribing their duties and powers.

*Article 5.* The requirements in clauses (b) and (c) of this Article are provided for in sections 13 (1) to (4) of the Labour Ordinance. There are no exceptions.

The Labour Officer is responsible for the supervision and control of the system of labour inspections.

No decisions involving questions of principle relating to the application of the convention have been given by courts of law.

*Gibraltar (First Report).*

Shop Hours Ordinance, 1950.

Factories Ordinance, 1956.

Regulation of Wages and Conditions of Employment Ordinance.

*Article 2 of the Convention.* All persons employed as inspectors have received training in the United Kingdom.

*Article 3.* Periodical inspections are made at the place of employment, and the workers or their representatives can communicate with an inspector at the offices of the Department of Labour and Welfare.

*Article 4.* Inspectors are empowered by the above-mentioned legislation to secure compliance with the provisions of the respective Ordinance.

The Department of Labour and Welfare is responsible for the enforcement of the legislation. It is felt that workers are reluctant to make complaints, but the benefits of labour inspection are becoming more widely known and the position is expected to improve.

*Gold Coast (First Report).*

Labour Ordinance, 1948 (Cap. 89, Laws of the Gold Coast, 1951 edition).

*Article 1 of the Convention.* Labour inspection services have been established since 1946.

*Article 2.* During the year ended 30 June 1956 there were 46 officers performing labour inspection duties in the field. They receive suitable in-service training.

*Article 3.* Inspectors are taught to give advice to trade unions and workers generally. Section 83 (a) of the Labour Ordinance empowers an inspector to require an employer to produce any person who works for him and any document relating to his employment.

*Article 4.* Inspectors by interpretation are persons authorised by the Commissioner of Labour to exercise any of the duties or powers imposed or conferred by the Labour Ordinance, 1948, upon a labour officer. Sections 83 (b) to (k) and 85 authorise inspectors to exercise the functions listed under paragraph 2. During the year ended 30 June 1956, 238 inspections were undertaken. Quarterly returns of the inspections carried out are required to be made.

*Article 5.* A labour inspector is prohibited from engaging in trade or being employed in any commercial or agricultural undertaking. Section 87 of the Labour Ordinance prohibits a labour officer from divulging, even after leaving the service, any manufacturing or commercial secrets or working processes which may come

to his knowledge in the course of his duty, under penalty of a fine not exceeding £200. Administrative instructions issued to labour inspectors give effect to clause (c).

*Grenada (First Report).*

Employment of Women, Young Persons and Children Ordinance No. 8 of 1934, as amended by Ordinance No. 20 of 1939 and No. 9 of 1945 (L.S. 1934—Gren. 1 A and B).

Employment of Women, Young Persons and Children Regulations, 1938 (S.R. & O. No. 14 of 1938). Department of Labour Order, 1942 (S.R. & O. No. 68 of 1942).

Department of Labour (Amendment) Order (S.R. & O. No. 45 of 1943).

Wages Council Ordinance No. 4 of 1951.

*Article 1 of the Convention.* Labour inspection services complying with the requirements of Articles 2 to 5 of the Convention are maintained in the territory.

*Article 2.* The labour inspectors in the territory received training in the United Kingdom from the Ministry of Labour and National Service, and have also acquired practical experience in the field.

*Article 3.* No special measures have been adopted but by custom workers and their representatives communicate freely with the inspectors.

*Article 4.* Labour inspectors are provided with means of transport to ensure that conditions of employment in the main industries of the territory are inspected at frequent intervals. They are authorised by the legislative provisions to exercise the powers covered by paragraph 2 of the Article.

*Article 5.* Labour inspectors are subject to Colonial Regulations. They are not, however, subject to any specific regulation covering the provisions of the Article but it is the policy of the Labour Department that the strictest confidence in these matters must be exercised by the inspectors.

The Labour Department is responsible for the application of the legislative provisions.

No decisions involving questions of principle relating to the application of the Convention have been given by courts of law or other courts.

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

*Hong Kong (First Report).*

Factories and Industrial Undertakings Ordinance No. 34 of 1955, and Regulations thereunder.

*Article 1 of the Convention.* Section 2 (1) and section 3 of the Ordinance make provision for the appointment by the Governor of the necessary officers, assistants and staff.

*Article 2.* Labour inspectors are recruited with regard to their academic and technical qualifications, personal qualities and general suitability for the work involved. Continuous training after appointment is carried out by senior officers in the Labour Department, by courses arranged locally in specialised subjects and as occasion offers by attendance at courses and by experience in the United Kingdom.

*Article 3.* Workers or their representatives are free to consult officers of the Department on matters concerning their conditions of work. Note is also taken of oral and written communications from workers, and, if necessary, appointments at suitable times are made.

*Article 4.* Inspections of registrable undertakings are carried out before a certificate of registration is granted and thereafter before the annual renewal of the certificate; further inspections to check requirements are frequent. Special visits are made to check the working hours of women and young persons and to obtain information on hours of work, wages and working conditions generally. The total number of visits in the period under review was 18,518.

In connection with the powers listed in paragraph 2 the report refers to sections 4 (1) and (2) of the Ordinance.

It is usual for the inspector to ask for the proprietor or his representative upon entering an industrial undertaking; he is provided with appropriate credentials.

*Article 5.* Under Colonial Regulations and under the General Orders of the Government, labour inspectors are prohibited from having any direct or indirect interest in the undertakings under their supervision. The General Orders also prohibit disclosures of information obtained in the course of official duties and Regulation 15 (4) of the Regulations specifically prohibits the disclosure, except for the purposes of a prosecution, of the results of any analysis of industrial samples taken by an inspector. The source of any complaint is treated as confidential and care is exercised that it is not divulged to any employer or his representative.

The Labour Department is responsible for the application of the legislative provisions. The report contains details concerning the size and composition of the Labour Inspectorate at the end of the period under review.

No decisions have been given by courts of law relating to the application of this Convention.

No observations have been received from organisations of employers or workers regarding the practical fulfilment of the provisions of this Convention.

#### *Leeward Islands (First Report).*

There is no specific legislative or administrative regulation applying the provisions of the Convention in the territory. In Antigua, however, the Labour Commissioner is accorded certain inspection powers under Labour Ordinance No. 3 of 1950; these powers are cited in the report. The Ordinance also requires the occupier of any premises in which workmen are employed to provide the necessary co-operation to facilitate any inspection or inquiry and prescribes penalties for persons who hinder or obstruct the Labour Commissioner in the performance of his duties or fail to provide information required or provide false information when required so to do by the Labour Commissioner.

Similar provision exists in respect of St. Kitts-Nevis-Anguilla-Montserrat and the Virgin Islands.

No courts of law or other courts have given decisions involving questions of principle relating to the application of this Convention.

No observations were received from organisations of employers or workers.

#### *Malta (First Report).*

Order No. 1 of 1950 concerning inspectors, issued under the Hours of Employment and Shops Ordinance.

Conditions of Employment (Regulation) Act, 1952 (L.S. 1952—Malta 1).

National Insurance Act No. VI of 1956.

*Article 1 of the Convention.* A number of inspectors appointed for the purposes of enforcing labour laws, working under the supervision of the Enforcement Officer, are attached to the Department of Emigration, Labour and Social Welfare.

*Article 2.* On appointment and before starting work on their own, inspectors undergo a thorough course of training, both theoretical and practical, under the supervision of the Enforcement Officer.

*Article 3.* Workers and their representatives are afforded every facility to communicate with inspectors during actual inspections. They are at liberty to call at the office at any time to communicate with inspectors.

*Article 4.* Inspectors, appointed by Government and provided with credentials, are required to inspect workplaces to enforce the labour laws. They are authorised by section 28, paragraphs 2, 3 and 6, of the Act of 1952 and by similar provisions in the legislation quoted—

- (a) to enter freely and without previous notice at any hour of the day or night at places or premises subject to inspection;
- (b) to carry out any examination, test or inquiry which they may consider necessary in order to satisfy themselves that the provisions of the law are being strictly observed, and in particular: (i) to interrogate, alone or in the presence of witnesses, the employer or the staff of any premises or place liable to inspection on any matter concerning the application of labour laws; (ii) to require the production of any books, registers or other documents, the keeping of which is prescribed by any labour law, in order to see that they are in conformity with the legal provisions, and to copy such documents or make extracts from them; (iii) to enforce the posting of notices required by any labour law or regulation.

On the occasion of an inspection visit, inspectors shall notify the employer or his representative of their presence, unless they consider that such a notification may be prejudicial to the performance of their duties.

*Article 5.* The report states that section 28, paragraphs 5 and 10, of the Act of 1952 and similar provisions in the other legislation quoted give effect to this Article and that no exceptions have been made.

The above-mentioned legislation is administered by the Department of Emigration, Labour and Social Welfare.



No decisions were given by courts of law regarding questions of principle relating to the application of this Convention.

A table showing the record of inspections and enforcement action during 1955 is appended to the report.

*Maurilius (First Report).*

Labour Ordinance No. 47 of 1938.  
Labour Ordinance No. 42 of 1946.

*Article 2 of the Convention.* Labour inspectors undergo training at the Ministry of Labour and National Service in the United Kingdom.

*Article 3.* The Labour Department has a staff of labour officers and labour inspectors who spend part of their time at scheduled hours and in scheduled places recording the complaints of industrial and agricultural workers, their representatives and employers. The rest of the working time is spent by inspectors either in investigating and settling complaints or in inspection of workplaces and wages books.

*Article 4.* Paragraphs 1 and 2 of the Article are applied by the legislative provisions.

*Article 5.* Government officers generally are subject to Colonial Regulations and Mauritius General Orders which relate to the requirements of the Article.

Enforcement is the responsibility of the Industrial Court and of the Labour Department. The report gives detailed information regarding the size and responsibilities of the Labour Inspection Service.

No decisions involving questions of principle relating to the application of the Convention have been given.

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

*Nigeria (First Report).*

Labour Code Ordinance, 1945, as amended in 1946 and 1950 (L.S. 1946—Nig. 1, and 1950—Nig. 1).  
Factories Ordinance No. 33 of 1955.

*Article 1 of the Convention.* This is covered by sections 4 and 5 of the Labour Code Ordinance and section 69 of the Factories Ordinance.

*Article 2.* This is covered by section 6 of the Labour Code Ordinance. The Department depends on two methods of intake for its senior staff (with the exception of specialised officers). First, the recruitment of graduates of administrative grade standard with experience of or preference for work in the labour field; second, the recruitment of assistant labour officers, by examination, from candidates of intermediate degree standard who can expect to qualify for senior appointments on the basis of acquired experience, ability and continued study. Opportunities are provided for study overseas. At the end of 1955, 12 assistant labour officers were being trained in the United Kingdom. Assistant labour officers joining the Department receive three months' training which consists mainly of lectures given by senior officers of the Department and others. Special arrangements are being made for the training of factory inspectors under the supervision of experienced factory inspectors from the United Kingdom.

*Article 3.* This is covered by section 5 of the Labour Code Ordinance and sections 69 and 70 of the Factories Ordinance. Labour inspectors maintain close contact with trade union officials and workers' representatives in the course of their work. Care is taken to ensure that employers are not informed of the source of complaints, so as to guard against possible victimisation.

*Article 4.* Paragraph 1 is covered by sections 4 and 5 of the Labour Code Ordinance, and by sections 69 and 70 of the Factories Ordinance. Paragraphs 2 and 3 are covered by section 5 of the Labour Code Ordinance and by sections 55, 63 and 70 of the Factories Ordinance.

*Article 5.* Clause (a) is covered by section 69 (4), clause (b) by section 69 (5) and (7) and clause (c) by section 69 (6) of the Factories Ordinance.

The above legislation is administered by the Department of Labour. There are 11 labour offices in the territory. During the year ended 31 March 1956, 2,610 establishments were inspected.

No decisions of courts of law have been given regarding the application of the Convention.

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

*North Borneo (First Report).*

Machinery Ordinance No. 4 of 1920 (No. 35 of 1953) (Cap. 75, Laws of North Borneo, 1953).  
Labour Ordinance, 1949 (Cap. 67).  
Penal Code.

*Articles 1 and 2 of the Convention.* Inspectors principally receive suitable training within the Department of Labour. In addition, selected officers may be sent to the Colonial Office's labour training course in the United Kingdom.

*Article 3.* The worker's rights are assured under ordinary civil law and their access to inspectors cannot be restricted. Unlawful restraint is an offence under sections 339 or 340 of the Penal Code and there are additional safeguards in section 7 (1) of the Labour Ordinance.

*Article 4.* Inspections may be carried out either by officers appointed by the Governor under section 3 (1) of the Labour Ordinance or by officers appointed by the Commissioners of Labour under section 4 (2). The Commissioner or Health Officer is further empowered by section 4 (3) to remove a worker from the place of his employment where there is reasonable ground for suspecting that any offence has been committed against the worker or a breach of any of the provisions of the Ordinance has occurred. Inspection of places of employment is carried out at frequent intervals, places employing 100 or more workers being inspected once in every six months and smaller places about once a year.

Inspecting officers are authorised by section 4 (1) of the Labour Ordinance to question employers about their workers, or the workers themselves, by section 5 (a) to call for and examine contracts and records concerning workers, by section 4 (4) to enforce posting of notices where required by law, and by section



5 (b) to take and remove for purposes of analysis samples of materials and substances handled.

*Article 5.* All inspecting officers are public servants and under the terms of their employment are prohibited from having any direct or indirect interest in the undertakings under their supervision. They are also forbidden to divulge any documents, papers or information which may have come to their knowledge in their official capacity. A declaration of secrecy which every officer is required to sign on appointment binds him after his employment in government service has ceased. The sources of complaints made to inspecting officers are regarded as information given to them in their official capacity and are strictly protected.

The administration of the above legislation is entrusted to the Department of Labour and Welfare. In addition, all District Officers and certain other administrative officers are appointed to be Assistant Commissioners of Labour and Welfare and all medical officers of the Government's medical services exercise inspection powers of Health Officers under the Ordinance.

No decisions have been given by courts of law or other courts regarding the application of this Convention.

#### *Nyasaland (First Report).*

Penal Code.

Ordinance No. 3 of 1954 to establish a Labour Code (L.S. 1954—Ny. 1), as amended in 1955.

*Article 1 of the Convention.* The Convention has been applied with modifications in respect of Articles 3, 4 and 5.

*Article 2.* This Article is applied without modification by sections 4 to 6 of the Labour Code (Ordinance No. 3 of 1954). The inspectorate staff consists of officers, inspectors and assistants. Some of the senior labour officers were transferred from the Administration, others received training in labour matters prior to joining the Department. The African labour inspectors and assistants have received in the Department and over many years a training including practical experience; they have been selected on their merits from among the members of the clerical staff. A number of the inspectorate staff have attended labour courses in Northern Rhodesia.

*Article 3.* This Article is applied with modification by section 5 (2) (b) of the Labour Code. While members of the inspectorate staff may see and interview any employee, the employer or his representative may ask to be present at such interview. Apart from these interviews made at the request of the Labour Department, however, the inspectorate staff is ready at all reasonable times to grant interviews to members of the public at the district labour offices.

*Article 4.* Paragraph 1 of this Article is applied with modification by section 4 of the Labour Code.

It is not possible, through lack of staff, to carry out inspections at all places of employment at frequent intervals.

Paragraph 2 of this Article is applied without modification by section 5 (2) of the Labour Code.

There is no statutory obligation on the inspector to notify his presence to the employer but it is the normal practice to do so.

*Article 5.* Clause (a) of this Article is applied without modification, clause (b) is applied by administrative action only and, though there is no statutory provision for clause (c), this clause is normal practice.

The Governor in Council may make rules prescribing the duties of officers appointed under the Ordinance.

The Governor may appoint a Commissioner for Labour and such other labour officers or other officers as he may think fit and may prescribe the duties of such officers.

The general supervision of the Labour Department, including inspectorate staff, is entrusted to the Commissioner for Labour, who is assisted by provincial labour officers, to whom all labour officers, inspectors and assistants submit detailed reports of inspections carried out.

No decisions regarding the application of this Convention have been given by courts of law.

The appointment of African officers to the posts of labour inspectors and labour assistants has enabled a greater area to be covered, particularly in the remoter parts of the Protectorate. By their well-balanced attitude, these officers have succeeded in gaining the confidence of employers and workers alike.

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

#### *St. Helena (First Report).*

Factories Ordinance (Cap. 35) and Rules thereunder.

The provisions of the Convention are not applied in detail by local legislation but by the law of England which, so far as locally applicable, is in force in the colony.

*Articles 1 and 2 of the Convention.* Employment in St. Helena is not of sufficient extent to justify the maintenance of a full-time labour inspectorate but it is proposed that labour inspection should be entrusted to a Social Welfare Officer, who has just been appointed. The Inspector of Factories (the Public Health Inspector), appointed under the Factories Ordinance, has paid special visits of inspection to the flax mills, which are the chief centres of employment.

*Article 3.* A small number of workers only are employed in any concern in St. Helena and no special measures are necessary to facilitate free communication between them and the labour inspectorate.

*Article 5.* Government officers in St. Helena are subject to Colonial Regulations and to the United Kingdom Official Secrets Act of 1911. Additionally, administrative instructions as necessary are issued to the officer carrying out inspectorate duties.

No decisions involving questions of principle relating to the application of the Convention have been given by courts of law or other courts.

*St. Lucia (First Report).*

Steam Boilers Ordinance, 1932.

Labour (Minimum Wage) (Amendment) Ordinance No. 3 of 1937.

Labour Ordinance No. 14 of 1938, as amended in 1948 and 1955.

Factories Ordinance, 1943.

Wages Councils Ordinance No. 1 of 1952.

*Article 2 of the Convention.* The Labour Commissioner, his assistant and a senior officer of the Labour Department are authorised inspectors and perform inspection services in conjunction with their other duties. Two of these officers have received general training in their duties at courses in the United Kingdom.

*Article 3.* There is no specific legal provision to cover the provisions of this Article but full use is made by both employers and workers of the services provided by the Department.

*Article 4.* The requirements of this Article are covered by provisions in four of the above-mentioned Ordinances.

*Article 5.* Government officers are subject to Colonial Regulations which affect clauses (a) to (c) of this Article. Though the general provisions of the Article are not contained in any Ordinance they are taken into consideration by those engaged in carrying out labour inspection duties.

The Labour Commissioner is entrusted with the administration of the legal provisions.

No decisions involving questions of principle relating to the application of the Convention have been given in courts of law.

*Sierra Leone (First Report).*

Wages Board Ordinance, 1945 (Cap. 258 of the Laws of Sierra Leone, 1946 edition), as amended in 1947 and 1952.

Machinery (Safe Working and Inspection) Ordinance (Cap. 134 of the Laws of Sierra Leone, 1946 edition).

*Article 1 of the Convention.* Inspection services are provided by the Labour Department in respect of terms and conditions of employment and by the Mines Department in respect of safety in industrial undertakings where dangerous machinery is installed.

*Article 2.* Wages inspectors and inspectors of machinery are suitably trained. Labour officers also act as wages inspectors and carry out inspections in the larger undertakings.

*Article 3.* The attention of workers and their representatives is drawn by means of notices posted up to the existence of wages inspectors on the staff of the Labour Department. Section 43 (c) of the Wages Boards Ordinance provides that a wages inspector, who must have been appointed a labour officer under the Ordinance, may interview a worker alone if he thinks fit.

*Article 4.* Every wages inspector is given a certificate of appointment as provided by section 26 of the Wages Boards Ordinance and in addition notice of the appointment is given in the *Royal Gazette*. The inspectors work as a team under a senior labour officer, thus ensuring that each district in the territory is adequately covered. The appointment of a Chief Inspector of Machinery and inspectors of ma-

chinery is provided for by section 10 of the Machinery (Safe Working and Inspection) Ordinance; notice of such appointments is given in the *Royal Gazette*.

Effect is given to paragraph 2 (a) of Article 4 of the Convention by section 23 (b) and 23 (a) of Cap. 258, to paragraph 2 (b) by section 23 (b) of Cap. 258, to paragraph 2 (c) (i) by section 23 (c) of Cap. 258 (except that the second alternative is not provided for), to paragraph 2 (c) (ii) by section 23 (a) and by section 19 of Cap. 258, to paragraph 2 (c) (iii) by section 10 (1) (f), requiring the posting of notices by employers, though no rules have been made. No effect is given to paragraph 2 (c) (iv) since there is no factory ordinance in operation in the territory. The powers of inspectors of machinery, which are broadly speaking the same as those of wages inspectors, are provided for by section 11 (1) of Cap. 134.

The practice outlined in paragraph 3 of Article 4 is followed.

*Article 5.* Inspectors are not allocated to particular undertakings and are prevented by their conditions of service from having any direct interest in any undertaking. Means exist for ensuring that inspectors do not carry out inspections in undertakings in which they may have an indirect interest. Effect is given to clause (b) by section 27 of Cap. 258. The substance of clause (c) is observed by the training and instructions given to inspectors. No exceptions have been made by law or regulation.

The administration of the legislation is entrusted to the Labour Department and to a lesser extent to the Mines Department. Priority is given to inspections resulting from complaints.

No decisions involving questions of principle relating to the application of the Convention have been given by courts of law or other courts during the year under review.

An estimated number of 52,020 workers is covered by the above legislation. During the year ending 31 December 1955, 269 wages inspections, involving the examination of the wages of 3,429 workers, were carried out. Arrears of wages amounting to £780 6s. 3d. were claimed on behalf of 184 underpaid workers. The policy of both Departments is to obtain compliance without resorting to court proceedings.

*Singapore (First Report).*

Labour Ordinance No. 40 of 1955.

*Article 1 of the Convention.* The provisions of this Article are complied with by the establishment of the labour inspectorate within the Labour Department.

*Article 2.* On appointment inspectors serve a three-year probationary period of in-post training; selected officers are sent overseas, mostly to the United Kingdom, for specialised training in labour administration. So far, 12 of the 17 inspectors have had training overseas.

*Article 3.* The provisions of the Article are applied by section 139 of the Labour Ordinance, under which inspecting officers have powers to

put questions to the workers themselves or to any other person whom they consider it desirable to question. Workers can take the initiative by approaching officers during an inspection. The Commissioner for Labour and his senior officers are accessible to everyone and any worker with a complaint can call on them at any time.

*Article 4.* Officers of the Department performing inspection duties are provided with credentials. The provisions of paragraphs 2 and 3 of the Article are applied by sections 137, 138 and 139 of the Labour Ordinance.

*Article 5.* It is one of the disciplinary regulations of the government service of the territories that no public servant shall directly or indirectly be concerned in the management or proceedings of any commercial, agricultural or industrial undertaking. The provisions of clause (b) of the Article are applied by section 141 of the Labour Ordinance. There is no legislation applying clause (c) of the Article, but in practice these requirements are strictly complied with.

The Labour Department is entrusted with the application of the legal provisions.

#### *Solomon Islands (First Report).*

Labour Regulation No. 5 of 1947.

*Article 2 of the Convention.* Labour inspection is carried out by administrative officers, who receive no special training in this type of work.

*Article 3.* There are no special measures; workers have no hesitation in laying complaints before the administration.

*Article 4.* Administrative officers make a habit of inspecting conditions of employment. Paragraph 2 is applied by section 8 of the Labour Regulation.

*Article 5.* The general provisions of this Article are applied, but clauses (b) and (c) are not covered by the regulations.

The application of labour legislation is entrusted to the High Commissioner for the Western Pacific High Commission. Although provision has been made for the appointment of a Labour and Welfare Officer, it has not proved possible to recruit a suitable officer. The report states that the Convention is applied as fully as local resources permit.

#### *Southern Rhodesia (First Report).*

Native Labour Regulations Act (Cap. 86).  
Workmen's Compensation Act, 1941, as amended.  
Shop Hours Act (No. 20 of 1945).  
Industrial Conciliation Act (No. 21 of 1945).  
Native Labour Boards Act, 1947, as amended.  
Factories and Works Act (No. 20 of 1948) (L.S. 1948—S.R. 1).

*Article 2 of the Convention.* All inspectors undergo headquarters training which includes detailed knowledge of all labour and industrial laws and regulations as well as practical experience in dealing with complaints and accidents and the settlement of disputes.

*Article 3.* Inspectors and their assistants move freely amongst all workers, and are

constantly in touch with their representatives. Everyone is made aware as to the location of the inspector's office, and from experience it is known that workers have no hesitation in coming forward with complaints.

*Article 4.* It is one of the main duties of an inspector to inspect conditions of employment at frequent intervals. Monthly reports have to be rendered by inspectors showing, *inter alia*, the number of and the actual particulars of firms and factories inspected. Inspectors are authorised by law to exercise the powers referred to in subparagraphs (a), (b) and (c) of paragraph 2 of this Article.

*Article 5.* The general provisions of this Article are applied, and there are no exceptions by law or regulation.

*Article 8.* There are no modifications.

The authority in charge of the application of the Convention is the Department of Labour of Southern Rhodesia, which is under the direction and administrative control of the Secretary for Labour. Inspection is carried out by three specialised branches: (a) Labour Inspectorate, (b) Industrial Inspectorate, and (c) Factory Inspectorate, all of which have inspectors stationed in the main towns and employment centres. Regular monthly meetings are held under the chairmanship of the Secretary of Labour to co-ordinate and review the workings of the various inspectorate branches.

No decisions involving questions of principle relating to the application of this Convention have been given by courts of law or other courts.

The report reproduces an extract from the reports rendered monthly by inspectors.

#### *Uganda (First Report).*

Uganda Employment Ordinance Cap. 83 of the Revised Laws of Uganda, 1951.  
Factories Ordinance, 1952.  
Protectorate Standing Order.  
Employment Rules.

*Article 2 of the Convention.* Inspectors working in the labour inspection services in Uganda are officers of the Labour Department. Newly appointed labour officers and labour inspectors, who must possess basic technical qualifications, are employed on probation for two years. From time to time courses on subjects connected with their work are organised on a central basis for the benefit of labour inspectors.

*Article 3.* Special measures have not been considered necessary; workers and their representatives have complete freedom to communicate with inspectors.

*Article 4.* Labour officers and labour inspectors are appointed authorised officers by the Governor under section 2 of the Ordinance of 1951. They are provided with credentials when necessary. The Labour Department undertakes a comprehensive inspection programme which is designed to ensure inspection of conditions at places of employment as often as may be necessary. The Chief Inspector and other inspectors for the purpose of the execution of the Ordinance of 1952 are appointed by the

Governor under section 68 (a) of the Ordinance. Section 68 (3) requires every inspector to be furnished with a certificate of his appointment for production, if required, when visiting a factory.

Under section 76 of the Ordinance of 1951 an authorised officer may enter upon any land or into any building where an employee is employed or housed at any time, providing that, where practicable, notice of his intention to enter shall be given to the employer or his representative. Rule 72 of the Employment Rules provides any medical officer or authorised officer with power of entry at all reasonable times into any buildings, premises or place where employees are employed, for the purpose of ensuring that the Rules are being observed and for the discharge of his functions under the Rules. Factories inspectors have power of entry into and examination and inspection by day or by night, of factories under section 69 (1) (a) of the Ordinance of 1952 where they have reasonable cause to believe that any person is employed therein and similar rights as regards any place which they have reasonable cause to believe to be a factory.

In addition to the powers of medical officers and authorised officers under Rule 72 of the Employment Rules mentioned above, factories inspectors are empowered to make such examination and inquiry as may be necessary to ascertain that the provisions of the Ordinance of 1952 and the enactments for the time being in force relating to public health are being complied with.

Clause (i) of paragraph 2 (c) of Article 4 is applied by section 69 (1) (f) of the Ordinance of 1952, clause (ii) by Rules 25 and 75 of the Employment Rules and by section 69 (1) (c) of the Ordinance of 1952 and clause (iv) by Rule 51 (3) of the Employment Rules and section 56 (1) of the Ordinance of 1952, whereas the

posting of notices (clause (iii)) is nowhere required by the legal provisions.

*Article 5.* Clause (a) is applied by an administrative instruction in the Protectorate Standing Order III/5; clause (b) by section 7 A of the Ordinance of 1951; and clause (c) by a practice which is understood and followed by all officers. No exemption has been made by law or regulation.

The Labour Commissioner is responsible for the application of this legislation. Application of the Ordinance of 1951 is supervised and enforced by labour officers and labour inspectors stationed at centres in the areas of employment throughout the Protectorate; reports of inspections undertaken are submitted to the Labour Commissioner. The Ordinance of 1952 is supervised and enforced by the Chief Factories Inspector, factories inspectors and factories assistants all operating from a central base under the general direction of the Chief Factories Inspector.

No decisions have been given by courts involving questions of principle relating to the application of the Convention.

Approximately 225,000 workers are covered by the employment legislation. Paragraphs 65 to 67, 70 and 71 and Chapters 5 and 6 of the annual report of the Labour Department for 1955 indicate the application of the Convention. Table 8 of the same report shows the number and nature of the contraventions of the legislation which resulted in prosecution. The report of the Factories Inspectorate (Appendix II) to the annual report of the Labour Department for 1955 gives an indication of the manner in which the Convention is applied through the Factories Ordinance.

No observations of a general kind have been received from organisations of employers or workers.

## 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, Guernsey, Jersey and Isle of Man.  
Applicable without modification: all other non-metropolitan territories.

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*United Kingdom.*

*Aden.*

See under Convention No. 64.

*Gambia.*

See under Convention No. 50.

*Hong Kong.*

See under Convention No. 64.

*Jamaica.*

In view of the fact that contracts of employment are made under the supervision of the Ministry of Labour along lines laid down by the British West Indian Regional Labour Board, the Government gives the assurance that the abuses which the Convention was designed to prevent do not exist and are not likely to occur.

*Kenya.*

In reply to the observations made by the Committee of Experts in 1955 the Government has provided the following information.

The majority of indigenous workers in Kenya are still covered by those provisions of the Employment Ordinance which apply the terms of the Convention; but the rise in wage levels during recent years has greatly increased the number of workers earning more than 100 shillings per month and who are thereby exempted from most of the provisions of the Ordinance.

The considerable further increase in wage levels, which is now anticipated as a result of government measures to apply statutory wage fixing machinery more extensively, would soon mean that the majority of the workers in urban areas would no longer be covered by the Ordinance, whilst the majority so covered in rural areas would be considerably reduced.

This tendency has been noted by the Committee on African Wages, which has suggested as a first step that the maximum monthly wage rate be raised to 200 shillings, with proportional increases in the weekly and daily rates, and that these rates be reviewed at intervals in relation to general wage levels. These recommendations have been approved by the colony's Labour Advisory Board and will be implemented. Legal complications have been the main cause of delay, as amendments to remove penal sanctions and limitations on notice of termination of contracts must precede the application of the Ordinance up to the 200 shilling level, since otherwise such extension would adversely affect many workers earning more than 100 shillings per month.

As regards the exclusion of literate workers whose freedom of choice in employment is satisfactorily safeguarded, the application of the Ordinance to those whose wages do not exceed 200 shillings per month will in fact leave out a considerable number who are illiterate, particularly in urban areas, where many indigenous artisans earn more than 200 shillings per month and yet are illiterate or only semi-literate. In practice, however, long-term contracts are used mainly in the case of non-indigenous workers in the superior grades, all of whom are literate; the illiterate type of indigenous worker is always engaged in urban employment on a monthly or daily contract. In rural areas a proportion of illiterate workers (other than those excluded by Article 2 (1) (b) of the Convention) are engaged on six months or six 30-day tickets contracts, but virtually none of these would at present be earning more than 200 shillings per month.

In order to ensure that the relevant provisions of the Ordinance would cover all contingencies, in case a tendency were to arise for employers to engage illiterates in the skilled grades on long-term contracts, and to anticipate further rises in general wage levels, it would be necessary to prescribe a much higher wage level for the purpose of application of section 14 of the Ordinance. Section 3 of the Ordinance is being reworded to facilitate such differential application. The current Notice (No. 854 of 1952) already applies the provisions relating to foreign contracts up to the 400 shillings level.

As regards consultation with employers' and workers' organisations concerning the exclusion of workers in the higher wage groups, such consultation has perhaps not been sufficiently specific; nevertheless, any Notice under section 3 of the Ordinance is previously approved by the colony's Labour Advisory Board. The matter will now be more carefully viewed in the context of the Convention, when the Board discusses a higher level for section 14 of the Ordinance. The Board includes representatives of the Kenya Federation of Labour and of employers.

#### *Mauritius.*

Section 6 (1) of the Labour Ordinance (Cap. 214), which applies to contracts of employment of non-recruited manual workers (including artisans) inside the territory, stipulates that labour agreements may be entered into for any period not exceeding one month. There is no recruiting on long-term contracts inside Mauritius.

#### *Sierra Leone.*

Employers and Employed (Amendment) Ordinance No. 9 of 1956.

The above-mentioned Ordinance reduces the maximum period of written contracts of service and of labourers' contracts for foreign service (previously two years and 13 months respectively) to 12 months in each case.

#### *Singapore.*

See under Convention No. 64.

#### *Solomon Islands.*

In practice the majority of workers who are parties to long-term contracts are agriculturists but a few workers engaged in other forms of manual labour also accept such contracts. Non-manual workers are not covered by the Labour Regulation and do not enter into contracts of employment.

#### *Tanganyika.*

In reply to the general observation made by the Committee of Experts in 1955 the Government states that the legislation applies to Natives "employed for hire, wages or other remuneration", without distinction between manual and non-manual workers. In practice, however, only manual workers are engaged on long-term contracts.

#### *Uganda.*

Uganda Employment (Amendment) Ordinance No. 9 of 1955.

In reply to the request made by the Committee of Experts in 1955 for information as to the workers excluded from the relevant legislation because it applies only to employment at not more than 150 shillings per month, the Government states that according to the statistics in the annual report of the Labour Department for 1955 only a small proportion of African employees, consisting almost exclusively of skilled workers, clerks and professional men who by the nature of their work must be literate, earn more than 150 shillings per month.

Ordinance No. 9 of 1955 has altered the maximum period for contracts of service, which now is three years where the worker is accompanied by his family and two years if not so accompanied.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 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.  
No declaration: Algeria.  
Applicable without modification: all other non-metropolitan territories.

*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>: Guernsey, Jersey and Isle of Man.  
No declaration: all other non-metropolitan territories.

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

*France.*

*Algeria.*

Act No. 56-416 of 27 April 1956 to ensure freedom of association and protection of trade union rights.

This Act applies to Algeria and the Overseas Departments.

See also under *France*, p. 160.

*Cameroons.*

See under *French Equatorial Africa*.

*Comoro Islands.*

There are at present no organisations of employers or workers in the Comoro Islands.

See also under *French Equatorial Africa*.

*French Equatorial Africa.*

Act No. 55-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5), sections 3 to 27 and 223.

The prerequisites and procedure for the establishment of trade unions are indicated in Articles 5 and 6 of the Labour Code, which read as follows:

"5. The founders of every trade union shall register the by-laws and the names of those who are responsible in any capacity for its management or direction.

"Registration shall be carried out at the *mairie* or principal office of the administrative area in which the trade union is formed, and a copy of the by-laws shall be sent to the inspector of labour and social legislation and to the public prosecutor for the area.

"Any amendments to the by-laws and any changes in the composition of the board of managers or directors of the trade union shall be brought to the knowledge of the same authorities in like manner.

"6. The members responsible for the management or direction of a trade union must be citizens of the French Union, must be in

possession of their civil rights, and must not have incurred a sentence involving loss of political rights or have been convicted by a correctional court otherwise than for [certain offences]."

Trade unions must have as their object the study and defence of economic, industrial, commercial and agricultural interests. Persons carrying on the same trade or similar crafts are free to form a trade union.

Trade unions may not be dissolved or suspended by administrative action.

The Act does not refer to the affiliation of trade unions to international employers' or workers' organisations.

Trade union federations are governed by the same rules as ordinary unions.

Once a union has been properly constituted it acquires legal personality *ipso facto*.

The provisions of the Convention do not apply to members of the armed forces.

The principle of freedom of association is laid down in the Overseas Labour Code, which also specifies (section 74) that collective agreements must contain provisions regarding freedom of association and freedom of opinion for the workers.

*French Guiana.*

See under *Algeria*.

*French Settlements in Oceania.*

See under *French Equatorial Africa*.

*French West Africa.*

Order to lay down rules for the application of section 5 of the Decree of 7 August 1944 on trade unions.

Act No. 56-146 of 27 April 1956 to ensure freedom of association and protection of trade union rights, as promulgated by Order No. 4652/SET of 2 June 1956.

Any employer or worker may form a union and is free to join the union of his choice. A copy of the by-laws of a union that is being formed, together with the names of its leaders, must be lodged at the town hall. The leaders must be citizens of the French Union. Any member of a union may withdraw from it at any time.

See also under *French Equatorial Africa*.

*Guadeloupe.*

Very many unions had already been formed in Guadeloupe under the Colonial Regulations, and in 1948 there were 112 workers' organisations, including 29 of agricultural workers.

According to the report some of these unions are now inactive. A considerable number of existing unions are affiliated to the General Confederation of Labour, while others are affiliated to the French Confederation of Christian Workers or the Confederation of Technical and Supervisory Staff. The only unions affiliated

to the General Confederation of Labour—*Force ouvrière*, are unions of public servants. There are about 142 employers' associations. There are also two federations of unions of agricultural employers.

See also under *Algeria*.

*Madagascar.*

See under *French Equatorial Africa*.

*Martinique.*

See under *Algeria*.

*New Caledonia.*

See under *French Equatorial Africa*.

*Réunion.*

See under *Algeria*.

*St. Pierre and Miquelon.*

See under *French Equatorial Africa*.

*Togoland.*

See under *French Equatorial Africa*.

*Netherlands.*

*Netherlands Antilles.*

State Regulations of the Netherlands Antilles.  
Civil Code of Curaçao.

Freedom of association is implied in the State Regulations of the Netherlands Antilles (section 10) for both nationals and non-nationals.

Any group of persons may at any time start an association. Any association has the right to draw up its own by-laws in complete freedom, choose its board and representatives, organise its administration and activities and formulate its programme without interference from the Government.

An association may be dissolved on the ground of departure from the regulations on the basis of which it was recognised. This is done by a judge on demand of the Public Prosecutor (section 1681 of the Civil Code).

Workers' and employers' organisations have the right to establish and join federations and confederations, and any such organisation, federation or confederation has the right to affiliate with international organisations of workers and employers. The regulations for a federation or confederation of trade unions are the same as for any association (sections 1665 to 1684 of the Civil Code).

The Netherlands Antilles has no independent armed force. The police are, for the greater part, members of the General Netherlands Antillean Union for Civil Servants, but have otherwise the same rights as civilians.

*Netherlands New Guinea.*

The legislation does not discriminate in any way among workers in different sectors of the economy, nor between workers and other persons. The rules applying to trade unions are the same as for all other kinds of association.

No prior authorisation is required to form an association. Secret societies and associations declared by the Governor to be incompatible with the maintenance of public order are prohibited.

To declare an association to be incompatible with the maintenance of public order, the Governor must first have summoned the leaders of the association and given them the opportunity of submitting their views. Once the decision has been taken it is made public and all the activities of the association concerned must cease. The prohibition normally takes effect on the day following its notification.

Any association that so desires may acquire legal personality; such personality is acquired through the recognition of the association by the Governor. Such recognition may be refused only for reasons of public policy, and the reasons for a refusal must always be given.

There are no regulations prohibiting existing employers' and workers' organisations from joining recognised national or international employers' or workers' organisations; similarly there is no legislation that restricts this right.

There is no employers' association and no trade union of agricultural workers.

*Surinam.*

Constitution.  
Surinam State Regulations.  
Decree on Labour Disputes, 1946.

The Governor states with regard to the right to organise that in Surinam there is no restriction on freedom of association.

Up till now no restrictions have been made with regard to the right of employers' and workers' organisations to join international organisations. However, if such affiliation would lead to decisions being taken abroad about employers and workers in Surinam, the Surinam Government would under certain conditions have to object to it.

Legal personality is required by organisations for the performing of legal acts and for the purposes of appearing in court, and is also necessary for appearing in the Conciliation Council (section 5 of the Decree on Labour Disputes, 1946).

*United Kingdom.*

*Isle of Man.*

Emergency Powers Act, 1936.  
Trades Disputes Regulation Act, 1936.

At common law there is no restriction on the citizen's right to associate with other persons for any lawful object. There is no statutory provision relating to trade unions. There are, however, statutory provisions to deal with participation in any unlawful assembly, rout or riot. The Emergency Powers Act, 1936, of Tynwald (Parliament) enables a state of emergency to be declared if it appears that action taken or threatened by any persons is calculated, by interfering with the supply and distribution of food, water, fuel or light or the means of locomotion, to deprive the community of the essentials of life. This Act is similar to the Emergency Powers Act, 1920, of the Imperial Parliament. The Regulations must be approved



by Tynwald and may not impose any form of compulsory military service or industrial conscription or make it an offence to take part in a strike or peacefully to persuade any other person to take part in a strike. The Trades Disputes Regulation Act, 1936, provides a penalty for intimidation or annoyance by violence or otherwise, and for the prevention of intimidation.

The Isle of Man has no armed forces of the Crown separate from the Crown armed forces. The position of the police is governed by regulations which have set up a Police Federation to enable members of the police force to bring to the notice of authorities all matters affecting police welfare and efficiency, other than questions of discipline and promotion

affecting individuals. The regulations prohibit a member of the police force from being a member of any trade union or of any association having for its objects to control or influence the pay, pensions or conditions of service of any police force.

The right to organise is generally enjoyed by virtue of the existing system of industrial relations, and in such circumstances no special measures are considered necessary.

No courts of law or other courts have given decisions involving questions of principle relating to the application of the Convention.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 88. Employment Service Convention, 1948

*This Convention came into force on 10 August 1950*

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*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>: Guernsey, Jersey 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.

*Australia.*

*New Guinea and Papua.*

See under Convention No. 7.

*France.*

*Algeria.*

The monthly employment returns show an increase in unemployment which in certain areas is chiefly due to difficulties caused by current political conditions.

During the period under review 83,874 applications for work were received and 21,113 persons were placed. On 31 December 1955 there were 409 vacancies and 5,312 applications still outstanding.

*Cameroons.*

The Manpower Office, which operates under the supervision of the Inspectorate of Labour

and Social Legislation, comprises one central office and three local offices. A fourth local office is due to be opened shortly. The board of the Manpower Office comprises representatives of the Administration and equal numbers of representatives of the employers' and workers' organisations.

Job seekers apply to the employment service in writing or call at the office themselves. The unemployed are classified according to occupation. The employment service collaborates with the psycho-technical service in testing all job applicants. As the employment service was only recently started, it has not yet had time to reclassify the handicapped and those who, on being medically examined when they register as unemployed, are found to have a weak constitution or to be unsuited for certain jobs.

Enforcement of the laws and regulations on the subject is the responsibility of the Inspectors of Labour and Social Legislation and their authorised representatives.

*Comoro Islands.*

See under Convention No. 2.

*French Equatorial Africa.*

Order of 13 May 1954 to establish a Manpower Office in Ubangi-Shari.

Order of 16 August 1955 to establish a Territorial Manpower Office in Brazzaville.

The employment service in two territories is operated by manpower offices and in two others by the Inspectorate of Labour and Social Legislation.

See also under Convention No. 2.

*French Guiana.*

The regulations in force are in line with the provisions of the Convention which, however, has little practical relevance owing to the small size of the employment market.



*French Settlements in Oceania.*

The Inspectorate of Labour and Social Legislation has been requested to include in its 1957 budget the cost of establishing and running a regional manpower office.

During the period under review 56 applications for work were received in respect of this territory and 561 in respect of New Caledonia. One job was found in the territory and 291 in New Caledonia. All of the 12 vacancies notified were filled.

*French West Africa.*

Orders have been made in this territory, with the approval of the chief of the Federation, temporarily waiving the requirement to make returns of labour turnover as stipulated in the Order of 13 July 1955.

*Guadeloupe.*

During the period under review the placement offices received 596 applications for work, 38 of which were from workers living in France. During the same period they were notified of 32 vacancies and placed 21 workers in employment; 377 contracts for foreign workers, mainly for employment in agriculture, were approved.

It would be desirable for the Manpower Service to be placed under a manager and to be more fully staffed.

*Madagascar.*

Order of 31 May 1955.

The above Order set up committees of inquiry on careers and guidance for educated job seekers in various major towns in the territory. A central committee has been set up to advise on the best ways and means of finding employment for students and of recruiting qualified entrants for various professions. The committee is examining the problems of giving guidance to students and of retraining them for such employment as is available locally. Provincial committees are assessing the demand in their areas for qualified staff and the future prospects of employment.

*Martinique.*

Public Administration Regulation of 27 April 1946.  
Decree of 20 April 1948.

The placement office at Fort-de-France is at present adequate for the needs of the department; there is no departmental manpower committee.

The employment service registers applications and vacancies. It is exploring the possibility of launching a comprehensive scheme to provide work for surplus labour.

Owing to the small number of vacancies and applications there is no need for specialisation by occupation; the office is made up of one section for men workers and another for women.

The staff of the employment service rank as civil servants. There are no private placement offices.

During the period under review the office were notified of 1,640 applications and 464

vacancies; 315 workers were placed in employment. This small volume was due in part to inadequate statistics and in part to lack of training of the staff.

*New Caledonia.*

See under Convention No. 2.

*St. Pierre and Miquelon.*

In view of the smallness of the territory a single employment office has been thought sufficient; the board of this office comprises an equal number of employers' and workers' representatives. The office is run by a clerk under the supervision of the Inspector of Labour and Social Legislation.

During the period under review 52 applications and 36 vacancies were notified; 28 persons were placed.

Because of the small area of the territory, workers and employers can easily ascertain each other's requirements and consequently most workers are hired directly by the employers.

*Togoland.*

An Order to establish a territorial manpower office is in course of preparation.

An employment service is at present provided by the Inspectorate of Labour and Social Legislation which announces applications for work in the press and once a week over the Lomé radio.

The Manpower Office is run by the staff of the Inspectorate of Labour and Social Legislation. The Inspector is responsible for enforcing the laws and regulations concerning the employment service.

*Netherlands.**Netherlands Antilles.*

*Articles 1 to 3 and 6 of the Convention.* The report states that these Articles are fully complied with.

*Articles 4 and 5.* The creation of advisory committees composed of suitable persons with sufficient time to carry out their duties has proved very difficult. In any case, the employment offices at Aruba and Curaçao are quite capable of performing their tasks independently. These Articles will therefore not be applied in the near future.

*Article 7.* The size of the existing offices does not justify specialisation of their operations but special efforts are made to place the disabled.

*Article 8.* An effort is made to place young persons in employment permitting continued training.

*Article 9.* The staff is composed of permanent officials who are secure in their position and independent of changes in the government and of unlawful external influences. Their training is entirely the result of practice.

*Article 10.* The activities of the employment offices are well known to all employers and

workers who frequently make use of their services.

*Article 11.* There are no employment agencies outside the official ones.

*Article 12.* The Curacao office endeavours to find employment for persons residing in islands without employment offices.

#### Surinam.

In reply to last year's observation by the Committee of Experts the Government submits the following information :

*Article 2 of the Convention.* The Employment Office forms part of the Department of Social Affairs and is under the direct supervision of the Director of this Department. It is responsible for registering job-seekers and assisting them in finding employment.

*Article 3.* The Employment Office is situated in the capital, where there is the largest supply of workers. It has not appeared necessary to create employment offices in other districts, where the District Governor is in charge of placement work. These districts have mainly a settled agricultural population, and at the most have some seasonal unemployment.

*Article 5.* In view of the limited extent of unemployment it has not yet appeared necessary to establish a special advisory committee. In general all parties are satisfied with the measures taken by the Government. Should it become necessary an advisory committee will be set up including representatives of employers and workers.

*Article 6, clause (b).* In so far as workers' migration is necessary everything possible is done by the Government to give workers the required facilities. In most cases the costs of transport and living in the initial period are paid by the Department of Social Affairs.

*Clause (e).* Migration to foreign countries practically does not occur.

*Article 7, clause (b).* A section of the Employment Office pays special attention to the placement of disabled workers. In spite of difficulties satisfactory solutions have been found in many cases.

*Article 8.* There is a special department for juveniles. Technical training is in the hands of the Surinam Technical School. A very modern technical school giving training in various technological subjects and accommodating about 500 pupils was to be opened in 1956. A government-run boarding school has been established in the capital for the benefit of children living in the district who attend the technical school.

*Article 9.* The staff of the Employment Office are permanent employees of the Office. They have been selected and trained by an expert from the Netherlands who came to Surinam to set up the Employment Office.

*Article 10.* Although there have been no special agreements with employers' and workers' organisations, much assistance, co-operation and advice has been given on both sides on a voluntary basis.

#### United Kingdom.

##### Jersey.

The Government, while supplying additional information in reply to the Committee's observation, recalls that the total population of the island is 60,000 with a very small number of unemployed, and that a large-scale employment service as required by the Convention would be out of proportion to the needs of the community.

*Article 6.* New registers have been opened by the Insular Insurance Committee and the name of any person applying for employment is placed on the appropriate register with particulars of his qualifications, experience, etc. Employers have been invited to inform the Insular Insurance Office of any vacancies which they might have and any person on a register who is considered suitable for any of the vacant posts is referred to the employer concerned.

So far as is known there is no migration of workers to another country and accordingly no measures are taken in this connection by the Office.

A very close liaison is maintained between the various departments of the Insular Insurance Office in the granting of unemployment credits.

*Article 9.* The officials responsible for the administration of the employment service are civil servants and, as such, are completely independent of changes of government and, subject to the usual conditions, assured of stability of employment.

*Article 11.* So far as is known there are no private employment agencies not conducted with a view to profit, but a very close co-operation is maintained between the Insular Insurance Committee and the youth employment office administered by the Education Committee of the States.

##### Isle of Man.

Disabled Persons (Employment) Act, 1946.  
 Disabled Persons (Registration) Regulations, 1946.  
 Disabled Persons (Advisory Council and Panels) (Procedure) Regulations, 1946.  
 Disabled Persons (General) Regulations, 1946.  
 Disabled Persons (Non-British Subjects) Regulations, 1946.  
 Disabled Persons (Designated Employments) Order, 1946.  
 Disabled Persons (Standard Percentage) Order, 1946.  
 Disabled Persons (Special Percentage) (No. 1) Order, 1946.  
 Employment Act, 1954.  
 Employment Advisory Committee Regulations, 1954.  
 Regulation of Employment Order, 1954.  
 Industrial Disputes Order, 1954.  
 Employment (Payment of Travelling Expenses) Regulations, 1954.

*Article 1 of the Convention.* A free public employment service is available to everyone in the Isle of Man.

*Article 2.* The employment service in the Isle of Man is administered by the Employment and National Service Division of Government Office, which is under the direction of the Lieutenant-Governor.

*Article 3.* The employment exchange is in Douglas, the capital of the island. The sparsely

populated areas outside Douglas are served by five sub-offices of the Board of Social Services where the functions of National Insurance and Employment Services are carried out conjointly under arrangements made with the Board. The position is reviewed from time to time.

*Article 4.* The Employment Advisory Committee's function is to advise on and secure the co-ordination of the labour force of the Isle of Man with a view to the fulfilment of the policy of full employment. The Committee is representative of the chief employing government boards (Boards of Tynwald), local authorities, the Isle of Man Employers' Federation and the Isle of Man Trades Council (representing trade unions). Representatives of Boards of Tynwald are nominated by the Lieutenant-Governor and the other members are nominated by the authority they represent.

*Article 5.* Tynwald is advised by the Employment Advisory Committee on the general policy of the employment service in regard to referral of workers to available employment.

*Articles 6 to 8.* Every endeavour is made closely to follow the organisation of the employment service in Great Britain.

*Article 9.* The employment service in the Isle of Man is staffed by civil servants, recruitment and conditions of service being generally on the same basis as in Great Britain.

*Article 10.* Public boards, local authorities and large employers' and workers' organisations make full use of the employment service facilities, and increasing use of the facilities is being made by smaller employers.

*Article 11.* The closest co-operation exists between the Employment and National Service Division and the voluntary organisations such as the British Legion, etc., which include provision for the unemployed in their welfare services.

*Article 12.* There are no exemptions or exceptions.

A copy of the report of the Employment Advisory Committee for the year ended 31 March 1955 is appended to the report.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 89. Night Work (Women) Convention (Revised), 1948<sup>1</sup>

*This Convention came into force on 27 February 1951*

*Belgium.* Ratification: 1 April 1952.  
Applicable without modification: 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: Guernsey, Jersey and Isle of Man.  
Decision reserved: all other non-metropolitan territories.

*France.*

*Algeria.*

Decree of 30 June 1913.  
Labour Code, Book II, sections 21 to 25.

These statutory provisions are in line with Articles 1 and 2 of the Convention. No provision is made with respect to establishments where only the members of the same family are employed.

No provision is made for the exceptions allowed under Articles 6 and 8 of the Convention.

The number of persons covered by the legislation is 30,576.

During the period under review 150 infringements were brought to light regarding night work by men, women and children. However, infringements regarding night work for women appear to be very uncommon owing to the ample supply of male labour, which limits the employment of women in industry.

*Guadeloupe.*

During the period under review five officials of the Inspectorate of Labour and Manpower were entrusted with supervision and control.

In Guadeloupe, which is an essentially agricultural department, only a few establishments (building enterprises and public works) are covered by the Convention; these employ very few women. The undertakings which operate at night (sugar factories, ice-cream factories, bakeries and electricity plants) do not employ women at night.

*Belgium.*

*Belgian Congo and Ruanda-Urundi.*

In reply to an observation made by the Committee last year, the annual report states that the draft decree respecting hours of work (which embraces the principle of the prohibition of night work for women and children) has not yet been promulgated.

<sup>1</sup> This Convention revises the 1919 and 1934 Conventions. See Convention Nos. 4 and 41.

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

*Martinique.*

In certain sugar factories where continuous processes were going on women were found to be employed illegally at night in sewing up bags filled with sugar.

The number of women employed at night in virtue of the exemption authorised by the legislation in force was 60.

*Netherlands.**Netherlands Antilles (First Report).*

Ordinance of 22 August 1952 to regulate hours of work and to prohibit child labour and the employment of women and young persons at night and on dangerous work (L.S. 1952—Neth. Ant. 1), as amended in 1954.

The Government states that the Employment Regulations, 1952, are in conformity with the Convention. Since night work of women in industry does not occur at all in the Netherlands Antilles, the Government considers it unnecessary to provide detailed information.

According to information previously supplied in respect of Convention No. 41, since the Employment Regulations, 1952, came into force on 1 October 1954 the provisions concerning the employment of women at night, which were first voluntarily observed by practically all undertakings, became compulsory.

For the application of the Employment Regulations, 1952, the conception of "enterprise" has a very broad sense and it includes the entire field of industry and commerce. The night period is fixed between 8 p.m. and 6 a.m., and all women are prohibited from night work in industry. Special provisions are made for emergency cases but, pursuant to the law which is in general application in the Netherlands Antilles, in case of real emergency the statutory provisions may be set aside. The provisions concerning night work do not apply to any woman who is holding a managerial position or having similar competence as that of the head or manager of an enterprise, nor to any woman whose husband is the head or manager of an enterprise.

The administration of the Employment Regulations, 1952, is entrusted to the Department for Social and Economic Affairs and the police.

*Netherlands New Guinea (First Report).*

Night work performed by female workers in terms of the Convention does not exist in Netherlands New Guinea.

The reports concerning the other territories reproduce or refer to the information previously supplied.

90. Night Work of Young Persons (Industry) Convention (Revised), 1948<sup>1</sup>

*This Convention came into force on 12 June 1951*

*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: Guernsey, Jersey and 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.

*Netherlands.**Netherlands Antilles (First Report).*

Ordinance of 22 August 1952 to regulate hours of work and to prohibit child labour and the employment of women and young persons at night and on dangerous work (L.S. 1952—Neth. Ant. 1), as amended in 1954.

*Article 1, paragraph 1, of the Convention.* All enterprises, industrial and commercial, come under the prohibition of night work of young persons.

Paragraph 2. A general exception is made for agriculture which, however, is of small importance in the Netherlands Antilles.

Paragraph 3. No exceptions are made.

*Article 2, paragraph 1.* This provision is not contained in the above-mentioned Regulations, and the report states that there is no need for it.

Paragraphs 2 and 3. For all young persons this period has been fixed between 8 p.m. and 6 a.m.

*Article 3.* The prohibition is an absolute one and no night work of young persons is permitted.

*Article 4, paragraph 1.* This is not applicable.

Paragraph 2. In emergency cases failure to apply the provisions of the above Regulations is not penalised. Such cases have, however, not yet occurred.

*Article 5.* No special provisions have been made. In case of a national catastrophe the Regulations as a whole could be temporarily suspended.

*Article 6.* All the provisions of this Article are fully complied with. No offences have been stated or recorded.

The Labour Inspectorate, which is a section of the Department of Social and Economic Affairs, is in charge of inspection. There are no statistics available on the number of young persons. Many of them go to school.

The report from *Italy* with regard to the Trusteeship Territory of Somalia 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. 73.

*French Equatorial Africa.*

No vessels of more than 500 gross register tons have been constructed in this territory.

It is planned to extend the French regulations on safety, health and accommodation on board ship to all the overseas territories.

*St. Pierre and Miquelon.*

Decrees implementing Act No. 54-11 of 6 January 1954 concerning the safeguarding of

human life at sea and the accommodation of crews on board ship are at present being drafted.

The existing statutory provisions apply to vessels of more than 250 gross register tons registered in the territory. The Inspector of Shipping and Maritime Employment is responsible for enforcing the regulations under the supervision of the Superintendent of Shipping Registration. Vessels registered in the territory are inspected periodically in accordance with the regulations. An inspection is also made on receipt of a written request to the Superintendent of Shipping Registration, provided it is signed by not less than three members of the crew 24 hours before the ship sails.

Five litres of drinking water per person per normal day's run must be supplied plus a reserve equal to 50 per cent. of the normal supply.

The Inspector of Shipping and Maritime Employment, the port doctor and the Superintendent of Shipping Registration are responsible for enforcing the laws and regulations.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 94. Labour Clauses (Public Contracts) Convention, 1949

*This Convention came into force on 20 September 1952*

*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>: Guernsey, Jersey, 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.*

Under the existing colonial legislation no clause is inserted in public works contracts. Nevertheless, the Administration of the colony uses its powers to reject tenders by contractors

who cannot be relied upon to comply with social legislation. Administrative instructions have been issued arranging for consultation between the Labour Inspectorate and the Contracts Committee.

*Article 2 of the Convention.* All the provisions of social legislation are applicable to both public and private contracts.

The standard conditions of contract stipulate that only tenders from reputable contractors may be accepted and it is in accordance with this provision that consultation with the Labour Inspectorate, as referred to above, has been made compulsory.

*Article 3.* All the provisions relating to the health and safety of workers are applicable to public works contracts.

*Article 4.* In any establishment employing 20 or more workers the works rules must state the way in which earnings are calculated, the length of the normal working day, the rest periods provided, the pharmaceutical, medical, hospital and social facilities and the body with which the employer is insured against employment injuries and occupational diseases.

This regulation, together with a translation in the normal language of the district, must be posted up in a place where it can readily be seen by the workers.

*Article 5.* In addition to the penalties laid down in various decrees and in social legislation, no more tenders would be accepted from a contractor who did not abide by this legislation.

*Article 7.* No region of the colony is exempt from the scope of social legislation.

*Article 8.* The legislation of the colony makes no provision for suspending social legislation.

In addition to the authorities responsible for enforcing social legislation, the Contracts Committee is empowered to reject all tenders from an employer who does not abide by the social legislation.

#### *France.*

#### *Cameroons.*

The Inspectors of Labour and Social Legislation are responsible for enforcing the labour regulations in all undertakings and establishments of whatever description, and irrespective of the contractual links between such undertakings or establishments and the public authorities of the territory.

There is no difficulty in the way of applying this Convention.

See also under Convention No. 81.

#### *Comoro Islands.*

No steps have been taken to implement this Convention.

#### *French Equatorial Africa.*

The workers of undertakings which have been awarded a public works contract are entitled to exactly the same wages and benefits as workers of other establishments in the area concerned. The regulations regarding the type and contents of contracts of employment apply uniformly to all contracts. Details of specifications are given due publicity in the official gazette.

The regulations regarding the workers' health, safety and welfare apply to all workers without distinction.

#### *French Somaliland.*

A collective agreement for public services and establishments was signed on 16 March 1956.

#### *French West Africa.*

Ministerial Order of 16 October 1946 to prescribe clauses and general conditions affecting public works contractors in territories under the Ministry for Overseas France.

Inter-Ministerial Order of 8 April 1953 to approve the schedule of clauses and general conditions applicable to contracts for supplies and services of all kinds concluded by the Ministry for Overseas France.

The Order of 16 October 1946 mentioned above applies to all work contracts. It contains clauses which answer the questionnaire and deal with such points as the contractors subject to the labour regulations and social legislation, visits by the labour inspectors to building sites, the supervision of wage rates and payment of penalties in the event of breach of the regulations.

The interpretation of these clauses and general conditions in relation to the award of public works contracts has given rise to a large volume of case law, in which considerable importance is attached to the standards set by social legislation. Thus, for example, the payment of workers' wages has first claim on any caution money that may have been paid by a contractor who goes bankrupt; this is one of the oldest provisions of the case law referred to.

The Order of 8 April 1953 mentioned above is acted on by all government agencies, including the Public Works Department, in obtaining supplies, awarding building contracts, etc. It specifies that the documents of each contract must refer to the obligations imposed by labour legislation and the supplier must give an undertaking to abide by them.

#### *Martinique.*

The Decree of 13 June 1951 extends to the overseas territories the Decrees of 10 April 1937 determining conditions of work applicable to contracts concluded by the State, départements and communes.

For the provisions of the Decrees of 1937, see the reports for metropolitan France for 1952-53 and subsequent years.

#### *Réunion.*

In the period 1955-56 about 100 public contracts were concluded with 30 undertakings, involving a total expenditure of more than 1,500 million C.F.A. francs.

#### *St. Pierre and Miquelon.*

Inter-Ministerial Order of 8 April 1953 to approve the schedule of clauses and general conditions applicable to contracts for supplies and services of all kinds concluded by the Ministry for Overseas France.

The above Order, which applies to this territory, stipulates that whenever required by the laws and regulations all contractual documents must refer to the obligations imposed by labour legislation and the supplier must undertake to abide by them. There is no regulation specifying the labour clauses to be inserted in public works contracts.

#### *Netherlands.*

#### *Netherlands Antilles.*

No distinction is made between public and private contracts in the regulations governing conditions of work, safety and hygiene, and other matters. In a national emergency certain regulations may be temporarily suspended by emergency legislation.

Regulations concerning wages, working hours and other conditions of employment are enforced by the Labour Inspectorate, which is attached to the Department of Labour.

#### *Surinam.*

Contracts always provide that the contractor must observe all the regulations laid down by social legislation, particularly with regard to accidents, holidays, hours of work and safety,

as well as the statutory provisions governing contracts of employment.

It has not yet been found practicable to insert clauses regarding wages owing to the fact that they are not yet fixed by administrative order and, moreover, the trade unions, which are still in their early stages, cannot yet be expected to support such a measure.

#### *United Kingdom.*

##### *Isle of Man*

Tynwald resolved on 17 July 1934 that a fair wages clause, covering wages and conditions as embodied in agreements between the Employers' Federation and the trade unions, should be included in all contracts or orders for work let out or work executed by direct labour for the Government, Boards of Tynwald, local authorities or other public bodies. A clause was recommended to the effect that the employing authority should in the execution of work by direct labour pay to its workmen not less than the standard wage, and observe all rules as to hours and other working conditions relating to such workmen embodied in agreements made between trade unions and federated employers, and that, as regards contracts let out, every contractor (and any subcontractor) carrying out work for any board or local authority should in the execution of such work undertake to pay to workmen not less than the standard wages, and observe all rules as to hours and other working conditions relating to such workmen embodied in agreements made between trade unions and federated employers.

The terms of the fair wages resolution are included in all contracts by local government departments. Local authorities have adopted the recommendation of Tynwald. Contractors

are responsible for the observance of the terms of the resolution by subcontractors, and supply the contracting department with the names and addresses of subcontractors.

In common with other workers, workers on government contracts enjoy the general protection of the Factories Acts and other industrial legislation dealing with health, safety and welfare.

The effect of the resolution of Tynwald is generally known and the position safeguarded by the trade unions concerned who would report any breach to the Isle of Man Local Government Board or the local authority concerned.

Unless the contractor undertakes to observe the provisions of the fair wages resolution he is not eligible to tender for government contracts, as the fair wages clause is embodied in the specification under which contractors tender.

Workers who consider they have not received the wages due to them under the terms of the fair wages resolution may use the machinery established for complaints. There is no distinction between workers employed on government contracts and other workers in relation to the recovery of wages through the normal machinery of industrial negotiation and arbitration or by civil action in the courts of law.

A trade union acting on behalf of an aggrieved worker, or the worker himself, may report an alleged breach of the resolution direct to the contracting department. If there is any dispute the matter can be referred to decision to an independent tribunal and the contracting party then decides what action, if any, should be taken.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 95. Protection of Wages Convention, 1949

*This Convention came into force on 24 September 1952*

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*France.* Ratification: 15 October 1952.  
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.*

The guaranteed inter-occupational minimum wage is generally fairly scrupulously observed. Such anomalies as do come to light are normally due to mistaken interpretations of the law and the labour inspectors have no difficulty in

arranging for workers to receive the pay due to them, if any.

Infringements brought to light are probably fewer than those that actually occur. According to certain anonymous complaints some employers, particularly in small towns in the interior, force their workers to accept abnormally low wages under threat of dismissal. On the other hand, there is a widespread practice in the building and public works industries of showing smaller sums on payrolls than those actually paid to the skilled workers in order to evade taxation and social security contributions.

In the baking industry where the workers are invariably paid on a task basis, the unions sometimes complain that the minimum wage for all occupations is sometimes not reached. It is very difficult to prove infringements in such cases since the time taken to bake bread varies considerably from one establishment to another and there are stoppages of work which no employer can be expected to foresee. A number of firms continue to pay the wages of employees who are called up for military service.

During the period under review 1,480 infringements were brought to light and proceedings were taken in 314 cases.

#### *Cameroons.*

Decree No. 55-972 of 16 July 1955 respecting attachments, assignments and deductions from salaries or wages of workers.

The above Decree fixes the proportion of the wage which may be attached or assigned.

During the period under review 12 infringements were brought to light.

There is no difficulty in the way of applying this Convention.

#### *Comoro Islands.*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5).

Order of 15 April 1954 to prescribe wage zones, guaranteed inter-occupational minimum wages and the maximum cash value of the daily food ration.

Order of 8 February 1955 to specify the cases and conditions in which accommodation and a daily food ration must be provided and to fix the maximum cash value of such benefits.

Decree No. 55-972 of 16 July 1955 respecting attachments, assignments and deductions from salaries or wages of workers.

Order of 26 October 1955 to prescribe provisionally the intervals at which wages must be paid.

The report reproduces sections 91 to 93, 95 to 97, 99 to 101, 103, 104 and 107 to 110 of the Act referred to above, together with the general provisions of the Decrees and Orders also given above. The essential provisions of the Convention are embodied in the Overseas Labour Code and in the regulations issued under it, which are published in the *Journal officiel*.

The legislation on this subject is enforced by the Inspector of Labour and Social Legislation for the territory and by the district officials.

The courts have taken no decisions involving questions of principle concerning the application of the Convention.

#### *French Equatorial Africa.*

Decree No. 55-972 of 16 July 1955 respecting attachments, assignments and deductions from salaries or wages of workers, issued in pursuance of section 108 of Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5).

Apart from compulsory deductions and assignments permitted by the regulations (in respect of accommodation and food rations) and such deposits as may be prescribed by collective agreement or contract, no deductions may be made from salaries or wages for the purpose of repaying cash advances by the employer to the workers except by attachment or voluntary assignment signed in the presence of the magistrate for the place of residence or, failing this, in the presence of the Inspector of Labour and Social Legislation.

Workers' salaries or wages may be attached or assigned up to a maximum which varies in accordance with the level of their earnings (one-twentieth for the first 150,000 francs a year and without limit on the portion exceeding 1,500,000 francs a year).

Wages owed to domestic staff, workers, clerks and homeworkers have prior claim on the movable and immovable property of a debtor, subject to the conditions laid down by law.

Wages must be paid at regular intervals not exceeding 15 days in the case of workers engaged by the day or the week, or one month in the case of workers engaged by the fortnight or the month. Monthly payments must be made not more than eight days after the end of the month in respect of which the wages are paid. When a contract of employment is terminated, wages due at the date of termination must be paid immediately, if so requested.

Wage regulations are published in the *Journal officiel*; minimum wage rates and conditions of payment for task or piece work are posted up in employers' offices and at pay desks.

#### *French Guiana.*

The provisions of Book I of the metropolitan Labour Code are fully applicable to Guiana and the Convention is applied in exactly the same way as in France itself. It should, however, be mentioned that in practice the employers in the mining and forestry companies at Inini have set up works stores which are used by the workers.

Protection of wages would not be effective in these regions except by means of strict control of prices, which would be difficult to administer among such a scattered population. Since the law prohibits works stores, and having regard to the circumstances which have impelled employers to open such stores, control is impossible.

Legislation permitting works stores to operate and making provision for price control may be considered to be a retrograde step, but in fact it would provide safeguards which are out of the question under existing legislation.

#### *Guadeloupe.*

The Inspectorate of Labour and Manpower in Guadeloupe consists of five officials.

#### *Madagascar.*

Decree of 16 July 1955 respecting attachments, assignments and deductions from salaries or wages of workers.

The report reproduces the provisions of this Decree.

#### *Martinique.*

*Article 4 of the Convention.* The value of allowances in kind is controlled by the decrees fixing the guaranteed minimum inter-occupational wage.

*Articles 5 and 6.* These Articles are applied by sections 43 to 45 of Book I of the Labour Code.

*Article 7.* This is governed by Chapter VI of Book I of the Code.

*Articles 8 and 9.* Deductions from wages are governed by Chapter III of Book I of the Code.

*Article 10.* Chapter IV of Book I of the Code regulates attachment and assignment of wages.

*Articles 11 to 14.* These Articles are covered by Chapter II of Book I of the Code.



*St. Pierre and Miquelon.*

Decree of 16 July 1955 respecting attachments, assignments and deductions from salaries or wages of workers.

There are no works stores in the territory.

The Inspector of Labour and Social Legislation is responsible for enforcing the laws and regulations.

*Togoland.*

Act of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5), sections 99 to 104.

Works stores are subject to supervision by the Inspectorate of Labour and Social Legislation. They may be closed by the chief of the territory on the recommendation of the labour inspector.

Deductions from wages are strictly regulated by section 157 of the above Act. Wages owed to domestic staff, workers, clerks and home-workers have a prior claim on a debtor's movable and immovable property. Wages must be paid at regular intervals, which must not exceed 15 days in the case of workers engaged by the day or the week, or one month in the case of workers engaged by the fortnight or the month. Monthly payments must be made not more than eight days after the end of the month in respect of which they are made. In the event of termination or breach of contract, wages and compensation must be paid as soon as employment comes to an end.

Article 14 of the Convention is enforced by virtue of the regulations regarding the register of employers, contracts of employment, payslips and payrolls.

The Inspector of Labour and Social Legislation is responsible for enforcing the laws and regulations. During the period under review the courts made no decisions involving questions of principle concerning the application of the Convention and no observations were made by the employers' or workers' organisations.

*Netherlands.**Netherlands Antilles.*

Section 1614 (a) to (z) of the Civil Code for Curaçao gives effect to this Convention.

*Article 2 of the Convention.* Section 1614 of the Curaçao Civil Code applies to all persons that do or did work as wage earners.

*Article 3.* Section 1614 of the Curaçao Civil Code, in its opening clause, provides for the payment of cash wages in legal tender of Curaçao.

*Article 4.* Section 1613 (n) of the Curaçao Civil Code describes the form wages may take. By section 1613 (n) (4), alcoholic drinks are explicitly excluded.

*Article 5.* In virtue of section 1614 (f) of the Curaçao Civil Code wages must be paid to the worker in person or to a person holding a written authorisation of the worker.

*Article 6.* In virtue of section 1613 (g) of the Curaçao Civil Code all conditions stipulating that the worker should spend his wages in a certain way are against the law and void.

*Article 7.* In all there are three company stores in the Netherlands Antilles. They sell work clothes and the necessities of life far below the normal commercial price by way of special facility for the workers. Workers are in no way obliged to buy anything in these stores.

*Article 8.* Section 1614 (z) of the Curaçao Civil Code specifies the deductions which may be made from wages.

*Article 9.* All deductions not mentioned by the law are unauthorised, including those mentioned in this Article.

*Article 10.* Section 1614 (g) of the Curaçao Civil Code allows seizure of up to one-third of cash wages.

*Article 11.* Section 1157 of the Curaçao Civil Code lays down priorities of debts. After legal expenses, funeral expenses and the expenses of the last illness come the wages of workers over the year before and for the current year.

*Article 12.* Section 1614 (l) of the Curaçao Civil Code regulates the payment of wages. The intervals fixed in this section can be made shorter by mutual agreement, but never longer.

*Article 14.* Even in cases of verbal labour contracts the normal intervals for payment must be observed. There is usually an account on the pay envelope as to hours worked, extra hours or bonuses.

*Article 15.* As is shown by the preceding descriptions this has been provided for.

*Article 17.* No exceptions are made for particular regions of the Netherlands Antilles.

Inspection is taken care of mainly by the employment bureaux. Offenders are brought before the courts.

*Netherlands New Guinea (First Report).**Netherlands East Indies Civil Code.*

Decree No. 3 of the Governor of Netherlands New Guinea of 7 January 1955 (Gb. 1955, No. 1).

The Convention was declared applicable to Netherlands New Guinea subject to the modification that its provisions would be limited to areas with relatively high population density, i.e. Hollandia, Sorong, Biak, Manokwari and Merauke. The Convention is already applied to certain groups of workers, for whom it is not necessary to modify or supplement existing legislation (the Netherlands East Indies Civil Code).

*Article 3.* Section 1602 (h) (1) of the Civil Code requires wages to be paid in legal tender. If the worker consents, payment need not be made direct to him. It is customary to make payments through money orders, cheques, etc., if circumstances permit.

*Article 4.* Section 1601 (p) of the Civil Code permits part payment of wages in kind, except in alcoholic drinks or opium. Under section 1602 (s) of the Code, payments in kind should be consistent with the requirements of health and good morals; section 1602 (y) re-emphasises that employers should refrain from acts unworthy of a good employer. Section 1601 (p) (4) of the Code states that wages in kind should be prime needs of the

worker and his family, and sections 1601 (*q*) and 1602 (*t*) ensure that their value is fair and reasonable.

*Article 5.* Section 1385 of the Civil Code provides in respect of contracts generally that payment of money shall be made to the person entitled or his authorised representative. Under sections 1602 (*f*) and 1602 (*g*) the authorisation must be in writing and is revocable.

*Article 6.* Section 1601 (*s*) of the Code prohibits stipulations limiting the freedom to dispose of wages or requiring them to be spent at a certain place or for a certain person, except deductions paid into a fund as provided by statute.

*Article 7.* See under Article 6. Section 1602 (*r*) (5) is also relevant.

*Article 8.* Section 1602 (*r*) of the Code specifies eight kinds of permissible deductions and limits their extent. Section 1601 (*u*) of the Code exemplifies the steps taken to inform workers as envisaged by the Convention. Naturally, employers should furnish workers with information regarding their wages and deductions.

*Article 9.* Section 1602 (*r*) of the Code prohibits any deductions other than those specified. Stipulations referred to in Article 9 of the Convention are void.

*Article 10.* This Article is of the same purport as section 1602 (*g*) of the Civil Code.

*Article 11.* Under section 1149 (4) of the Civil Code, workers are privileged creditors in respect of wages over the past year and the current year, and in respect of compensation for unlawful termination of contract or for paid rest days on which they worked. Paragraphs 2 and 3 of Article 11 are applied by section 1149 (*f*) (1) to (4) of the Code.

*Article 12,* paragraph 1. Section 1602 (*l*) of the Civil Code gives effect to this Article of the Convention.

*Article 13.* Under section 1602 (*k*) of the Civil Code, if the place of payment has not been fixed by contract, regulations or usage, wages must be paid at the place of work, the employer's office, or the worker's home (at the employer's discretion). As wages may never be paid on Sundays and general holidays, it is unnecessary to state this explicitly. The Code does not expressly prohibit payment of wages in public places, but the above-mentioned provisions of section 1602 in effect exclude that possibility.

*Article 14.* Section 1601 (*j*) of the Civil Code gives effect to this Article. Workers are bound only by provisions agreed to in writing. Employers must submit a signed copy of such provisions to the authorities and display them at a place open to all workers.

*Article 15.* The Civil Code and later modifications have been published in the Government Gazette. Under a Decree of the Governor of Netherlands New Guinea of 7 January 1955, the Labour Inspectorate is responsible for ensuring observance of labour regulations. The regulations in the Civil Code are sanctioned by the nullity of provisions deviating from them. A civil action may also be brought.

#### Surinam

In reply to the Committee's questions the Government refers to the provisions of the Civil Code concerning contracts of employment.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 96. Fee-Charging Employment Agencies Convention (Revised), 1949<sup>1</sup>

*This Convention came into force on 18 July 1951*

*France.* Ratification<sup>2</sup>: 10 March 1953.  
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.

<sup>1</sup> This Convention revises Convention No. 34 of 1933.

<sup>2</sup> Part II.

#### France.

##### Comoro Islands.

No steps have been taken to apply this Convention; there are no fee-charging employment agencies in the territory.

##### French Equatorial Africa.

There are no fee-charging employment agencies.

#### Madagascar.

There are no fee-charging employment agencies.

#### Togoland.

The Convention has no relevance since there are no fee-charging employment agencies, which are forbidden by law.

The Inspector of Labour and Social Legislation is responsible for enforcing the laws and regulations concerning placement.

#### Italy.

##### Trusteeship Territory of Somalia.

The report states that there are no profit-making companies, agencies or other organisations in Somalia which procure employment for workers or provide workers for employers. Accordingly, the authorities have not thought it necessary to introduce regulations to apply the Convention.

The reports concerning the other territories reproduce or refer to the information previously supplied.

97. Migration for Employment Convention (Revised), 1949<sup>1</sup>

*This Convention came into force on 22 January 1952*

*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.

<sup>1</sup> This Convention revises Convention No. 66 of 1939.

### *France.*

#### *Algeria (First Report).*

There are no special regulations concerning migrant workers. The conditions governing recruitment, transport, starting work and the entry of families are the same as those in force in France itself. Foreign workers are brought into Algeria by the National Immigration Office.

#### *Cameroons (First Report)*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5), sections 32 and 92.

The laws and regulations based on the Labour Code and the Orders issued thereunder contain a certain number of safeguards which are similar to those recommended by the Convention.

The fact that contracts of employment must be approved whenever workers settle away from their normal place of residence largely prevents any misleading propaganda. Workers must pass a medical examination before being hired.

There is no discrimination based on nationality. In practice there are few migrant workers in the Cameroons, so that it has not been found necessary to take special measures on their behalf, e.g. with regard to remittances of earnings and savings.

The laws and regulations are enforced by the Inspectors of Labour and Social Legislation and their authorised representatives. No infringements were brought to light during the period under review. The courts made no decisions punishing breaches of the law or involving questions of principle concerning the Convention.

Owing to the small number of emigrant workers it is unnecessary to extend the Convention to this territory at present, since the legislation now in force confers equivalent rights and benefits on these workers.

#### *Comoro Islands (First Report).*

The authorities control emigration to the west coast of Madagascar. In 1955 the number of workers accompanied by their families who emigrated to Madagascar with two-year contracts of employment totalled 475 men, 142 women and 151 children; in 1956 these figures were 425, 151 and 189 respectively. This migrant labour force is mainly employed in agriculture, e.g. on the rice, sisal, tobacco and sugar plantations.

Every precaution is taken to ensure that emigrants are given the best possible treatment, both during the voyage and for the duration of their employment, which is usually two years. Many workers renew their contracts.

#### *French Equatorial Africa (First Report).*

See under Convention No. 82.

#### *French Guiana (First Report).*

At the national level there are no laws or regulations applying the Convention. However, the legislation respecting the protection of the labour force and the policing of frontiers and conditions of entry into the country enable the authorities to control the entry and employment of migrant workers.

In 1955, 2,003 persons arrived in the territory, and during the same year 1,715 left.

There is no special department dealing with migrant workers; a leaflet describing living and working conditions in the territory is sent to all applicants.

There are no special provisions for facilitating the departure, journey and reception of migrant workers, although a health check is made at the frontiers.

There is no discrimination based on nationality, sex, religion or race. Nevertheless, aliens must obtain a labour permit before they can start work. The public placement service is available to all members of the public without discrimination or charge.

Workers are allowed to remit part of their wages.

There is no definition of frontier workers, who have no special status, and are in any case very few in number.

#### *French Settlements in Oceania (First Report).*

Decree of 27 April 1939.

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5), sections 125, 176 and 178.

Migrant workers are subject to the Act quoted above. At the same time the Decree of 27 April 1939 stipulates that no alien may engage in the following occupations: customs official, business agent, ship's broker, shipping agent, private detective, hotel or café owner, dealer in arms and ammunition, manufacturer or retailer of radio and electric equipment,

emigration or immigration official, or printer. Owing to the rise in the birth rate the present manpower policy is to restrict entry by foreign workers as much as possible: since 1955 any large-scale recruitment has been abolished and 300 workers have left for New Caledonia. The few foreign workers living in the territory possess the same rights as local workers. There are no general agreements or particular arrangements between the territory and foreign countries.

The Inspectorate of Labour and Social Legislation does all it can to facilitate emigration by Tahitian workers to New Caledonia to work on the public works schemes there. No charge is made for the formalities accompanying their departure.

Section 178 of the Act referred to above prohibits the maintenance or opening of any form of private employment agency or office except by the employers' and workers' organisations.

The workers and their families who emigrated to New Caledonia were subject to the same health regulations as non-migrant passengers and they travelled in the usual conditions of comfort, cleanliness and safety provided in the vessels of the *Compagnie des Messageries Maritimes*.

The regulations apply to all workers irrespective of nationality. Section 125 of the above Act stipulates that the fares of workers, their wives and children under age normally living with them, together with the cost of transporting their luggage, must be paid by the employer.

Aliens may be allowed to settle permanently in the territory.

The regulations impose no limits on remittances of earnings or savings within the franc area; transfers between the franc area and the other currency areas are governed by international agreements.

There are no frontier workers. Workers from the French Union are at liberty to travel and settle in all the territories of the Union, while aliens can obtain either a tourist visa valid for eight months or a permanent visa.

There would be no point in applying the Convention since the growth of the population is such that any recruitment of foreign workers is out of the question.

There are no arrangements for collective immigration under government control.

The regulations are enforced by the Inspectorate of Labour and Social Legislation. The courts have taken no decisions on questions of principle concerning the application of these regulations. No observations have been received from employers' or workers' organisations.

#### *French Somaliland (First Report).*

Decree of 2 February 1935, as amended, to regulate conditions of entry and residence for French and foreign nationals.

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5).

Order of 6 April 1954 to establish the Manpower Office.

There is no problem of any importance with regard to migrant workers. No migrant workers are recruited under government super-

vision, nor are there any collective migrations of any kind. The 2,000 foreign workers employed in the territory come individually, in some cases to work for local firms, or, more often, on their own initiative. Conditions of entry and residence for aliens are laid down by the above Decree. No distinction is made as far as wage earners are concerned, although workers who do not normally live in the territory and are hired outside it must possess a written contract of employment and pass a medical examination. The latter is also necessary to obtain an alien's identity card.

No distinction is made between migrant or non-migrant workers or between French or alien workers and all the regulations respecting employment and social security apply equally to migrant or foreign workers. Moreover, workers who do not normally live in the same geographical or climatic zone as French Somaliland are entitled to expatriation allowances, housing, transport and leave at their normal place of residence.

The Manpower Office of the territory is responsible for all questions concerning the placement, hiring and supervision of migrant workers. There is no restriction on the remittance of the earnings or savings of migrant workers to their place of origin; and every facility is given to these workers to import their personal effects, tools and equipment.

The Inspectorate of Labour and Social Legislation and the Manpower Office are responsible for enforcing the laws and regulations. No decisions were made by the courts during the period under review and the employers' and workers' organisations have made no observations on the application of the Convention.

#### *French West Africa (First Report).*

The administrative authorities of the Upper Volta, which contains the largest reserve of manpower for the plantations of the Gold Coast and the Ivory Coast, are endeavouring to prevent the clandestine recruitment of workers and to regulate recruiting agencies more strictly. A draft measure will shortly be submitted to the Territorial Assembly of the Upper Volta.

#### *Madagascar (First Report).*

Decree of 21 June 1932 to prescribe the conditions for the entry and residence of French and alien nationals in Madagascar.

Various official bodies provide migrant workers with such information as they need and if necessary give them assistance free of charge.

Before leaving France migrant workers must comply with various medical requirements; on arriving in Madagascar they are entitled to use the facilities of public or private medical institutions.

As laid down by Article 6 of the Convention, no discrimination is exercised.

Liaison takes place between the departments concerned and any measures taken may not involve any expense for migrant workers.

In the event of a serious breach of the law the legal service and the Political Affairs Department are empowered to recommend appropriate action to the chief of the territory.

A married migrant worker who has left his family in his country of origin may remit up to 50 per cent. of his earnings. If his family lives at his place of employment he may not remit more than 20 per cent.; the same conditions apply to single workers.

The courts have made no decisions involving questions of principle concerning the application of the Convention.

#### *Martinique (First Report).*

Act of 9 February 1954.

Prefectoral Order of 9 January 1956 to establish a register of aliens; to define conditions for the issue of labour permits; and to prescribe the form of such permits.

The essential provisions of French legislation are embodied in the above Orders.

Migrant workers are entitled to use the facilities of the Departmental Directorate of Labour and Manpower which, together with the police, is responsible for enforcing the regulations.

During the period under review no infringements were brought to light. The total number of foreign workers is approximately 600 or fewer than 3 per thousand of the total population. On 30 June 1956 ten labour permits had been issued.

#### *New Caledonia (First Report).*

Immigrant workers come to the territory either from France, the French Settlements in Oceania or the Wallis Islands.

The conditions of engagement of French immigrants are safeguarded and supervised by the central manpower service. The Inspectorate of Labour and Social Legislation arranges for the medical examination of workers from the Wallis Islands, and lays down the contents of their contracts of employment. The same is done in the case of the Tahitian workers, who are given additional protection by the Labour Inspectorate in Tahiti itself.

#### *Réunion (First Report).*

Decree of 29 July 1935 to regulate the immigration of foreign workers.

It would be undesirable to encourage immigration, given the state of the local employment market; in order to enter this territory workers must first obtain a visa.

The authorities arrange for the emigration of workers' families to the Sakay Valley in Madagascar. This emigration is carried out strictly in accordance with the provisions of Articles 1 to 5 of the Convention.

Foreign nationals are subject to exactly the same treatment as French nationals for social, taxation and legal purposes. The regulations do not normally make any distinction between one nationality and another except in the case of elective offices.

The Departmental Directorate of Labour and Manpower reports to the French Ministry of Labour in the same way as the departmental directorates in France itself. An employment service will shortly be established.

The foreign workers employed in the territory have made their homes there.

#### *St. Pierre and Miquelon (First Report).*

Decree of 12 August 1934 respecting conditions of entry for French and alien nationals into the territory.

In 1955, 19 workers emigrated and 12 entered the territory. The manpower office gives assistance free of charge to migrant workers.

The regulations regarding wages, family allowances, social security and employment in general are applied irrespective of nationality, race, religion or sex to all immigrants who lawfully enter the territory. The commanding officer of the gendarmerie is responsible for enforcing the above regulations.

#### *Togoland (First Report).*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5), section 174.

A scheme to establish a manpower office in the territory is at present before the Advisory Labour Committee.

The Inspectorate of Labour and Social Legislation provides the information referred to in Article 2 of the Convention. There is close co-operation between the Labour Inspectorate and the Central Manpower Office for Overseas France with a view to giving effect to Article 3 of the Convention.

Any services rendered by the Inspectorate of Labour and Social Legislation are free of charge. Apart from the general currency regulations there are no restrictions on remittances of earnings or savings by migrant workers. A general supervision over the movements of workers is exercised through the requirement to submit all contracts of employment for approval.

During the period under review the courts made no decisions concerning migrant workers and no observations were received from the employers' and workers' organisations concerned.

#### *Italy.*

##### *Trusteeship Territory of Somalia.*

No cases are reported of emigration by Somali workers or of immigration by foreign workers. It has accordingly not been thought necessary to introduce regulations to implement the Convention.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 98. Right to Organise and Collective Bargaining Convention, 1949

*This Convention came into force on 18 July 1951*

*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>: Guernsey, Jersey and Isle of Man.  
No declaration: all other non-metropolitan territories.

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

### *France.*

#### *Algeria.*

Decree of 31 March 1950.  
Decree of 1 June 1950.  
Act of 27 February 1951.  
Order of 28 March 1951.  
Order of 13 December 1952.  
Act No. 56-416 of 27 April 1956 to guarantee freedom of association and protection of the right to organise.

The labour inspectors have found that certain employers, and sometimes even certain employers' associations, show a marked preference for certain trade unions which are notoriously unrepresentative and whose funds are of dubious origin. This is a particularly common practice among managers whose workers have their own independent trade union. Some managements in Algeria have under one pretext or another systematically got rid of workers known to belong to a certain trade union organisation. The Labour Service has carried out an exhaustive inquiry into the representative character of the trade union organisations. The extent to which the four chief workers' organisations are representative can be gauged from the following figures: General Confederation of Labour: 28; French Confederation of Christian Workers: 15; General Confederation of Labour (*Force ouvrière*): 4; Federation of Independent Trade Unions: 4.

#### *Cameroons.*

Act of 27 March 1956 respecting freedom of association.

Under the above enactment, all workers are protected against anti-union discrimination in respect of their employment. Employers are not allowed to deduct trade union dues from their workers' wages and to pay them on their behalf.

During the period under review six collective agreements were negotiated concerning retailing, manufacturing, banana plantations, banking and shipping.

There is no difficulty in the way of applying the Convention.

#### *Comoro Islands.*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5).

Act No. 56-416 of 27 April 1956 to guarantee freedom of association and protection of the right to organise.

The report reproduces sections 68 to 86 of the Act of 15 December 1952 and sections 1 to 5 of the Act of 27 April 1956 referred to above.

By law no employer may, under penalty of an action for damages or criminal proceedings, be influenced by workers' trade union membership or activities in deciding such matters as hiring, the organisation and distribution of work, vocational training, promotion, remuneration, discipline and dismissal.

Employers are forbidden to deduct trade union dues from their workers' wages and to pay them on their behalf, or to exercise any form of pressure for or against any trade union whatsoever.

The Inspectorate of Labour and Social Legislation is responsible for enforcing the law; infringements may, however, be reported by police officials.

Collective agreements are freely negotiated and no administrative measures are necessary to enforce them.

The law does not apply to members of the armed forces, the police or civil servants.

The principles embodied in the Convention and existing legislation have not hitherto proved relevant to the territory, where there are no employers' or workers' organisations. Nevertheless, the law provides that should no such organisations exist, the chief of the territory may on the recommendation of the Advisory Labour Committee regulate conditions of work in a given profession, failing or pending the existence of a collective agreement, on the basis of such collective agreements as may exist in the French Union.

#### *French Equatorial Africa.*

The principle of freedom of association entitles any worker to join the trade union of his choice and to leave it whenever he wishes. Collective agreements are bound to include clauses regarding the workers' freedom to exercise their trade union rights and to express their own opinions.

Protection of the employers' and workers' organisations against acts of interference by the other is not guaranteed by any enactment, but in practice such acts of interference do not take place.

At the present time collective agreements are in existence in public employment covering railway and dockworkers, while of those in private employment, workers in lighterage, handling, transit and transport firms in the docks, in road haulage and urban transport, are also covered and minimum conditions of employ-

ment have been laid down for workers in a cotton company. A number of other agreements are being prepared for various other branches.

The terms of the Convention do not apply to members of the armed forces and the police.

#### *French Settlements in Oceania.*

Act No. 56-416 of 27 April 1956 to guarantee freedom of association and protection of the right to organise.

#### *French Somaliland.*

Two collective agreements have been negotiated in this territory respecting petroleum companies and public services.

#### *French West Africa.*

Act No. 56-416 of 27 April 1956 to guarantee freedom of association and protection of the right to organise.

Although the wording of the above enactment involves an amendment to certain sections of the French Labour Code, which is different from the Overseas Labour Code, the new statutory provisions are nonetheless applicable to the overseas territories; there has been no change in the conditions applicable, since existing collective agreements already contained these provisions.

#### *Guadeloupe.*

The legislation applicable is that in force in metropolitan France.

The employers and employees of sugar companies are now drafting two proposed agreements, one for industrial workers and the other for agricultural workers (about 25,000). The discussion of the proposed agreements will begin after the sugar harvest.

#### *New Caledonia.*

No acts of anti-union discrimination in respect of employment or of interference by employers' organisations with trade unions, or vice versa, were brought to light.

#### *St. Pierre and Miquelon.*

The Advisory Labour Committee sits regularly. There are no armed forces and the police force consists of 12 men.

#### *Togoland.*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5).

Order of 19 March 1954.

Order of 7 September 1954.

Order of 1 October 1954.

Order of 8 June 1955.

Order of 12 August 1955.

The above-mentioned Act guarantees complete respect for freedom of association. Penalties are provided in the event of interference with trade union rights and activities.

The laws and regulations are enforced by the Inspectorate of Labour and Social Legislation.

#### *United Kingdom.*

#### *Isle of Man.*

Trades Disputes Act, 1936.

Employment Act, 1954.

At common law there is no restriction on the right to organise or associate for a lawful object.

The Lieutenant-Governor encourages and promotes voluntary negotiations between employers and workers and, in addition to the Trades Disputes Act, 1936, provision has been made under the Employment Act, 1954, with a view to preventing work being interrupted by trade disputes, by the Governor making an Order providing for a tribunal to settle a trade dispute and requiring employers to observe such terms and conditions of employment as may be determined in accordance with the Order, or to be not less favourable than the recognised terms and conditions.

Workers in the Isle of Man enjoy adequate protection against acts of the type prescribed in Article 1 of the Convention by virtue of the strength of their collective organisation in trade unions, and also by the widespread acceptance on both sides of industry of the underlying principles of the Convention. In addition, the services of the Lieutenant-Governor are available to industry, if desired, to assist in preventing or settling differences which may arise because of such acts.

Adequate protection against the acts described in Article 2 is enjoyed by virtue of the strength of the collective organisation among both employers and workers in the Isle of Man, and by the widespread acceptance on both sides of industry of the principle of non-interference in each other's affairs which is a characteristic of the Isle of Man system of industrial relations. The Lieutenant-Governor is also available to assist in the prevention or settlement of differences which may arise from the matters referred to in this Article.

The fundamental principle underlying the policy of the Isle of Man Government in the field of industrial relations is that questions relating to terms and conditions of employment shall be resolved by the representatives of both sides of industry for themselves through the industry's own joint negotiating machinery. The services of the Lieutenant-Governor are, however, available to both sides of industry to assist in the development of such machinery. As a general principle there is no reference of a trade dispute to arbitration until any machinery in the industry concerned which is appropriate for the settlement of the dispute, has been fully exhausted. These provisions are designed to ensure that full use is made of the voluntary machinery for the settlement of terms and conditions of employment. The Isle of Man has no armed forces separate from the Crown armed forces. Members of the police force below the rank of superintendent are automatically members of the Isle of Man Police Federation. This Federation is established under regulations for the purpose of considering and bringing to the notice of the Lieutenant-Governor all matters affecting the welfare and efficiency of members, other than questions of discipline and promotion



affecting individuals. The regulations provide that the Police Federation shall be entirely unassociated with any body or person outside the police service and police constables are prohibited from being members of trade unions having among their objects control or

influence of pay, pensions or conditions of service of any police force.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 99. Minimum Wage Fixing Machinery (Agriculture) Convention, 1951

*This Convention came into force on 23 August 1953*

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*France.* Ratification: 29 March 1954.  
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, 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: Jersey and Isle of Man.  
No declaration: all other non-metropolitan territories.

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### *France.*

#### *Algeria (First Report).*

Act No. 50-205 of 11 February 1950.  
Act No. 51-215 of 27 February 1951.  
Order of 15 April 1951.  
Act No. 52-1403 of 30 December 1952.  
Order of 14 April 1955.  
Order of 23 March 1956.

The undertakings affected by the regulations are the following: agriculture and forestry undertakings covered by the provisions concerning occupational accidents in agriculture; rural artisans who are covered by section 9 of the Decree of 9 February 1921, whether they belong to a union or not; undertakings engaged in threshing and other agricultural operations; agricultural unions; farmers' friendly societies; mutual insurance funds for agriculture; mutual credit funds for agriculture; agricultural co-operative societies; and any lawfully constituted agricultural association.

The Order of 15 April 1951 cited above states that an employer may release himself from the obligation to pay the minimum rate only by paying an equivalent sum in money; that benefits that were payable before the Order came into force shall continue to be payable in addition to the minimum wage; and that the application of the provisions of the Order shall in no case involve the cancellation or reduction of these benefits.

Minimum wages are fixed by order of the Governor-General, in the light of a reasoned opinion obtained from the Algerian Higher Collective Agreements and General Economic Conditions Board. This board includes an equal number of representatives of employers and agricultural workers, who are nominated by the most representative employers' and workers' organisation.

Employers who pay wages that are lower than the prescribed minimum are liable to fines ranging from 600 to 1,800 francs. It is understood that the minimum wage applies to workers with a normal degree of physical fitness; the minimum wages of workers whose physical or mental abilities are below standard may be reduced to an extent not exceeding 30 per cent.

The guaranteed minimum wage for agriculture, which is laid down for specified wage zones, has been fixed since 23 March 1956 at the following amounts: first zone, 525 francs; second zone, 480 francs; third zone, 440 francs.

The pay both of rural artisans and of agricultural workers whose functions, though performed in agricultural undertakings or for agricultural bodies, are not of a specifically agricultural character is based on the guaranteed inter-occupational minimum wage for all occupations that applies to workers in commerce and industry. The expression "functions that are not of a specifically agricultural character" should be understood to mean all functions similar to those existing in industrial or commercial undertakings, including administrative functions and those performed in organised workshops.

Since 14 April 1955 the hourly remuneration of agricultural workers whose functions are not of a specifically agricultural character has been 95.50 francs in the first zone, 87 francs in the second zone and 79.50 francs in the third zone.

Inspectors and deputy inspectors of social legislation in agriculture are responsible for supervising the application of the laws and regulations concerning agricultural wages. Contraventions make the offenders liable to the penalties laid down in section 31 *z* (b) of Book I, Title II, Chapter 4<sup>ter</sup> of the Algerian Labour Code. A worker may always apply to the judicial authorities for payment of the sums due to him.

#### *Cameroons (First Report).*

Minimum wage fixing methods are the same in agriculture as in other occupations.  
See also under Convention No. 26.

#### *Comoro Islands (First Report).*

Minimum wage fixing methods are the same in all occupations.  
See also under Convention No. 26.

#### *French Equatorial Africa (First Report).*

Minimum wage fixing methods are the same in agriculture as in industry and commerce.



If the worker cannot by his own means obtain a regular supply of essential foodstuffs for himself and his family, the employer must meet his needs.

The composition of the food ration and the maximum amount that may be withheld from wages on that account are determined by Order in each territory.

There have been no decisions of courts of law on matters of principle related to the application of the Convention. No observations have been made by the employers' and workers' organisations concerned.

See also under Convention No. 26.

*French Guiana* (First Report).

See under *Guadeloupe*.

*French Settlements in Oceania* (First Report).

Order No. 943/AE of 21 July 1948.

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5).

Order No. 1020/IT of 7 July 1954 to issue regulations respecting remuneration in respect of overtime and hours worked at night and on days other than working days.

Order No. 1022/IT of 7 July 1954 to define the guaranteed inter-occupational minimum wage and wage zones.

Under the regulations the number of hours of work prescribed for workers in agricultural occupations is 2,400 per year.

The provisions concerning wages do not apply to workers who are not in receipt of wages either because they belong to the farmer's family or because they themselves are self-employed.

It is not usual for part of the wage to be paid in kind, but benefits in kind are frequently granted in addition to the minimum wage. Minimum wages are fixed after consulting the Advisory Labour Board and are calculated in the light of the official cost-of-living index introduced under the Order of 21 July 1948 which is cited above. The minimum rates fixed in the regulations may not be lowered.

In 1954 there were 229 agricultural workers.

The Order of 7 July 1954 fixed the following minimum hourly wage rates (in Pacific francs): first zone, 17.94; second zone, 16.15; third zone, 14.36; fourth zone, 12.57.

The Inspectorate of Labour and Social Legislation is responsible for supervising the application of the laws and regulations. Action to recover an amount due, either by legal process or through conciliation out of court by the labour inspector, is subject to prescription at the end of 30 days.

No decisions of courts of law have been issued on matters of principle with regard to the application of the Convention.

The minimum wage regulations are on the whole satisfactorily applied, apart from a few disputes affecting individuals which were settled out of court by the Inspector of Labour and Social Legislation.

*French Somaliland* (First Report).

Minimum wages in agriculture are determined in the same manner as in other occupations.

See also under Convention No. 26.

*French West Africa* (First Report).

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5), sections 91 to 112.

Territorial Orders laid down guaranteed minimum wages applying to all trades as well as rules whereby the workers must compulsorily be issued with rations and supplied with essential foodstuffs and plots of agricultural land.

The fixing of guaranteed inter-occupational minimum wages is done in the same way in agriculture as in other occupations, that is to say, by Orders issued by the Governor after consulting the Advisory Labour Board.

The hourly rate is related to the number of hours of work prescribed in the Labour Code—2,400 hours a year as compared with 2,080 for non-agricultural occupations (40 hours a week)—but this rate is so fixed that annual earnings are the same in all occupations.

When in inland undertakings the workers cannot procure foodstuffs the employer must issue daily rations the composition of which is determined by an Order in each territory; the employer is then authorised to deduct from wages an amount corresponding to the cost of this payment in kind, subject to the statutory limitations laid down in the Orders fixing guaranteed inter-occupational minimum wages.

*Guadeloupe* (First Report).

Labour Code, Book I, Title I, Chapter IV, sections 31 x and 31 x (a) (L.S. 1950—Fr. 6 A).

Decree No. 50-1029 of 23 August 1950 respecting the guaranteed inter-occupational minimum wage.

Decree No. 50-1264 of 9 October 1950 respecting the application in agriculture of Decree No. 50-1029.

Decree No. 51-254 of 1 March 1951 to fix the guaranteed inter-occupational minimum wage in the departments of Guadeloupe, Guiana and Martinique, as amended by Decrees Nos. 52-162 of 9 February 1952 and No. 56-528 of 1 June 1956.

*Article 5.* The report for metropolitan France states that the minimum wage regulations cover between 1,200,000 and 1,300,000 workers in agricultural and related occupations in France and the overseas territories.

*Madagascar* (First Report).

The laws and regulations are the same as those governing minimum wage fixing methods outside agriculture.

See also under Convention No. 26.

*Martinique* (First Report).

For legislation see under *Guadeloupe*.

*Article 3 of the Convention.* Minimum wages rates vary according to the cost of living, the development of which is studied by a special committee, comprising representatives of the Administration and of workers' and employers' organisations.

A reduction in the fixed minimum wage can be made for handicapped workers.

*Article 5.* The minimum wage provisions cover 16,000 sugarcane workers, 10,000 banana workers and 4,000 workers in other types of

agricultural work. The weekly minimum wage is the same for agricultural workers and other workers but the working week in agriculture consists of 48 hours as against 40 in other occupations. The minimum weekly salary as from 1 June 1956 is 4,374 francs.

The Departmental Directorate of Labour enforces the minimum wage regulations, and inspects wages registers and pay-slips. The difficulties of application will be eased on the conclusion of a collective agreement for sugarcane workers, which is now being discussed.

*New Caledonia (First Report).*

There is no machinery for minimum wage fixing in agriculture since in New Caledonia very few permanent workers (about 150) are employed in agriculture, in which there is a serious labour shortage.

Employment conditions are very favourable to the workers, and this explains why the question of a minimum subsistence wage has not been tackled so far as agriculture is concerned.

*Réunion (First Report).*

Labour Code, Book I, Title I, Chapter IV, sections 31 x and 31 x (a) (L.S. 1950—Fr. 6 A).

Act of 11 February 1950 respecting collective agreements (L.S. 1950—Fr. 6).

Decree No. 51-781 of 13 June 1951.

Decree of 30 June 1955.

Decree of 1 June 1956.

*Article 1 of the Convention.* Minimum rates of wages are fixed by the government in accordance with sections 31 x and 31 x (a) of Book I of the Labour Code. They apply to all employees in agricultural and related occupations.

*Article 2.* Partial payment of wages in kind is neither provided for in the minimum wage regulations in force in Réunion, nor is it customary.

*Article 3.* Minimum wages are fixed following investigations by an interministerial committee.

*Article 5.* The current minimum wage is 1,646 C.F.A. francs for a 45-hour week, equivalent to an hourly rate of about 36.60 francs. About 55,000 workers (46,000 men and 9,000 women) are covered by these rates.

The Labour Inspectorate is responsible for the enforcement of social legislation in agriculture.

*St. Pierre and Miquelon (First Report).*

The statutory provisions on minimum wage fixing apply to all workers, including agri-

cultural workers of whom there are six. The minimum hourly wage rate is 58 C.F.A. francs.

The Inspector of Labour and Social Legislation is responsible for supervising the application of the laws and regulations; no decisions of courts of law on questions of principle with regard to the application of the Convention have been given.

See also under Convention No. 26.

*Togoland (First Report).*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5), section 95.

Order of 20 April 1955 to fix the guaranteed inter-occupational minimum wage.

The regulations cover all agricultural work. The guaranteed inter-occupational minimum wage is fixed in accordance with the same procedure as in industry. The lower hourly wage rates for agriculture simply result from the fact that the working week in agriculture is 48 hours, whereas it is only 40 hours in industry. The guaranteed inter-occupational minimum wage, which is fixed by the head of the territory after consulting the Advisory Labour Board, is determined on the basis of a standard budget worked out in conjunction with workers' and employers' organisations.

The supervision of the application of the laws and regulations is the responsibility of the Inspector of Labour and Social Legislation. During the period under review no decision was issued concerning matters of principle connected with the application of the Convention and no observation was made by the employers' and workers' organisations concerned.

*Netherlands.*

*Netherlands Antilles.*

Existing minimum wage legislation is applicable to agriculture as well as to industry.

*Surinam.*

It is not yet considered desirable, for economic and other reasons, to make this Convention applicable to Surinam.

*New Zealand.*

*Western Samoa.*

See under Convention No. 26.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 100. Equal Remuneration Convention, 1951

*This Convention came into force on 23 May 1953*

*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.

*Italy.* Ratification: 8 June 1956.

No declaration.

*France.*

*Cameroons.*

The wage scales laid down in the various collective agreements provide for the payment of the same rate to all workers belonging to the same occupational category. In occupations where wages are settled by free discussion between the parties without any compulsory minimum, the wage rates are uniform for any one type of work.

There is no difficulty in the way of applying the Convention.

*Comoro Islands.*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5), section 91.

Order of 15 April 1954 to fix wage zones and the guaranteed inter-occupational minimum wage.

Minimum wages are fixed by order of the head of the territory after consultation of the Advisory Labour Board, which consists of equal numbers of employers' and workers' representatives appointed by the head of the territory. An Order for the classification of workers in the various occupations will be issued in the near future. The Order of 15 April 1954 cited above provides that if the work, the trade qualifications and the output are equal, women's wages shall be the same as men's.

The supervision of the laws and regulations is ensured by the Inspectorate of Labour and Social Legislation.

No decisions of courts of law on questions of principle relating to the application of the Convention have been given.

*French Somaliland.*

Order of 21 July 1955 to fix the guaranteed inter-occupational minimum wage.

The regulations do not discriminate in any way between men and women workers.

*Guadeloupe.*

During the period under review the staff of the Inspectorate of Labour and Manpower consisted of five members.

*Madagascar.*

General Order of 5 February 1954 respecting the occupational classification of workers.

The existing methods for the fixing of rates of remuneration apply to all workers and are described in the reports on Conventions Nos. 26 and 99.

The General Order cited above and 11 other Orders define the functions and grades of the workers in various occupations, and enable the job content to be objectively assessed on the basis of the operations involved.

The Government and the employers' and workers' organisations concerned co-operate in the joint Advisory Labour Boards, whose duties include that of discussing regulations to fix wages and grades.

The application and supervision of the laws and regulations are the responsibility of the administrative and police authorities, particularly the Inspectorate of Labour and Social Legislation. The courts of law have given no decisions involving questions of principle relating to the application of the Convention.

*New Caledonia.*

The application of the principle of equal pay, which is rendered compulsory by Act No. 52-1322 of 15 December 1952, to establish an Overseas Labour Code, is practically complete: all discrimination between men and women workers has been abolished both in commerce and industry. The principle of "equal pay for equal work" is now applied in all commercial occupations. In industry and mining equal pay is an accomplished fact save as regards non-European labourers, whose wage rates have been fixed at 85 per cent. of the basic labourer's rate, it being understood that the last stage in the introduction of equal pay is to be completed in 1957. This is a result of negotiations that took place in 1955 and 1956 between the employers' and workers' organisations and which led to the conclusion of collective agreements concerning the main sectors of the economy.

*Réunion*

Decree of 1 June 1956, to amend the Decrees of 23 August 1950, 9 October 1950, 1 March 1951 and 19 October 1951.

*St. Pierre and Miquelon.*

Rates of remuneration are fixed by collective agreement. The principle of equal remuneration is fully respected in drawing up these agreements, which apply to all workers without distinction; there are no wage differences based on sex. The Inspector of Labour and Social Legislation is responsible for supervising the application of the laws and regulations.

*Togoland.*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5), section 91.

Order of 20 April 1955 to fix the guaranteed inter-occupational minimum wage.

Equality of remuneration among the workers, irrespective of their origin, sex, age and status, is secured by provisions that lay down uniform conditions for all workers. The employers' and workers' organisations represented on the Advisory Labour Board take part in the fixing

of minimum inter-occupational wage rates applicable to all workers without distinction.

The application of the laws and regulations is supervised by the Inspectorate of Labour and Social Legislation.

The reports concerning the other territories reproduce or refer to the information previously supplied.

### 101. Holidays with Pay (Agriculture) Convention, 1952

*This Convention came into force on 24 July 1954*

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*Belgium.* Ratification: 20 March 1952.

Not applicable: Belgian Congo, Ruanda-Urundi.

*France.* Ratification: 29 March 1954.

Applicable without modification: French Guiana, Guadeloupe, Martinique, Réunion.

No declaration: all other non-metropolitan territories.

*Italy.* Ratification: 8 June 1956.

No declaration.

*New Zealand.* Ratification: 24 July 1953.

Not applicable: Tokelau Islands.

Decision reserved: Cook Islands, Western Samoa.

*United Kingdom.* Ratification: 25 June 1956.

No declaration.

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#### *France.*

##### *Algeria (First Report).*

Act No. 332 of 27 March 1956 to amend the rules governing annual holidays with pay.

The inspectors of social legislation in agriculture are responsible for supervising the application of the statutory provisions. Sections 158 to 162 inclusive of Book II of the Algerian Labour Code provide for penalties in the event of contraventions of the legislation.

See also under *France*, p. 210.

##### *Cameroons (First Report).*

The local laws and regulations on holidays with pay apply to agriculture as to other occupations.

See also under Convention No. 52.

##### *Comoro Islands (First Report).*

There is only one system of holidays with pay, which applies to workers in all undertakings, whether industrial, commercial or agricultural.

See also under Convention No. 52.

##### *French Equatorial Africa (First Report).*

The rules governing holidays with pay in agriculture are the same as in commerce and industry.

See also under Convention No. 52.

##### *French Guiana (First Report).*

Act of 20 June 1936, as amended, to institute annual holidays with pay in industry, commerce, the liberal professions, domestic service and agriculture.

Act of 13 April 1937 to render applicable to contraventions of section 2 of the Act of 20 June 1936 the penalties applicable in the event of a contravention of the provisions of section 1 of the said Act.

Act of 9 June 1949 to grant young workers in agricultural occupations holidays with pay of the same duration as in other occupations.

Act of 18 April 1955 to extend to overseas territories the provisions of the Act of 20 June 1936.

The report states that the legislation of metropolitan France with regard to holidays with pay in agriculture is applicable to Guiana.

##### *French Settlements in Oceania (First Report).*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5), sections 116 and 121.

Workers employed in agriculture are granted annual holidays with pay. The minimum period of continuous employment that is required if workers are to have an annual holiday with pay has been fixed at one year; the minimum duration of the holiday has been fixed at one working day per month of employment. Young persons over 18 but under 20 years of age are entitled to one-and-a-half days per month of employment; those below 18 years of age are entitled to two working days. The Act does not provide for an increase in the length of the holiday in accordance with length of service. In the event of the breach or expiry of a contract before the worker has acquired the right to take a holiday, compensation based on accrued rights is granted in lieu thereof.

Public holidays are determined by law and are not included in holidays with pay. Weekly rest periods are not counted in holidays with pay. Moreover, absence on account of an employment injury or occupational disease, absence from work of women workers in the event of maternity and, subject to a limit of six months, absence on account of sickness duly certified by an approved medical practitioner, are not deducted from the length of the holidays due. No provision has been made for dividing up annual holidays with pay.

Throughout the holiday period the employer must pay the worker an allowance, which must be at least equal to the wage and allowances paid to the worker before his holiday, excluding output bonuses and the allowance provided for in section 94 of the Act cited above.

The provisions concerning holidays are regarded as being of a statutory character. The

members of a farmer's family are excluded from the coverage of these statutory provisions if they are unpaid, and the same applies to farmers and share-croppers owing to the fact that they are self-employed.

The enforcement of the legislation is entrusted to the Inspectorate of Labour and, should the need arise, to the Public Prosecutor. No decisions involving questions of principle relating to the application of the Convention have been given by courts of law.

The application of the provisions regarding holidays has given rise to a few disputes affecting individuals, which were settled out of court by the Labour Inspector. No observations have been received from employers' or workers' organisations.

#### *French Somaliland (First Report).*

Act No. 56-332 of 27 March 1956 to amend the system of annual holidays with pay.

The statutory provisions apply to all undertakings in all industries, including agriculture. The Order for the implementation of the Act cited above is now being promulgated. It will increase holidays with pay to one-and-a-half working days per month spent in the undertaking as from 1 January 1956.

See also under Convention No. 52.

#### *French West Africa (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), sections 121 to 125. General Order No. 6556 IGTLs/AOF of 3 September 1953 to lay down transitional measures for the grant of holidays and travelling allowances to workers.

Ministerial Order of 16 November 1954 to determine the period of actual employment giving entitlement to holidays in the cases referred to in section 122, paragraph (c) of the Labour Code. General Order No. 5489 IGTLs/AOF of 13 July 1955 to determine the period of actual employment giving entitlement to holidays in the cases referred to in paragraph (b) of section 122 of the Labour Code.

Act No. 56-332 of 27 March 1956 to amend the system of annual holidays with pay.

The Labour Code for Overseas Territories makes no distinction with regard to holidays as between agricultural and other occupations. The only difference that may occur in practice is that if there are no collective agreements in agriculture the legislation in that sector is not amended by certain more favourable provisions laid down in collective agreements.

See also under Convention No. 52.

#### *Madagascar (First Report).*

There is no special rule applying to agriculture. The provisions that apply with regard to holidays with pay are the same for all workers, without exception.

See also under Convention No. 52.

#### *Martinique (First Report)*

Act of 9 June 1949 to grant young workers in agricultural occupations holidays with pay of the same duration as in other occupations.

Act of 18 April 1955 to extend to overseas territories the provisions of the Act of 20 June 1936, as amended, to institute annual holidays with pay in industry, commerce, the liberal professions, domestic service and agriculture.

The report states that the provisions of the Convention have become applicable under the above-mentioned Acts.

*Article 2 of the Convention.* A collective agreement which is now under discussion includes an article concerning holidays with pay.

*Articles 3 and 5 to 9.* The provisions of these Articles are covered by the instruments already referred to.

*Article 10.* Supervision is exercised by the Departmental Directorate of Labour.

*Article 11.* The agricultural workers to whom the Convention applies are distributed as follows: sugarcane, 16,000; bananas, 10,000; other agricultural undertakings, 4,000.

The Departmental Directorate of Labour is responsible for the application of the legislation.

#### *New Caledonia (First Report).*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952—Fr. 5), sections 121 to 124.

Act No. 56-332 of 27 March 1956 to amend the system of annual holidays with pay.

The report lists the provisions of the Order to implement the Act of 27 March 1956 cited above. This Order, which is to be issued very shortly, will have retroactive effect to 1 January 1956.

#### *Réunion (First Report).*

Decree of 26 September 1936 to issue public administrative regulations implementing paragraphs 1 and 3 of section 2 of the Act of 20 June 1936 to institute annual leave with pay in industry, commerce, the liberal professions, domestic service and agriculture (L.S. 1936—Fr. 6).

Act of 9 June 1949 to grant young workers in agricultural occupations holidays with pay of the same duration as in other occupations.

Act of 18 April 1955 to extend to overseas territories the provisions of the Act of 20 June 1936.

Act No. 56-332 of 27 March 1956 to amend the system of annual holidays with pay.

*Article 1 of the Convention.* The report states that not only is the Convention observed but the Act of 27 March 1956 ensures that the workers shall receive the same annual holidays with pay as workers in commerce and industry.

*Article 2.* The new rules governing holidays in agriculture were laid down by the Government after it had consulted the representative organisations, including in particular the General Confederation of Agriculture.

*Article 3.* The minimum period required is 24 working days during the year in question.

*Article 4.* The coverage of the Act is general, and there are no exclusions.

*Article 5.* Young workers below 18 years of age are entitled to two days of actual holiday per month of employment. The length of the holidays is calculated on the basis of working days only, so that Sunday rest and public holidays retain their proper character.

*Article 6.* Holidays with pay may be divided subject to the limitations laid down in the Act

and to agreement being reached between employers and workers. It is understood, however, that one part of the holiday must comprise at least 12 consecutive working days.

*Article 7.* The Act of 27 March 1956 lays down the rates of holiday pay. Such pay may not be lower than the wage to which the worker would have been entitled if he had done his usual work during the period of his holidays. The value of any benefits in kind which a worker on holiday does not continue to receive is added to his holiday pay as calculated in accordance with the provisions of the Code.

*Article 8.* The report states that this Article is observed.

*Article 9.* Holiday pay may be stopped only on account of serious misconduct. In general, when a contract of employment is broken before the worker has been able to take all the holidays to which he is entitled, he must receive compensation in lieu thereof.

*Article 10.* The Labour Inspection Service, which is also competent to deal with matters arising in the agricultural sector, is responsible for applying the provisions relating to annual holidays with pay.

*Article 11.* The provisions of the Convention apply to all agricultural workers within the territory, other than tenant farmers paying rent in kind, whose special position is similar to that of share-croppers. About 30,000 workers should have a partial holiday and between 15,000 and 20,000 a full holiday.

*Articles 14 and 15.* The report states that the provisions of the Convention have been fully implemented and that French legislation is far in advance of international recommendations. The Labour Inspection Service is responsible for the application of the legislation.

*St. Pierre and Miquelon (First Report).*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952 —Fr. 5), sections 121 et seq.

The provisions of the Act apply to all workers, including those in agriculture.

See also under Convention No. 52.

*Togoland (First Report).*

Act No. 52-1322 of 15 December 1952 to establish a Labour Code for Overseas Territories (L.S. 1952 —Fr. 5).

Order of 26 September 1953 to make transitional arrangements for the grant of holidays and travelling expenses to workers.

The holidays with pay that are granted in agriculture are the same as those granted to workers generally.

The most representative employers' and workers' organisations were consulted when the regulations were being drafted.

To qualify for an annual holiday with pay workers must have been employed for one year; the holiday then amounts to 12 working days.

Young workers and apprentices over 18 but below 21 years of age are granted holidays amounting to one-and-a-half working days per month of employment; those below 18 years of age are entitled to two working days per month of employment. Workers who have not spent a whole year in employment are entitled to a payment in lieu of leave, which is proportionate to the number of months of work.

The remuneration paid to workers during the holiday period must be equal to the wages and allowances received by the worker at the time of his departure on holiday, excluding output bonuses and any expatriation allowances. The number of agricultural workers who received holidays with pay is estimated at 150.

The Inspector of Labour and Social Legislation is responsible for the enforcement of the laws and regulations.

Supervision is exercised through visits to undertakings, in the course of which the employers' registers, giving all particulars of the holidays of agricultural workers, must be produced. During the period under review there have been no decisions by courts of law on questions of principle relating to the application of the Convention. No observations were made by the employers' or workers' organisations.

The reports concerning the other territories reproduce or refer to the information previously supplied.

## 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.

The reports relating to *Nauru* have also been communicated to the local organisations.

*Belgium.* Copies of the reports have been communicated to the organisations in Belgium and in the territories.

*Denmark.* Copies of the reports have been communicated to the organisations in Denmark and to the local employers' organisation.

*France.* Copies of the reports have been communicated to the local employers' and workers' organisations in the following territories : *Camerouns, 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: Trusteeship Territory of Somalia.* 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).

*Netherlands: Netherlands Antilles.* Notices were published in the newspapers stating that the reports were open to inspection by the local organisations. *Netherlands New Guinea.* The reports have been communicated to the local workers' organisations.

*New Zealand.* Copies of the reports have been communicated to the organisations in New Zealand.

*Spain.* The Government states that copies of its reports have been communicated to the central social and economic sections of the various trade unions, on which employers and workers are represented.

*United Kingdom.* Copies of the reports have been communicated to the representative employers' and workers' organisations in the following territories : *Aden, Cyprus, Dominica, Falkland Islands, Gambia, Gold Coast, Grenada, Leeward Islands, Malta, Mauritius, Nigeria and Nyasaland.*

In the territories listed below copies of the reports have been communicated to the organisations indicated :

Labour Advisory Board : *Gibraltar, Hong Kong, North Borneo, St. Lucia, Singapore, Uganda.*

Labour Office : *Bahamas.*

In the absence of representative employers' organisations copies of the reports have been communicated only to the workers' organisations in *British Honduras* and *Sierra Leone*.

The reports from the following territories state that at present there are no representative employers' and workers' organisations : *Basutoland, Bechuanaland, Bermuda, British Somaliland, Brunei, St. Helena, Sarawak, Solomon Islands* 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.

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# **INTERNATIONAL LABOUR CONFERENCE**

**FORTIETH SESSION  
GENEVA, 1957**

**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, 1956**



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GENEVA, 1956**

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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 four instruments: a Convention and two Recommendations on labour inspection, and a Convention on freedom of association. The governments of Members were requested to send in their reports to the International Labour Office in Geneva before 1 July 1956. 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 1956.

This is the second time that the instruments in question have been chosen by the Governing Body of the International Labour Office for report under article 19 of the Constitution. The summaries of the reports previously received in this connection on the Convention and Recommendations on labour inspection appear in Re-

port III (Part II) presented to the 34th Session of the Conference (Geneva, 1951); the summaries of the reports previously received on the Convention concerning freedom of association and protection of the right to organise appear in Report III (Part II) presented to the 36th Session of the Conference, Geneva, 1953. In a certain number of cases governments refer in their present reports to the information supplied previously under Article 19; in those cases where such information had arrived in time for summaries to be included in the before-mentioned Conference reports, an appropriate reference has been inserted in the present report; in those cases where the reports previously supplied were received too late, the principal facts mentioned in them have been summarised and incorporated in the present report.

It should also be noted that summaries of the reports supplied pursuant to article 22 of the Constitution by States which have ratified the two Conventions in question, or either of them, appear in Report III (Part I), which is presented to the Conference each year.<sup>1</sup>

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 40th Session, will include general remarks made by the Committee on the reports on the above-mentioned Conventions and Recommendations.

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<sup>1</sup> These summaries are to be found, in the case of the Labour Inspection Convention, 1947 (No. 81), in the reports presented to the Conference from the 34th Session (1951) onwards, and, in the case of the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in the reports presented to the Conference from the 35th Session (1952) onwards.





## Labour Inspection Convention, 1947 (No. 81)<sup>1</sup>

### *Belgium.*

#### *Social Inspection :*

Royal Order of 21 September 1894.

Royal Order of 22 October 1895.

Royal Order of 5 December 1935 to reorganise the inspection service under the control of the Ministry of Labour and Social Insurance.

Royal Order of 21 December 1935 to reorganise the inspection services.

Ministerial Order of 13 January 1936 issued pursuant to the Royal Orders of 5 and 21 December 1935.

Royal Order of 6 March 1936 for the reorganisation of the Labour Inspection Service (*L.S.* 1936—Belg. 2A).<sup>2</sup>

Royal Order of 12 May 1938 to amalgamate the Labour Inspection Service and the Old Age Pension, Salaried Employees' Pension and Family Allowance Inspection Services.

Royal Order of 16 January 1939 to alter the designation of social insurance inspectors and institutions.

Order of the Regent of 3 July 1945 respecting the status of inspectors attached to the General Directorate of Employer-Employee Relations, as amended by the Order of the Regent of 31 December 1945.

Order of the Regent of 3 July 1945 respecting the status of social supervisors, as amended by the Order of the Regent of 10 January 1946 and by the Royal Order of 17 March 1951.

Ministerial Order of 18 September 1952 to delimit the inspection districts and sectors of the Social Inspection Service.

Royal Order of 13 May 1953 respecting the organisational structure of the Ministry of Labour and Social Insurance.

#### *Technical, Medical and Chemical Inspection :*

Act of 5 May 1888 respecting the inspection of dangerous, unhealthy and noisome establishments and the supervision of steam machinery and boilers.

Royal Order of 22 October 1895 for the reorganisation of the labour inspectorate and the inspectorate of dangerous, unhealthy or noisome establishments.

Royal Order of 6 March 1936 for the reorganisation of the Labour Inspection Service (*L.S.* 1936—Belg. 2A).

General Labour Protection Regulations, approved by the Orders of the Regent of 11 February 1946 and 27 September 1947.

Act of 10 June 1952 respecting the health and safety of workers and the salubrity of work and workplaces (*L.S.* 1952—Belg. 3).

Royal Order of 13 May 1953 respecting the organisational structure of the Ministry of Labour and Social Insurance.

#### *Inspection of Mines :*

Act of 16 August 1927 respecting appointment of workmen delegates for the inspection of coal-mines (*L.S.* 1927—Belg. 5).

Royal Order of 26 March 1953 respecting the organisation of the Mine Inspection Service and the Corps of Mine Inspectors.

Royal Order of 9 November 1953 respecting the organisational structure of the Mines Department.

The report submitted by the Government under Article 19 consists of a series of documents and a parliamentary Bill approving the Convention. The following summary is based on the information contained in these documents.

*Articles 1 to 4 and 22 of the Convention.* Belgium has a labour inspection system covering industrial and commercial establishments, together with mining undertakings and transport. Full effect is given to articles 2 and 22 of Convention No. 81.

The following authorities are responsible for organising a labour inspection system in Belgium :

- (a) the Mines Department, under the jurisdiction of the Minister responsible for the administration of the Mines Acts ;
- (b) the Occupational Safety and Health Department, under the jurisdiction of the Minister of Labour and Social Insurance, and comprising technical, medical and chemical inspection services ;
- (c) the Social Legislation Inspection Service in the Labour Regulation and Labour Relations Department, under the jurisdiction of the Minister of Labour and Social Insurance.

The responsibilities of the social inspection staff are laid down in Orders issued on 3 July 1945. The duties of social supervisors are to supervise or assist in supervising the administration of social legislation generally, and they may be detailed (a) to mediate in disputes concerning wages or conditions of work ; (b) to officiate as the chairman or secretary of one or more joint committees ; (c) to carry out investigations into social matters within their competence. Social inspectors have the same functions as social supervisors, though they concern themselves more with the investigation of special cases.

The medical labour inspection service has, *inter alia*, the duty of supervising the observance in workplaces of the statutory provisions on workers' health and hygiene, of investigating complaints of non-compliance with these provisions, of contributing to occupational physi-

<sup>1</sup> This Convention came into force on 7 April 1950. Twenty-seven ratifications have been registered up to 30 November 1956. 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 40th 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.

ology and pathology and of conducting investigations and research into occupational diseases.

*Articles 6 and 7.* Generally speaking the staff of the labour inspection service, since they rank with civil servants, are subject to the provisions of the Civil Service Code (Royal Order of 2 October 1937). They are assured of the stability of employment and independence required under article 6.

The inspection staff are recruited by competitive examination on the basis of the candidates' aptitude for the tasks they will have to perform. For admission to this competition a degree or diploma of a type determined by the authorities is required and certain age limits also apply. Candidates qualifying in the entrance examination are required to serve a period of basic training, or probationary period, first in the central headquarters and subsequently in a regional office. The training curriculum comprises a theoretical part in the form of lectures given by the Department on the subject of social legislation, and a practical part consisting of visits to the administrative offices and performance of inspection assignments under the supervision of instructors. At the end of the probationary period trainees are required to take a final entrance examination. In the case of social supervisors, the probationary period lasts two years.

*Articles 9 and 10.* The social inspection service includes a central headquarters and a field service, and is headed by an inspector-general assisted by a chief inspector with the rank of director. The central headquarters consists of a permanent office in charge of the whole administrative management of the service and a central brigade for the purpose of carrying out certain general investigations or certain inspection assignments requiring careful handling. The field service is made up of 24 districts, each of which is divided into sectors; there is also a specialised labour inspection district for women and young persons which is based on the capital and has jurisdiction over the whole of the country. The strength of the inspection staff proper is 26 social inspectors and 132 social supervisors.

The technical inspection service is composed of a central headquarters and a field service divided into eight districts; the qualified staff of this section totals 31 engineers and 25 technical supervisors.

The medical inspection service consists of a central headquarters and a field service divided into inspection areas. The qualified staff is made up of 22 medical officers and 19 women health visitors.

*Article 11.* Inspectors are entitled to free rail travel on duty trips. They are also entitled to a mileage allowance for road journeys and in addition receive an allowance for travel expenses.

*Articles 12 and 13.* The inspection staff are placed on the same footing as the detective police force and can hence instigate prosecutions. They carry out inspection visits at any hour of the day and in certain cases at night and on Sundays.

*Article 15.* As civil servants, inspectors may not engage in any occupation liable to impair

the proper discharge of their functions, and are forbidden to hold any office or perform any services, even in an honorary capacity, in private business conducted for pecuniary gain. In addition, members of the Mines Corps on active service are forbidden to have any direct or indirect interest in any workings under their supervision. Social inspectors and supervisors may not be members of joint conciliation boards or of industry and labour councils; and they may not accept any office whatsoever in an employers' or workers' organisation except by authorisation of the Minister.

Inspectors are forbidden, even after they have left the service, to divulge any information of a secret nature that may have come to their notice in the course of their duties.

The Government states that Belgian legislation meets the requirements of the Convention with the exception of article 12, paragraph 1 (b) and article 15, paragraph (a). The Government states that a Bill approving Convention No. 81 was passed by the Senate on 13 June 1956 and sent to the Chamber.

### *Byelorussia.*

#### *Labour Code.*

#### *Articles 1 to 4 and 22 of the Convention.*

Systems of labour inspection exist for the purpose of supervising labour protection, safety technique and industrial hygiene and of enforcing labour legislation, instructions, orders, and provisions in collective agreements relating to labour protection. Inspection applies without exception to all undertakings, government agencies, institutions and organisations in industry, building, transport, commerce, telecommunications, agriculture, etc. There are three kinds of inspection: supervision through government agencies, technical inspection and social labour inspection.

Supervision of labour protection through government agencies is exercised by the state health inspection service of the Ministry of Health; the public health and epidemic prevention services of regions, districts and towns; a committee for supervising safety in industry and for mining inspection attached to the Council of Ministers; and also by the safety departments and services of various ministries, government agencies and undertakings. In addition the public prosecutor's department enforces labour legislation as part of its supervision of the due operation of laws in general.

The technical inspection service is maintained and directed by the trade unions under an agreement with the Government; it applies to all industries and undertakings. The inspectors must not be given any employment which might interfere with their functions of supervising working conditions.

The workshop and works union committees appoint labour protection subcommittees and in each industry wage and salary earners elect social labour inspectors, who work under the guidance of the works union committees. Social inspectors supervise compliance with the Labour Code, the orders and regulations of central and local authorities, and collective agreements and works rules so far as they relate to safety and labour protection, and participate in the preparation of plans for labour protection.

*Article 5.* The works and local union committees each year negotiate agreements for the improvement of working conditions and hold quarterly meetings attended by the labour inspection authorities and management representatives at which the directors of undertakings report on the implementation of these agreements and the current state of labour inspection in the undertakings. The technical inspectors, social inspectors and works protection committees work in close contact with each other.

*Articles 6 to 10.* Technical inspectors are governed in their work by labour legislation and rules; they are independent of economic authorities, government agencies and institutions. They may be men or women. They must have had higher or intermediate technical education and be well acquainted with the particular branch of industry. The trade unions select candidates for the posts of technical inspector and arrange for their examination by a special board. The appointments are confirmed by the Praesidium of the Central Council of Trade Unions for the particular industry. The technical inspectors may call in experts, engineers and technicians to assist in investigations and in drafting safety measures.

In each industry enough technical inspectors are appointed to ensure the effective supervision of labour protection and the improvement of working conditions. Social inspectors and members of labour protection committees in undertakings at present number more than 50,000.

*Articles 12 and 13.* Technical inspectors receive a labour inspector's certificate which gives them the right to enter the premises of undertakings, institutions, works, sites, etc. under their control and to inspect them at any hour of the day or night. They are entitled to require managements to produce documents, information and materials and to submit notifications on labour protection matters; to issue orders with a time limit to managements and to individual officials requiring them to stop violations of safety and health rules, and to see that such orders are carried out. They can also call on managements to suspend particular work in the event of immediate danger to life or health, and order any employee not acquainted with essential safety rules to be taken off particular work.

Social inspectors are entitled to visit at any time of day or night all parts of the undertakings in which they are appointed, including premises provided for the welfare of workers. They can ask managements for all necessary explanations, books, documents and other information relating to labour protection and safety. To prevent violations of safety rules they can, in agreement with or through the technical inspectors, issue binding orders to managements.

*Article 15.* Technical inspectors are forbidden to hold any paid post in undertakings which they inspect.

*Article 16.* Every technical inspector must regularly visit the undertakings and institutions for which he is responsible, and ascertain that all general and special safety and health provisions are duly observed.

*Articles 17 and 18.* Technical inspectors must take action through managements to put

a stop to any violations or deficiencies in safety and health measures. They can impose fines on persons violating labour legislation or safety and health rules, or apply for their prosecution. They can also apply for the prosecution of persons failing to carry out their orders. Social inspectors can also apply (in consultation with labour inspectors) for the institution of proceedings in respect of violations of labour laws.

Strict action is taken against anyone refusing to admit a technical inspector who shows his certificate. All violations of labour and safety legislation and rules are severely punished, and officials committing malicious breaches of labour protection laws incur liability under the Criminal Code.

*Article 19.* Technical inspectors regularly report on their work to the central trade union bodies.

The Government observes that the law and practice in the Byelorussian S.S.R. relating to labour inspection provide more solid guarantees for the observance of labour protection legislation and for action to improve working conditions, and greater possibilities of labour inspection than the provisions of Convention No. 81 and Recommendations Nos. 81 and 82.

#### *Canada.*

##### *Alberta.*

The Factories Act, Revised Statutes 1942, c. 310.  
The Boilers Act, R.S. 1942, c. 307.  
The Welding Act, R.S. 1942, c. 322.  
The Electrical Protection Act, R.S. 1942, c. 309.  
The Alberta Labour Act, 1947, c. 8.  
The Workmen's Compensation Act, 1948, c. 5.  
The Gas Protection Act, 1955, c. 33.

##### *British Columbia.*

The Factories Act, R.S. 1948, c. 115.  
The Boiler and Pressure Vessel Act, R.S. 1948, c. 30.  
The Electrical Energy Inspection Act, R.S. 1948, c. 107.  
The Shops Regulation and Weekly Holiday Act, R.S. 1948, c. 305.  
The Male Minimum Wage Act, R.S. 1948, c. 220.  
The Female Minimum Wage Act, R.S. 1948, c. 221.  
The Hours of Work Act, R.S. 1948, c. 154.  
The Annual Holidays Act, R.S. 1948, c. 13.  
The Department of Labour Act, R.S. 1948, c. 169.  
The Barbers Act, R.S. 1948, c. 24.  
The Hairdressers Act, R.S. 1948, c. 140.  
The Workmen's Compensation Act, R.S. 1948, c. 370.  
The Equal Pay Act, 1953, c. 6.  
The Apprenticeship and Tradesmen's Qualification Act, 1955, c. 3.

##### *Manitoba.*

The Factories Act, R.S. 1954, c. 79.  
The Steam and Pressure Plants Act, R.S. 1954, c. 251.  
The Electricians' Licence Act, R.S. 1954, c. 70.  
The Elevator and Hoist Act, R.S. 1954, c. 71.  
The Gas and Oil Burner Act, R.S. 1954, c. 98.  
The Building Trades Protection Act, R.S. 1954, c. 29.  
The Shops Regulation Act, R.S. 1954, c. 242.  
The Minimum Wage Act, R.S. 1954, c. 168.  
The Hours and Conditions of Work Act, R.S. 1954, c. 119.  
The Vacations with Pay Act, R.S. 1954, c. 278.  
The Department of Labour Act, R.S. 1954, c. 131.  
The Barbers Act, R.S. 1954, c. 14.  
The Hairdressers Act, R.S. 1954, c. 251.  
The Workmen's Compensation Act, R.S. 1954, c. 297.

##### *New Brunswick.*

The Factory Act, R.S. 1952, c. 78.  
The Stationary Engineers Act, R.S. 1952, c. 217.  
The Minimum Wage Act, R.S. 1952, c. 145.  
The Industrial Standards Act, R.S. 1952, c. 109.  
The Workmen's Compensation Act, R.S. 1952, c. 255.  
The Fair Wages and Hours of Labour Act, 1953, c. 8.  
The Weekly Rest Period Act, 1954, c. 16.

*Newfoundland.*

The Boiler and Pressure Vessel Act, R.S. 1952, c. 266.  
 The Minimum Wage Act, R.S. 1952, c. 260.  
 The Workmen's Compensation Act, R.S. 1952, c. 253.  
 The Apprenticeship Act, R.S. 1952, c. 261.

*Nova Scotia.*

The Nova Scotia Factories Act, R.S. 1954, c. 92.  
 The Steam Boiler, Pressure Vessel and Refrigeration Plant Inspection Act, R.S. 1954, c. 273.  
 The Engine Operators Act, R.S. 1954, c. 84.  
 The Women's Minimum Wage Act, R.S. 1954, c. 317.  
 The Industrial Standards Act, R.S. 1954, c. 125.  
 The Employment of Children Act, R.S. 1954, c. 83.  
 The Workmen's Compensation Act, R.S. 1954, c. 319.

*Ontario.*

The Factory, Shop, and Office Building Act, R.S. 1950, c. 126.  
 The Operating Engineers' Act, R.S. 1950, c. 78.  
 The Building Trades Protection Act, R.S. 1950, c. 41.  
 The Minimum Wage Act, R.S. 1950, c. 235.  
 The Hours of Work and Vacations with Pay Act, R.S. 1950, c. 173.  
 The Industrial Standards Act, R.S. 1950, c. 179.  
 The Department of Labour Act, R.S. 1950, c. 95.  
 The One Day's Rest in Seven Act, R.S. 1950, c. 260.  
 The Workmen's Compensation Act, R.S. 1950, c. 430.  
 The Apprenticeship Act, R.S. 1950, c. 19.  
 The Boiler and Pressure Vessels Act, 1951, c. 7.  
 The Elevators and Lifts Act, 1953, c. 33.  
 The Trench Excavators Protection Act, 1954, c. 99.  
 The Schools Administration Act, 1954, c. 86, Part I.

*Prince Edward Island.*

The Electrical Inspection Act, R.S. 1951, c. 50.  
 The Steam Boiler Act, R.S. 1951, c. 151.  
 The Workmen's Compensation Act, R.S. 1951, c. 178.

*Quebec.*

General Regulations concerning Industrial and Commercial Establishments, June 13, 1934, and Amendments.  
 The Industrial and Commercial Establishments Act, R.S. 1941, c. 175.  
 The Pressure Vessels Act, R.S. 1941, c. 177.  
 The Electricians and Electrical Installations Act, R.S. 1941, c. 172.  
 The Pipe Mechanics Act, R.S. 1941, c. 173.  
 The Scaffolding Inspection Act, R.S. 1941, c. 171.  
 The Stationary Enginemen Act, R.S. 1941, c. 178.  
 The Minimum Wage Act, R.S. 1941, c. 164.  
 The Collective Agreement Act, R.S. 1941, c. 163.  
 The Weekly Day of Rest Act, R.S. 1941, c. 166.  
 The Workmen's Compensation Act, R.S. 1941, c. 160.

*Saskatchewan.*

The Factories Act, R.S. 1953, c. 336.  
 The Boiler and Pressure Vessel Act, R.S. 1953, c. 338.  
 The Electrical Inspection and Licensing Act, R.S. 1953, c. 333.  
 The Gas Inspection and Licensing Act, R.S. 1953, c. 334.  
 The Passenger and Freight Elevator Act, R.S. 1953, c. 343.  
 The Building Trades Protection Act, R.S. 1953, c. 341.  
 The Minimum Wage Act, R.S. 1953, c. 264.  
 The Hours of Work Act, R.S. 1953, c. 260.  
 The Industrial Standards Act, R.S. 1953, c. 258.  
 The Annual Holidays Act, R.S. 1953, c. 261.  
 The Equal Pay Act, R.S. 1953, c. 265.  
 The One Day's Rest in Seven Act, R.S. 1953, c. 262.  
 The Apprenticeship and Tradesmen's Qualification Act, R.S. 1953, c. 270.  
 The Workmen's Compensation (Accident Fund) Act, R.S. 1953, c. 256.

The matters dealt with in the Convention are within the competence of the provincial authorities, except for the North West and Yukon Territories and excepting certain matters not exclusively within provincial jurisdiction.

The inspection of establishments is provided for in the factory Acts which deal mainly with safety, health and welfare, including the hours

of work of women and young persons. In New Brunswick, Quebec, Ontario and Alberta, the factory Acts apply expressly also to shops and other commercial establishments, and in Newfoundland, Manitoba and British Columbia some regulation of working conditions in shops (also in offices in Manitoba) is provided for in separate Acts which, except in the case of Newfoundland, provide for inspection.

*Articles 1 to 4 and 22 of the Convention.*  
 In all provinces except Prince Edward Island there is a system of labour inspection in industrial and commercial establishments under the supervision and control of the provincial labour department. Technically qualified inspectors are employed to enforce laws governing boilers and pressure vessels, elevators and hoists, electrical installations and other hazardous operations and equipment. The laws relating to wages, hours of work, vacation pay, weekly rest and other conditions, which apply generally to all industrial and commercial establishments, are with some exceptions enforced by a separate staff of inspectors or, as in Newfoundland and New Brunswick, complaints of violations are investigated by other responsible officers. In Ontario the labour inspectorate is organised on a composite basis and is responsible for inspection under various conditions of work Acts, but a separate staff is employed to enforce certain specific safety Acts. In Saskatchewan grain elevators are inspected by boiler inspection staff and in British Columbia boiler inspection is under the Department of Public Works, but in both these provinces the Workmen's Compensation Board is the authority mainly responsible for safety inspection in industrial establishments. In Prince Edward Island, predominantly an agricultural province, there is some government inspection of establishments with respect to steam boilers and electrical installations. In Quebec parity committees appointed under the Collective Agreement Act also have authority to inspect some industrial establishments, their work being financed by a levy on the parties concerned.

With regard to the sanitary conditions in industrial and commercial establishments, inspection in Quebec is under the Department of Health and Social Welfare and in other provinces the inspection is carried out by provincial or municipal health authorities as well as by factory inspectors. The regulation and provision for inspection of sanitary conditions in labour camps are under the control of the Departments of Health, and in Newfoundland the inspection of logging camps is carried on by the Department of Mines and Resources. In the matter of accident prevention in all provinces except Manitoba, where this matter is the responsibility of the Department of Labour, boards established under the Workmen's Compensation Acts have authority to inspect industrial and commercial establishments to ensure that proper precautions are being taken to prevent accidents, and some of the boards maintain their own inspection staffs.

The main duties of inspectors in all provinces as laid down in legislation are along the lines of the provisions of article 3 (a) and in practice, where it is not expressly laid down in legislation, they fulfil the provisions of clauses (b) and (c) of this article.

*Article 5.* It is the practice for the factory inspectorates to exchange information on accidents with the workmen's compensation boards, and in provinces where accident prevention associations are organised under the workmen's compensation Acts there is close co-operation between the inspectors of the associations and the factory inspectors. In Manitoba monthly conferences are held to co-ordinate the inspection work of responsible provincial departments and of municipal authorities. In Saskatchewan regional co-ordinating committees meet regularly for a similar purpose. In Ontario medical and engineering experts of the Industrial Hygiene Division of the Department of Health are frequently called upon to lecture at the annual conferences of the labour inspectorate. Increasing use is being made by the inspectorates of the technical services of the Canadian Standards Association, and factory and other safety inspectors frequently serve on the various committees of the Association organised to formulate codes of safe practice. According to the annual reports of the provinces, employers and workers or their organisations are also called upon to co-operate with the inspection service.

*Articles 6, 7 and 15.* In some provinces (Alberta, British Columbia and Saskatchewan) certain Acts provide, and in all provinces it is the general practice, for the appointment of labour inspectors to be subject to the public service Act, which assures the requirements of Article 6 of the Convention. Qualifications and appointments are usually decided in consultation with the competent labour authority. All inspectors are given training on the job under the supervision of a senior inspector, and in some provinces this is supplemented by conferences or refresher courses. With regard to article 15 some of the laws contain provisions of a like intent, for example, in respect of clause (a), most of the boiler and pressure vessel Acts and some Acts governing electrical, gas and elevator inspection forbid appointment of an inspector who has any direct or indirect interest in the manufacture, sale or installation of such equipment; in respect of clause (b), most of the factory or other relevant Acts expressly lay down a similar prohibition, and in all provinces this general principle is provided for under the public service Acts; and in respect of clause (c), certain Acts in Alberta, British Columbia, Nova Scotia and Quebec lay down strict injunctions along these lines, and in practice all labour inspectors are instructed to treat as confidential the source of all complaints except where it is necessary to summon the informer to give evidence in court.

*Articles 9 and 10.* In general the number of inspectors is determined on the basis of the factors listed in article 10. Inspection staffs are being increased from time to time to keep pace with industrial expansion, but some annual reports state that present staff in some branches of the service are not adequate. At the end of the fiscal year 1954-55 there were 489 factory, safety and other conditions of work inspectors employed by the provincial departments of labour: of these 7 were in Newfoundland, 10 in Nova Scotia, 5 in New Brunswick, 160 in Quebec, 106 in Ontario, 21 in Manitoba, 17 in Saskatchewan, 80 in

Alberta and 30 in British Columbia. The geographical distribution of inspection staffs is also made with due regard for the factors dealt with in article 10. As an example, the province of Ontario is at present divided into 31 districts for the inspection of industrial and commercial establishments by the composite inspection staff, one or more inspectors being assigned to each district and local offices being maintained in the larger cities to serve surrounding areas. The number of districts is smaller for inspections by the specialist services.

All inspectorates enlist the assistance of provincial departments of health in investigating the effects of dust, noxious fumes, etc., and of processes, materials and methods of work on the health and safety of workers. These departments in some provinces (Manitoba, Ontario and Quebec) as well as that of the federal Government have special industrial hygiene staffs, and factory Acts in several provinces permit a health officer to accompany the inspector during his inspections.

All inspectorates also call upon engineering and other specialists for advice when necessary: the Ontario Department of Labour maintains a staff of engineers, and recently the New Brunswick Department engaged a technical adviser in the administration of the boilers and pressure vessel code.

*Articles 12 and 13.* The powers of inspectors are practically the same in all provinces and comply substantially with the provisions of article 12. The factory and other safety Acts provide for the powers mentioned in article 13, and in some provinces the time limit for carrying out certain orders of the inspector is fixed by statute. In Ontario, by an administrative order made in 1955 to strengthen the statutory power of the inspector and to encourage prompt compliance, an inspector's written directions to the employer are made binding upon the employer without further confirmation by the Chief Inspector. A right of appeal by the employer against an order is provided for in some of the Acts.

*Articles 17 and 18.* Persons who violate legal provisions enforceable by inspectors are liable to prosecution without warning, but it is the practice to warn and advise the employer several times before taking legal action against him. The various Acts provide for the penalties required under article 18.

*Articles 19 to 21.* It is a general practice for inspectors to report periodically to the Chief Inspector on their inspection activities; for example, weekly in Ontario and monthly in Quebec. The Chief Inspector submits an annual report to the Minister on the activities of the inspectorate which is incorporated in the annual report of the department. Eight departments publish annual reports and in Alberta the Department of Industries and Labour issues an annual bulletin on the activities of the Board of Industrial Relations, which administers the Labour Act, giving some statistical information on the Board's inspection work. The newly appointed Minister of Labour in Prince Edward Island has not yet published a report. None of the reports deals with all the subjects enumerated in article 21, but each report deals with several of them; none includes item (c); only

Manitoba, Nova Scotia and Ontario include item (f), and only Nova Scotia and Ontario item (g).

The government indicates that a system of labour inspection broadly conforming to the main principles of the Convention was in effect in most provinces before 1947 when the Convention was adopted, but that ratification of the Convention is not contemplated since its subject matter falls within the legislative jurisdiction of both the Dominion and the provincial legislatures. Various aspects of labour inspection have been discussed at the annual conferences of the Canadian Association of Administrators of Labour Legislation, with a view to improving legislative and administrative standards and bringing about a greater measure of uniformity in laws and practice.

### *Ceylon.*

Maternity Benefits Ordinance No. 32 of 1939, as amended in 1946 and 1952, and regulations made thereunder.

Wages Boards Ordinance No. 27 of 1941, as amended by Ordinances of 1943 and 1945 and by Act No. 5 of 1953, and regulations made under this legislation.

Factories Ordinance No. 45 of 1942 as amended in 1946, and regulations made thereunder.

Labour Inspections (Maintenance of Secrecy) Act No. 17 of 1953.

Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 19 of 13 March 1954 (*L.S.* 1934—Cey. 1).<sup>1</sup>

The Government states that with the increase of labour legislation in Ceylon the system of labour inspection has developed considerably since its inception in 1923, and it now conforms fully with the Convention as regards industrial and commercial workplaces.

The labour inspection staff is attached to the Ministry of Labour, Housing and Social Services but works directly under the supervision and control of the Commissioner of Labour, who has a deputy and several assistants to supervise the work of the labour inspectors.

Labour inspectors are public servants appointed by the Commissioner of Labour under powers delegated to him by the Public Service Commission, which is an independent body; as public servants they are assured stability of employment. A candidate for the post of labour inspector should possess a university degree or equivalent qualification in economics, law, sociology, science, engineering or public administration; however, a candidate not possessing a degree but with special experience or knowledge of labour problems or of proved administrative ability may be appointed. Recruitment is usually by advertisement in local newspapers and the *Government Gazette*, followed by a competitive interview by a selection board of which the Commissioner of Labour is chairman. New recruits receive intensive training for about seven months before they assume responsibility on their own, then practical training in the actual performance of their duties; inspectors are also trained to run an office efficiently. Appointments are confirmed at the end of two years on the passing of examinations in labour laws, languages and office procedure. The duties of the inspection

staff are those enumerated in Article 3 (1) of the Convention, and there is legal provision in regard to all the matters prescribed in Article 15.

Inspectors are required to maintain conveyances for use in their duty, and their travelling expenses are reimbursed in accordance with rates approved by the Government.

There are twelve district offices spread over the island. Inspectors attached to these offices work under the direct supervision and control of Assistant Commissioners of Labour in charge of these offices. The number of inspectors attached to each district office depends upon the work available. In addition, there are 11 sub-offices in the sole charge of inspectors. There is a separate specialised inspection staff of technically qualified men for the enforcement of the Factories Ordinance and a labour medical officer in charge of industrial hygiene.

Inspectors have the powers provided for in Articles 12 and 13 of the Convention, and provisions exist for the application of the requirements of Articles 17 and 18.

Inspectors are required to submit to the district assistant commissioners to whom they are attached reports on their inspections within three days of the inspection, and the commissioners submit to the central authority periodical reports and returns on the results of the inspection activities. An annual general report on the work of the inspection services is published by the central authority and contains information on the matters referred to in Article 21 of the Convention. The Administration Reports of the Commissioner of Labour which contain information on the inspection services are sent regularly to the I.L.O.

There is no legal provision for the co-operation referred to in Article 5, but in practice the two largest employers' federations in Ceylon have been called upon to help the Inspectorate in enforcing the various provisions of the law and they have responded by giving the necessary instructions to their members. Workers' organisations also assist occasionally by bringing to notice the existence of abuses.

No modification in national legislation or practice has been found necessary to give effect to the provisions of the Convention, which has been ratified by Ceylon.<sup>1</sup>

### *Chile.*

Labour Code (*L.S.* 1931—Chile 1), as amended.

Act No. 7295 of 30 September 1942 respecting salaried employees in private employment (*L.S.* 1942—Chile 1).

Decree No. 1184 of 10 December 1942, regulating the organisation of the labour services.

Act No. 10383 of 28 July 1952 to amend Act No. 4054 respecting compulsory insurance (*L.S.* 1952—Chile 1).

Legislative Decree No. 76 of 29 April 1953, to regulate the Directorate-General of Labour.

Decree No. 256 of 24 July 1953, laying down Civil Service Staff Regulations.

Decree No. 732 of 2 December 1953, regulating the qualifications of the staff of the Directorate-General of Labour.

Decree No. 414 of 4 June 1954, regulating appointment to the labour services.

*Articles 1 to 4 and 22 of the Convention.* Under section 1 of the Decree of 29 April 1953 the Directorate-General of Labour of the Minis-

<sup>1</sup> Copies of all the above-mentioned texts have been supplied to the Office.

<sup>1</sup> The ratification was registered on 3 April 1956.



try of Labour is responsible for labour inspection. Its functions are defined in the same section and correspond to those mentioned in Article 3 of the Convention. The inspection system applies to all industrial and commercial workplaces.

*Article 5.* Various laws require the Directorate-General of Labour to collaborate with other authorities, such as the Ministry of Agriculture, the Transport Department of the Ministry of Economy, the National Health Service, and local authorities.

*Articles 6 to 8.* Inspectors are assured of stability of employment under the rules applying to all civil servants. They are required to have specified educational qualifications and are recruited through competitive examinations. The Labour Directorate organises training courses for both candidates to the service and the inspection staff. Promotions are based on merit and seniority. The Director-General can determine the number of posts to be filled by men and women respectively.

*Article 9.* The principle that technical experts should be associated in the work of inspection is given effect by the fact that the Directorate-General of Labour is a technical department of the Ministry of Labour.

*Article 10.* The Labour Directorate carries out its functions through a system of provincial, departmental and communal inspectorates. Its staff comprises 255 inspectors and 109 administrative officials.

*Articles 12 and 13.* Inspectors have the powers enumerated in Article 12 except with regard to paragraph (c) (iv). These powers, as well as those listed in paragraphs 1 and 2 of Article 13, are exercised by the National Health Service. With regard to Article 13 (3), the Labour Directorate is charged with bringing to the notice of the competent authorities defects and abuses not specifically dealt with by legislation and with proposing necessary reforms.

*Article 15.* Section 31 of the decree of 29 April 1953 prohibits labour inspectors, under pain of suspension or dismissal, from revealing any information obtained in the course of inspections. Additional penalties are provided for the revelation of trade secrets.

*Articles 17 and 18.* The Labour Code and other relevant legislation provide for penalties in the form of fines, and for prior warnings.

*Articles 19 to 21.* Inspectors make periodical reports on their work, and an annual report on the work of the service as a whole is made to the Ministry of Labour. These reports cover all the matters dealt with in Article 21, except for clauses (f) and (g), which are within the competence of the National Health Service.

The Government states that the Convention is at present under consideration by Congress.

Copies of the Decrees of 29 April 1953, 2 December 1953 and 4 June 1954 were appended to the report.

#### *Costa Rica.*

Decree No. 42 of 16 August 1949 providing regulations for the Inspectorate-General of Labour (L.S. 1949—C.R. 1).

Act No. 1581 of 30 May 1953 laying down civil service regulations.

Act No. 1860 of 21 April 1955 on the organisation of the Ministry of Labour and Social Welfare.

*Articles 1 to 4 and 22 of the Convention.* The Inspectorate-General of Labour is under the control of the Ministry of Labour and Social Welfare. Its functions are to enforce laws, regulations and collective agreements relating to working conditions and social welfare, to give information to employers and workers as to their rights and obligations, and to intervene in labour differences and disputes except where they fall within the province of the office of trade union affairs.

All commercial, industrial and agricultural establishments employing at least one worker are subject to inspection.

*Article 5.* The Act of 1955 provides that the Inspectorate is to co-operate with all other departments of the Ministry of Labour. In case of obstruction in the course of their duties, inspectors can call on the public authorities for assistance. Section 95 of the Act of 1955 provides that inspectors are to have free use of telegraphic services for the purpose of their duties.

*Articles 6 and 7.* Labour inspectors are public servants, governed by civil service regulations. They can be dismissed from office only on one of the grounds and in accordance with the procedure specified in the regulations. Regulation 20 of the Civil Service Regulations provides that candidates for the civil service must possess moral and physical fitness for their duties, sign an affidavit of loyalty to the State, satisfy the minimum requirements laid down for the post in question, and pass any examination provided for in the regulations. They must serve a probationary period and satisfy all other relevant legal requirements. Regulation 55 of the Labour Inspection Regulations provides that on appointment inspectors must undergo general training for at least two months. This training is given by senior inspectors or by inspectors specially designated by the Inspector-General. Regulation 56 provides that in the absence of contrary directions the training should take place in San José and cover, amongst other matters, instruction on all the functions of the Inspectorate-General of Labour and the other departments of the Ministry of Labour. Regulation 57 requires inspectors to keep their legal and technical knowledge up to date, especially by reading publications dealing with labour and social security questions.

*Articles 10 and 11.* The central labour inspection office at San José consists of a chief inspector, a deputy chief inspector, 14 labour inspectors, and clerical staff. The six provincial capitals each have an office, staffed by a provincial inspector and an assistant inspector. There are four cantonal inspection offices, each with one inspector, in places where geographical conditions have made the establishment of such offices necessary. Finally there are four so-called "regional" offices in the South, on the Pacific coast, concerned particularly with the banana estates of the Costa Rica Banana Company. The central office at San José deals with all matters and information submitted to

it by the other inspection offices, from which it prepares general records. The inspectors attached to the central office regularly visit commercial, industrial and agricultural establishments throughout the country and can deal with any matter, their work being distributed according to activities. The provincial and cantonal inspectors are concerned particularly with agriculture, since their inspection work is mainly in the country, where problems and conflicts usually arise among agricultural workers. In the banana region, where most of the inspection work is on estates of the Banana Company, inspectors are faced with the problem of labour conflicts. Trade unionism there is extremist in character, and the unions constantly promote strike movements; inspectors find great activity necessary, since their inspection work may help them to prevent constant disputes.

*Articles 12 and 13.* Under sections 89 and 90 of the Act of 1955 labour inspectors are entitled at any hour of the day or night to visit any workplace, of whatever nature, in which work is then in progress. They can inspect books and other documents which may assist them in their work. They can also examine health and safety conditions in the undertaking, and in particular ensure that legal requirements for the prevention of accidents and of occupational diseases are observed. Under regulation 38 of the Labour Inspection Regulations inspectors can interrogate the employer or his representative, either alone or in the presence of witnesses, on all matters concerning compliance with legal requirements; they can also take samples for the purpose of analysis, but must inform the employer or his representative of this.

In accordance with sections 89, 92 and 95 of the Act of 1955, wherever inspectors find that legal requirements have not been complied with, they send a warning notice to the owner of the undertaking and indicate the manner and time in which the defects must be remedied. When the time so specified has elapsed a further inspection is made and, if the requirements have not been carried out, the inspector sends a detailed report to the chief inspector. The Inspectorate can take legal proceedings, in which the inspectors' reports and declarations will have special probative force and will be discounted only in clear cases of inaccuracy, falsity or partiality.

*Article 15.* Section 100 of the Act of 1955 prohibits inspectors, under pain of suspension or dismissal from revealing any information obtained in the course of their duties.

*Article 16.* Inspectors must pay regular visits to workplaces. Section 100 of the Act of 1955 provides that inspectors may be suspended and, in the case of a repetition of default, dismissed if they do not visit regularly and in accordance with the relevant regulations the workplaces for whose inspection they are responsible.

*Articles 17 and 18.* Reference has already been made to the power of the inspectorate to take legal proceedings where inspectors' requirements are not carried out. If an inspector is improperly obstructed in the course of his duties, he reports this to the appropriate labour

judge and also informs the chief inspector's office. In cases of urgency inspectors can enlist the aid of the police to ensure that they are not prevented from carrying out their duties.

Failure to carry out the lawful orders of an inspector or obstruction of an inspector in the course of his duties is punishable by a fine of between 20 and 360 colons. On repetition of a specific offence a sentence of imprisonment of between ten and 180 days must be imposed. The punishment is imposed on the person directly responsible for the violation, and also on the owner of the undertaking unless he can show that he did not know of or had no part in the breach in question.

*Articles 19 to 21.* Labour inspectors must send reports on the cases dealt with by them, including copies of any notices sent to undertakings, to the chief inspector. Every month they must send a statistical report on the work of their office. The chief inspector must in turn make a monthly report to the Director-General of Labour Relations. Finally, in accordance with section 144 of the Constitution, every Minister must each year present to the Legislative Assembly, within 15 days of the opening of its ordinary session, a report on the activities of his department.

The Government concludes that the legislation of Costa Rica conforms in all essentials to the provisions of the Convention, and it hopes shortly to recommend the ratification of the Convention to the Legislative Assembly.

Copies of a number of inspection and report forms used by inspectors are appended to the report.

#### *Denmark.*

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

Act No. 227 of 11 June 1954 respecting workers' protection in employment in commercial establishments and offices (*L.S.* 1954—Den. 2).

Regulations of 1 March 1955 concerning contributions to the Workers' Protection Fund.

Regulations of 25 March 1955 concerning compulsory notifications under Act No. 226.

Regulations of 23 March 1955 concerning compulsory notifications under Act No. 227.

Regulations of 25 March 1955 concerning safety representatives.

Regulations of 7 December 1955 concerning the reporting of occupational diseases.

Also in force are the regulations on the organisation of the labour inspection service issued under the Factories Act, subject to the amendments resulting from Act No. 226.

Labour inspection is so organised as to comply in all essentials with the provisions of the Convention, the relevant Danish enactments having been drawn up with an eye to possible ratification of the Convention.

Workplaces in both industry and commerce are subject to labour inspection. The only exceptions are establishments in which work is carried out exclusively by the employer's family.

Chapters 10 to 14 of Act No. 226 contain provisions on the organisation of the labour inspection service; these provisions are equally applicable to the commercial activities covered by Act No. 227.



Under the general Act enforcement of the workers' protection legislation is entrusted to the Labour Inspection Service and to the municipal inspection service. The Labour Inspection Service is controlled by a directorate answerable to the Minister of Social Affairs and presided over by the Director of the Labour Inspection Service.

The vast majority of occupations come directly under the Labour Inspection Service, whereas the municipal inspection service supervises only those undertakings whose plant and equipment present no major risks. A technical and medical inspection staff and a laboratory staff operate under the authority of the directorate. Local inspection duties are discharged by a technical inspection staff composed of factory inspectors, civil engineers, inspectors and assistants.

The report states that the status and conditions of service enjoyed by the inspection staff are in keeping with the requirements of Article 6 of the Convention. However, the machinery inspectors attached to the municipal inspection service cannot be considered public officials, their functions being more in the nature of a civic duty.

To be appointed as factory inspectors or civil engineers in the Labour Inspection Service, candidates must have passed a final examination at the Danish Technical College or possess other comparable technical training and also have had at least two years' practical experience. For appointment as inspector or assistant in the Labour Inspection Service, adequate technical training is required.

The inspection staff may not have any direct or indirect business interest in the undertakings subject to their inspection. Members of this staff are forbidden to take advantage of their position to obtain any information other than what is required for carrying out their duties; they are also forbidden to divulge publicly or privately any matter concerning the workplaces liable to inspection or the persons working there, which has come to their knowledge in the performance of their inspection functions and can reasonably be regarded as confidential. The duty to observe secrecy continues to apply after the person concerned has ceased to serve as a member of the labour inspectorate.

Any report submitted to the Inspection Service by workers or shop stewards concerning defects or divergencies from the Act in the undertaking where they are employed must be treated as strictly confidential and the person responsible for inspection must not let the employer or his representative know that an inspection is being undertaken as the result of complaints received.

For the purposes of labour inspection at the local level, the country is divided into 28 inspection areas, three of which are in the city of Copenhagen. A factory inspector is at the head of each area and, according to the size of the area and the number and type of undertakings subject to inspection, he may be assisted by another factory inspector. His staff often includes one or more civil engineers and always one or more inspectors. The total staff working in provincial inspection areas in February 1956 consisted of 25 factory inspectors, 13 civil engineers and 35 inspectors, while in Copenhagen itself the Inspection Service had a strength of

6 factory inspectors, 12 civil engineers and 9 inspectors.

In the provincial areas the inspection staff is responsible for the direct supervision of undertakings of all kinds, with the exception of those placed under the municipal machinery examiners. In Copenhagen itself supervision of bakeries is entrusted to a Bakery Inspectorate headed by a factory inspector. Similar arrangements are in force for the inspection of steam boilers and elevators or lifts, which in Copenhagen are dealt with by two separate services. Both these services are likewise controlled by factory inspectors assisted by an appropriate number of civil engineers and inspectors.

In addition, the necessary steps have been taken to make available the services of technicians and experts and specialised institutions. For instance, in the field of industrial health the Labour Inspection Service has at its disposal industrial medical officers who, among other duties, carry out investigations into the incidence and causes of occupational diseases. A Chief Medical Officer is in charge of the industrial medical inspectorate, and this officer will in future be assisted by five industrial medical officers for the city of Copenhagen and the surrounding district, while the provinces will be served by one industrial medical officer and five assistant medical officers. There is also a State Institute for Industrial Hygiene, whose functions, under the statutory provisions in force, are to carry out industrial hygiene investigations and tests for the purpose of assisting the Directorate, the local inspection service and the industrial medical officers in the prevention of accidents and in counteracting conditions injurious to health. The Institute is directed by an industrial medical officer and by a factory inspector who is also a special inspector and the head of a minor provincial area, and its technical establishment includes a chemist, a physicist and a civil engineer.

Three special mobile inspectors and two inspectors of new installations are also attached to the Labour Inspection Service. These officers are concerned with special matters relating to the protection of the workers.

Sections 53 (1) and 57 (2) of Act No. 226 vest in the inspection staff the powers required under Article 12, paragraph 1 of the Convention. There is, however, nothing in the law to require factory inspectors on the occasion of an inspection visit to notify the employer or his representative of their presence.

The inspection staff must enter in the inspection book of the undertaking any defects noted in the course of inspection visits and any orders given in that connection, together with the date by which such orders must be carried out. If the Labour Inspection Service considers it necessary, in order to ward off imminent grave danger to the lives or health of workers or other persons, it may order the necessary action to be taken immediately against the danger. It may, for example, order in appropriate cases that the use of specified equipment be discontinued or order a suspension of operations in specific sections of the undertaking to the extent needed to avert the danger.

Violations of the Acts and the regulations issued in pursuance of the Acts are punishable with fines, provided that no more severe penalties are applicable under the ordinary law. Pro-

ceedings may be instituted without previous warning ; in general, however, labour inspectors give warnings and guidance before resorting to prosecution.

The factory inspectors are required to submit to the Directorate a monthly report on their work, indicating the undertakings they have visited and the nature of the inspections. Officers in charge of inspection areas also submit annual reports of their activities. Partly on the basis of the factory inspectors' reports the Directorate prepares an annual report on the activities of the Labour Inspection Service which is sent to interested undertakings and institutions and published in the "Social Review" (*Socialt Tidsskrift*).

Up to the present time these annual reports have not met the requirements laid down in Article 21, clauses (a) to (g), of the Convention. However, the Directorate of the Labour Inspection Service hopes to be able to include the information required under clauses (a), (b), (d) and (e) of this Article. As regards statistics of workplaces liable to inspection and the number of workers employed therein (clause (c)), the Inspection Service will be able to supply at least part of the requisite information. It will probably also be possible to give statistics of industrial accidents and occupational diseases. In this connection it should be noted that the statistics of industrial accidents and occupational diseases are now in process of rearrangement.

According to section 47 (3) of Act No. 226, the Minister of Social Affairs may, after consultation with the Minister responsible, prescribe rules for co-operation between the Labour Inspection Service and other public authorities. So far, however, no such regulations have been issued. Under the law as it stands at present school commissioners and other public authorities who in the course of their duties become aware of conditions contrary to the Act must report the facts to the Labour Inspection authorities. Physicians and hospital authorities are required to notify certain occupational diseases in pursuance of the statutory provisions on occupational safety and health. Detailed rules on this subject are to be issued after consultation between the Minister of Social Affairs and the Minister of Justice.

The Labour Inspection Service co-operates with workers' and employers' organisations by eliciting their opinions on particular questions and by consulting them on the possible ways of solving certain questions of principle and certain *de facto* situations. The labour inspectors always endeavour to carry out their duties in close co-operation with both employers and workers.

The Government reports that the law as it now stands is in accordance with the provisions of the Convention except in regard to the following articles :

*Article 6 of the Convention.* The machinery examiners attached to the municipal inspection service cannot be considered public officials.

*Article 12 (2).* On the occasion of inspection visits the factory inspectors are not required to inform the employer or his representative of their presence.

Copies of the enactments to which the Government refers, together with specimens of the forms used by the Labour Inspection Service and a copy of the annual report of the Labour

Inspection Service for 1954, were appended to the report.

#### *Egypt.*

The ratification of this Convention has been approved.<sup>1</sup> In accordance with observations made by the Office in its memorandum of 7 February 1951, amendments have been made to the Egyptian legislation as regards cases of imminent danger threatening the health or safety of the workers.

#### *Honduras.*

The Government cannot reply to the questionnaire since Honduras, a country where social legislation is only in its infancy, has not yet adopted legislation to enforce section 46 of the Charter of Labour Guarantees, which reads as follows: "The State shall organise the inspection of every undertaking to ensure that the provisions of labour legislation are observed." Within the Secretariat of State for Labour, Social Assistance and the Middle Class, there is a Directorate-General of Labour Inspection and a section for commercial and agricultural inspection ; the functions of these agencies will, however, be defined only in legislation that exists in draft but has not yet been promulgated.

#### *Iceland.*

Act No. 80 of 11 June 1938, on trade organisations and labour disputes.

Children and Youth Protection Act, No. 29 of 9 April 1947.

Act No. 23 of 1 February 1952 respecting safety precautions in workplaces (*L.S.* 1952—Ice. 1), as amended by Acts Nos. 57/1954 and 52/1955, and regulations made thereunder.

There exist three systems of labour inspection in Iceland. The Children and Youth Protection Act, concerning the employment of young persons, is enforced by local Children's Protection Boards in urban areas and by School Boards in rural areas. The Boards are elected by town councils and their work is supervised by the Children's Protection Council, which consists of three members appointed by the Minister of Labour and Social Affairs, two of them on the recommendation of the National Union of Clergy and the National Union of Teachers respectively.

Enforcement of provisions in respect of wages, working hours and other conditions of work in workplaces is placed in the hands of trade unions by the Act of 1938 on trade organisations and labour disputes. The Act provides that the representative of the workers concerned chosen by their union shall see that agreements in force are respected by the employer.

Inspection in respect of the various safety and health laws and regulations is provided for in Act No. 23 of 1952, as amended, and covers all establishments where two or more workers are employed and machinery of one or more horsepower is used. The Act does not apply to navigation, fishing and hunting, aviation, private domestic work, ordinary farm work, or ordinary office work. The service is under the control of the Minister of Labour and Social Affairs, and consists of a Safety Inspector-

<sup>1</sup> This ratification has since been communicated to the International Labour Office, and was registered on 11 October 1956.

General, a Safety Inspection Supervisor, inspectors and office staff, appointed by the Minister. Salaries are in accordance with civil service scales, except for local inspectors, whose remuneration is fixed by the Minister. The Inspector-General and the Supervisor must be either mechanical or chemical engineers; the qualifications of inspectors are determined by the Inspector-General. Inspectors inspect factories and other workplaces, machinery, and scaffolding, supervise loading and unloading of ships, and investigate the causes of accidents. They are instructed to encourage co-operation between employers and workers in matters of safety, and when inspecting an establishment to consult representatives of the workers. The Inspector-General travels about the country to observe and advise supervisors and inspectors in their work.

Under Act No. 52 of 1955 an advisory Safety Service Council has been established, consisting of a medical man specialising in industrial diseases as chairman, two workmen and two representatives of employers. In health matters the safety inspection service is assisted by a medical officer, and district medical officers are available for advice.

Members of the safety inspection service have powers of entry, of interrogation, and to require production of documents similar to those set forth in Article 12 of the Convention. If an employer fails to carry out, within the specified time, a requirement of the service to improve or renew safety equipment, the Inspector-General may have the work done at the expense of the concern involved. In cases of imminent danger, immediate remedial action or cessation of work at the place of danger may be ordered. The inspectorate's orders are subject to appeal.

Inspectors are not competent to inspect matters in which they are themselves economically interested. They must not reveal any information obtained in the course of their work, and complaints must be treated as confidential.

Infringements of the Act on safety measures in workplaces or of regulations thereunder are punishable by specified fines.

Supervisors and inspectors submit reports to the Inspector-General. Regulations of 1953 provide for an annual report by the Inspector-General, but this provision has not yet become operative.

The Government states that as regards manufacturing industries the regulations concerning safety measures in workplaces are in all principal features in agreement with the provisions of the Convention, but that it has not been decided whether steps will be taken to ratify the Convention in the near future.

#### *Iran.*

Labour Act (section 9).

Workers' Social Insurance Act (sections 31, 83 and 84).

The labour inspection services are under the supervision and control of the Labour Inspection Department of the Ministry of Labour, which is responsible for enforcing the legislation governing the working conditions and protection of employed persons (hours of work, wages, safety and health, welfare, etc.). These services inspect all establishments subject to the Labour Act, including commercial undertakings.

Labour inspectors do not at present enjoy any special status and are recruited in accordance with the procedure established for civil servants generally. They are, however, competent and are chosen with great care; in addition, their independence and stability of employment are in practice guaranteed.

The Labour Inspection Department employs nine male inspectors, three female inspectors and three clerical officials, all of whom work in the capital or in suburbs of the capital. Regional inspection services are being set up in the provinces and labour inspectors have already been instructed to enforce the relevant safety regulations in the various industrial centres, such as Abadan, Isfahan and Mazanderan. In other provinces the work of labour inspection has been entrusted to local labour administration officials.

As far as the co-operation of experts and technicians in the working of inspection is concerned, section 8 of the Industrial Safety Bill provides for laboratories to be opened in the University of Teheran, where the necessary tests can be effected. Under section 4 of the Bill employers and managers are required to comply with any orders issued by the technical inspectors in connection with improvements to their undertakings or the elimination of shortcomings in their machinery or workshops.

The powers of labour inspectors are defined in sections 4 and 6 of the Industrial Safety Bill, which provide for the possibility of an undertaking being ordered to close down (section 4) and indicate an inspector's powers of supervision and inspection (section 6). Under section 9 of the Labour Act an employer is required to comply with all statutory provisions governing the health and safety of his workers. Finally, under section 84 of the Workers' Social Insurance Act inspectors employed by the Social Insurance Institution are empowered to visit workplaces to check the number and types of workers employed in any undertaking and to satisfy themselves that industrial health and safety regulations are being properly applied.

Section 3 of the Industrial Safety Bill lays down the action to be taken and the penalties to be imposed in connection with any infringement of the laws which the labour inspectors are required to enforce. Under section 4 offenders are liable to a fine of between 5,000 and 10,000 rials and the labour inspector may also order the undertaking to close down.

The Labour Inspection Department submits monthly reports to the Minister of Labour on its inspection work in factories and establishments located in the capital or in suburbs of the capital. In the provinces labour inspectors are required to submit half-yearly reports to the central inspection authority. This latter is at present collecting information with a view to making an assessment of inspection work throughout the country and of publishing reports each year. In practice government services and employers' and workers' organisations co-operate in the solution of labour inspection problems.

The Convention has been submitted to Parliament with a view to its ratification.

#### *Jordan.*

There exists no national legislation covering the matters dealt with in the Convention.

*Luxembourg.*

The Council of State acceded to the Convention on 27 June 1956. Approval by the Chamber of Deputies will thus no longer present any difficulties, and formal ratification may be expected at the beginning of 1957.

The legislation already conforms to the provisions of the Convention; indeed, the scope of a proposed reform that is now before the legislative authorities exceeds that of the Convention itself.

*Mexico.*

Federal Labour Act of 18 August 1931 (*L.S.* 1931—Mex. 1).

Regulations of 23 October 1934 on the Federal Labour Inspection Service.

Regulations of the Secretariat of Labour and Social Welfare of April 1941.

Decree of 4 April 1941 to issue rules governing workers in the employment of various branches of the federal Government.

In Mexico a labour inspection service covering all workplaces exists in accordance with the provisions of section 403 of the Labour Act, section 18 of the Regulations of 1931 and section 10 of the Regulations of 1934.

The inspectors may be federal or local; the former report to the Secretariat of Labour and Social Welfare, while the latter report to the governors of the states.

Section 4 of the decree of 1941 classifies labour inspectors as workers in confidential posts. In practice successive authorities have confirmed in their jobs the labour inspectors appointed by their predecessors.

As regards the recruitment and training of inspectors sections 3, 4, 5 and 10 of the regulations of 1934 state the conditions to be met by those wishing to perform such functions. Apart from the aptitudes required the inspectors must have a secondary—or at any rate a primary—education and be of full age. Persons having committed serious offences are precluded from appointment to such posts.

Paragraph IV of section 656 of the Labour Act deals with the responsibility of labour inspectors who reveal manufacturing or business secrets which come to their knowledge in the performance of their duties. The Act contains no provisions relating to the confidential character of complaints received by inspectors.

Labour inspectors now number 153. Their geographical distribution is given in the report. The Regulations of 1934 provide that in all parts of the country experts and skilled technicians who have had at least two years of practical experience are to participate in inspection visits.

The provisions of Articles 12 and 13 of the Convention are covered by section 404 of the Labour Act and by sections 11 to 35 of the regulations of 1934. The procedure to be followed by inspectors if provisions enforceable by them are contravened is laid down by section 404 of the Labour Act and sections 33 and 34 of the Regulations of 1934. Penalties are laid down in sections 673 to 685 of the Labour Act.

Every fortnight labour inspectors must submit a report on their work. Each year the inspection department publishes a report containing most of the statistical information that is required under Article 21 of the Convention.

Section 53 of the regulations of 1934 empowers inspectors to require the co-operation of officials and private persons.

The Government states that on the whole the provisions of the Convention are covered by Mexican legislation and practice. The obstacle to the ratification of the Convention is the legal position of labour inspectors under the national legislation; the Convention requires inspectors to be assured of stability of employment, whereas Mexican legislation gives them the status of workers in confidential posts.

In accordance with the constitutional system the Federal Government takes the view that the provisions of the Convention should be adopted at the federal level as well as by the governments of the various units in the Federation.

*New Zealand.*

Twenty-six Acts and various regulations under some of these Acts are listed in the Government's report as being the concern of labour inspection in industry and commerce. The majority of the Acts are the responsibility of the Labour Department, and some concerning particular types of industrial work are the responsibility of other departments.

*Articles 1 to 4 and 22 of the Convention.* A system of labour inspection is maintained by the Department of Labour, whose duties, under the Labour Department Act of 1954, are to administer the labour laws of New Zealand. The system applies to factories as defined in detail in the Factories Act, 1946, and to shops and offices as defined in the Shops and Offices Act, 1954. These definitions cover a comprehensive variety of activities in connection with the manufacture or preparation of goods, and with most activities in commerce and offices. It also applies to private building and construction work and to workers in agriculture. Various Acts contain the protective provisions referred to in Article 3, paragraph 1 (*a*), and these provisions are enforceable by labour inspectors, as are also the provisions of arbitration awards. The provisions of clauses (*b*) and (*c*) of this paragraph are normal functions of inspectors and advice is also available from district offices of the Department. Inspectors also have powers under the Tenancy Act, 1955, and, in some cases, the Weights and Measures Act, 1925, but more generally administration in these matters is provided for separately.

*Article 5.* Particular sections of the Factories Act empower an inspector to take preventive action in co-operation with the Medical Officer of Health and the Sanitary Inspector, under the Health Act, 1920, in any case of contagious ill-health which he encounters in a factory. Collaboration with employers and workers is effected as a part of the general system of arbitration awards, the factory inspector being also inspector of awards. There are no private institutions engaged in inspection services.

*Articles 6 to 8 and 15.* The safeguards of Article 6 are assured because labour inspectors are permanent officers of the public service, their conditions of employment being fixed by the Public Service Act, 1912, and regulations thereunder. Section 4 (1) of the Factories Act,

which provides for the appointment of factory inspectors, stipulates that no person shall be appointed unless he has passed an examination on the provisions of the Act and of factory conditions generally, the examination to be conducted by a representative board set up under the Act. The Department of Labour holds regular training courses for factory inspectors, including specialist courses. Women inspectors are generally assigned to establishments where women are substantially employed. Section 59 of the Public Service Act prohibits public employees, except with express permission, from holding office or engaging in any private commercial business. A prescribed declaration of service which covers the point in Article 15 (b) must be signed by every officer on joining the public service, and the principle in clause (c) is observed as a standard of administrative practice.

*Articles 9 to 11.* The appointment of inspectors with technical qualifications results from the methods of recruitment and this is supplemented by special training courses. Qualified engineering specialists are inspectors of machinery in the Department Inspectorate, and qualified industrial medical officers in the Department of Health are closely associated with the factory inspectors. Inspectors of explosives attached to the Department of Internal Affairs and electrical engineering officers of the State Hydro-Electric Department are available for consultation. The criteria laid down in Article 10 determine the number of inspectors. On 1 April 1955 there were, under a Chief and a Deputy Chief Inspector of Factories, 107 factory inspectors (including five bush inspectors) located in 21 centres covering the whole of New Zealand, one inspector of machinery in each of the three main cities, and 14 inspectors of scaffolding suitably distributed. There are 25 suitably equipped local offices of the Department, adequate transport is provided for inspection officers, and the public service regulations provide for the payment of travelling allowances.

*Articles 12 and 13.* The powers of inspectors laid down in Article 12 (1) are fully provided for in the following legislation: Factories Act, 1946 (ss. 5 (1), 8 (1) and 16); Machinery Act, 1950 (s. 6); Industrial Conciliation and Arbitration Act, 1954 (s. 5 (1) and (3)); Agricultural Workers Act, 1936 (ss. 5 (2) and 6); Explosive and Dangerous Goods Amendment Act, 1920 (s. 7 (1)); and the Spray Painting Regulations, 1940 (Reg. 46). The requirement of Article 12 (2) is observed as a matter of administrative practice. All the powers prescribed in Article 13 are provided in sections 50 and 80 of the Factories Act and in section 21 of the Machinery Act, and additional provisions relating to the powers referred to in paragraph 2 of the Article are contained in sections 41 (7), 82 (3) and 84 of the Factories Act, Regulation 25 of the Lead Process Regulations, 1950, Regulation 22 of the Electro-Plating Regulations, 1950, and Regulations 43, 44 and 45 of the Spray Painting Regulations.

*Article 14.* The notification to inspectors of industrial accidents is required under the following legislation: Factories Act (s. 52); Machinery Act (s. 22); Bush Workers Act, 1945

(s. 14); Scaffolding and Excavation Act, 1922 (s. 9); Workers' Compensation Amendment Act, 1950 (s. 17); and the Explosives and Dangerous Goods Regulations.

*Article 16.* In 1955, 17,092 factories, representing 81 per cent, of registered factories, were inspected.

*Articles 17 and 18.* Various relevant acts provide for the liability of responsible persons for offences against the legal provisions and for obstructing inspectors in the performance of their duties, and they also provide for penalties to be imposed. Under section 80 of the Factories Act the inspectors may simply require, by requisition, compliance with the provisions of the Act. During 1955 a number of cases of non-compliance were reported to have been resolved through advice on the matter from inspectors.

*Articles 19 to 21.* Each inspector completes a weekly report to the District Officer concerned. In addition monthly returns and an annual report on all inspection activities are forwarded by each District Office to the central authority. The annual report of the Department of Labour, published as Parliamentary Paper H-11, incorporates details of the various types of inspections undertaken during the year and covers the matters referred to in Article 21. The report is presented to Parliament about six months after the end of the year which it covers.

*Articles 22 to 24.* Sections 23, 24, 39 and 42 to 46 of the Shops and Offices Act, which is administered by the Department of Labour, contain specific provisions relating to inspection services in commercial workplaces. Inspectors of factories are also inspectors under this Act and they supervise the application of the legal provisions in respect of conditions of work, safety and welfare in commercial workplaces. In 1955, 19,900 inspections were made of shops and 1,806 of offices. Sections 33 and 38 of the Act deal with offences against the provisions of the Act.

A copy of Parliamentary Paper H-11 is transmitted to the I.L.O. each year immediately on publication. A copy of the Public Service Declaration of Secrecy form is attached to the report.

The Government considers that law and practice in New Zealand comply with the requirements of the Convention and states that it proposes, when opportune, to recommend to the competent authority that New Zealand ratify this instrument.

#### *Philippines.*

The Government states that rules and regulations on inspection procedure in the Philippines comply substantially with the provisions of the Convention, having been consolidated in 1954 on the advice of the International Labour Office's expert on labour inspection.

*Articles 1 to 4 and 22 of the Convention.* The responsibility of maintaining a system of labour inspection in industrial and commercial establishments is lodged in the Office of Field Services of the Department of Labor. The Government states that the Department is aware of the necessity that inspectors visit workplaces at frequent intervals to carry out inspection

work, as is prescribed in Article 3 (1) of the Convention.

*Articles 6, 7 and 9.* The inspection staff consists of public officials appointed in accordance with the civil service rules. Their tenure of office is permanent as long as they do not violate these rules, and their employment is independent of changes of government and external influences. An inspector, as well as being technically prepared for his work, must have a knowledge of prevailing industrial practices and the effect of social and economic problems on particular industries. Only qualified inspectors are sent out to enforce legislative provisions relating to the safety of workers, the practice being to assign trained safety engineers to industrial establishments. Trained physicians inspect industrial establishments and labour centres to ensure compliance with the rules relating to medical and dental treatment. A newly appointed inspector is trained during two weeks under the supervision of competent officials, in the administrative organisation, functions and policies of the Labour Department, office procedures relating to inspection work and in the provisions of the labour laws and various administrative requirements thereunder. He then works for about two weeks as an assistant to a regular inspector before being assigned to independent inspection work. Inspectors are kept informed of changes in laws and regulations or in policies and procedures affecting inspection.

*Article 11.* Inspectors in Manila and in the provinces are furnished with transportation facilities and are reimbursed for travelling expenses in respect of authorised inspection trips.

*Articles 12 and 13.* For inspection visits an inspector is required to have with him his credentials, prescribed inspection forms and copies of the labour laws and regulations and departmental documents relating to his duties. He does not have the right of entry but, in the case of a refusal of inspection by an employer, he may inform the employer that his refusal may result in the issue of a subpoena ordering him and his employees to appear with all desired records in the inspector's office for purposes of investigation. If permission to inspect is still refused the inspector reports the matter to his supervisor; in no case should he insist on examining the employer's records. Medical inspectors investigate the effects of the different work processes and materials used.

*Articles 14 and 16.* An annual regular and complete inspection of all establishments is a minimum requirement, with such additional inspections as may be necessary. The investigation of accidents or of cases of occupational diseases is accorded high priority. Valid complaints are attended to without delay, while violations suspected by the inspection service may be investigated inside or outside the regular working hours of the establishment. Check inspections are usually made within a reasonable time after the period in which violations or defects discovered are expected to be corrected, although this kind of inspection may be made on an area basis after a regular inspection in respect of all establishments with records of violations.

*Article 15.* An inspector is enjoined to observe strictly the rule of professional secrecy, as is required under Article 15 (b) and (c).

*Articles 19 to 21.* The inspection staff submits an annual report to the Secretary of Labor based on the reports of inspectors, in addition to monthly and quarterly reports. The Government states that the report covers practically all the items enumerated in Article 21 of the Convention.

#### *Poland.*

Act of 4 February 1950 respecting the social inspectorate of labour (*L.S.* 1950—Pol. 1).

Decree of 10 November 1954 transferring to the trade unions certain duties in the enforcement of the labour protection, safety and hygiene laws and the administration of labour inspection.

*Articles 1 to 4 and 22 of the Convention.* The decree of 10 November 1954 has established a technical labour inspection system applying to all undertakings without exception. Its functions include the enforcement of legal provisions in respect of industrial safety and health, hours of work and overtime, and female and child labour. Inspection is entrusted to the trade unions and directed by the central labour inspectorate of the Central Council of Trade Unions.

*Articles 6 to 10.* Candidates for the inspection service are required to have a higher or intermediate technical education or medical training, but in certain exceptional cases, with the consent of the Central Council of Trade Unions, these educational requirements may be waived. Candidates must also possess a knowledge of production methods. They must pass an examination organised by an examinations board appointed by the Central Council of Trade Unions. Inspectors are appointed on a contractual basis.

Inspection activities are organised according to industries: inspectors are responsible for visiting undertakings within the competence of their respective trade unions. They are attached to the central or regional offices of the trade unions or to the works councils of the more important undertakings. Although the inspection service is directed by the trade unions, it is financed by the State. On 1 May 1956 there were 342 technical labour inspectors.

*Articles 12 and 13.* The rights of inspectors correspond to those mentioned in Articles 12 and 13 of the Convention with the exception of the right to enforce the posting of notices (Article 12 (1) (c) (iii)).

*Articles 17 and 18.* Inspectors do not need to resort to the courts to obtain compliance with their requirements, as their orders are binding on undertakings. Any person failing to obey the order of an inspector is liable to a fine of between 50 and 1,000 zlotys, fixed by the inspector.

*Articles 19 to 21.* Technical labour inspectors are required to submit reports to the central office of their trade union and the latter must in turn submit reports to the Central Council of Trade Unions. Annual reports are not published.

In addition to the technical inspection system, there exists a social labour inspection service



in industrial and commercial establishments. This service is also under the control of the trade unions. The rights of social labour inspectors are defined in the Act of 4 February 1950.

The Government states that the following seem to be the principal divergencies between Polish legislation and the Convention :

(1) Article 6 of the Convention provides that the inspection staff should be composed of public officials, while in Poland inspection is in the hands of the trade unions and neither the technical nor the social labour inspectors are public officials in the strict sense ;

(2) Articles 20 and 21 of the Convention require the publication of an annual inspection report containing specified information. Such reports are not published in Poland.

### Portugal.

Legislative Decree No. 37244 of 27 December 1948.

Legislative Decree No. 37245 of 27 December 1948 (L.S. 1948—Por. 1).

Decree No. 37268 of 31 December 1948 to issue regulations for the National Labour Institute.

Decree No. 37747 of 30 January 1950 to issue regulations for the Labour Inspectorate.

Legislative Decree No. 38152 of 1 January 1951 respecting the organisation of the services of the Ministry of Corporations and Social Security.

Portugal has a system of labour inspection covering the whole of Portuguese territory both on the mainland and on the adjacent islands. The Labour Inspectorate is directed by the General Director of Labour.

The staff of the Labour Inspectorate are civil servants. Chief inspectors, who may be permanent ministerial officials, hold a certificate of proficiency. Competitions are organised for the recruitment of sub-inspectors (who must be permanent officials), assistants (who must have had three years' service) and agents (who must have had a secondary education). The duties of the Labour Inspectorate are defined in section 2 of Legislative Decree No. 37245. Inspection staff are bound to professional secrecy, any breach of this rule involving their dismissal, which may be coupled with the penalties instituted by section 290 of the Penal Code. They are not permitted to have any interest in the establishments for which they are responsible nor may they discharge any special duty or responsibility without permission from the President of the National Labour and Welfare Institution (N.L.W.I.).

Close co-operation is maintained between the Labour Inspectorate and the official services responsible for enforcing industrial safety and health regulations. The Portuguese Government's report gives details of the geographical distribution of the inspection staff employed (numbering 172 persons in all).

In the discharge of their duties inspection officials are empowered to : (1) visit any workplaces subject to inspection, on their own initiative, in execution of an order or as a result of information received, at any hour of the day or night and without previous notice ; (2) take statements from employers and workers and require them to give written information ; (3) question any person (including persons who are not employed in the workplaces) who may be able to furnish information ; (4) require the production of books, registers, pay sheets and other documents which they are required

to keep under existing social legislation and to make copies thereof ; (5) take samples of raw materials and manufactured products when they suspect them to be harmful ; (6) determine whether permits for overtime and hours-of-work exemptions granted by the Institution should be maintained, and advise the services concerned to withdraw them wherever the interests of the staff so require.

The Inspectorate is required to inform the appropriate services of all irregularities noted in connection with industrial health and other similar matters, and of the measures taken to prevent or put an end to them ; it is also required to forward reports of violations of the law. The chief inspector may, after consulting the appropriate services, fix the minimum number of workers to be employed in certain premises, or forbid certain types of work, the use of certain premises, machinery and tools or the use of certain methods of work, if the company concerned fails to give effect within the prescribed time to the orders of the Inspectorate for eliminating the defects observed.

Any person who, after an official of the inspection service has made known his identity by producing his identity card, refuses him entry or the free exercise of his functions in premises visited for the purposes of his duties is guilty of a criminal offence under section 186 of the Penal Code. Officials of the inspection service may apprehend *in flagrante delicto* any persons who, without good cause, attempt to hinder their work, and any persons who are guilty of abusive language, defamation, threats or assault against them in the exercise or by reason of their duties, and hand them over to the nearest authority with an official report, which shall be accepted as conclusive evidence until proof of the contrary.

The chief inspector is required to submit a report to his superiors on the Labour Inspectorate's activities on or before 31 March each year. This report contains all the details required by Article 21 of the Convention. All representatives of the N.L.W.I. and all inspectors and sub-inspectors are required to submit half-yearly reports. Assistants submit reports each month. Details of the Labour Inspectorate's work are published regularly in the bulletin of the N.L.W.I.

In cases where special technical knowledge is required inspection officials may arrange to be accompanied by the heads or representatives of expert bodies.

It is evident from Portuguese law as well as from the present report that even before 1947 Portugal had made legislative arrangements to cater for the problems covered in the Labour Inspection Convention. The possibility of ratifying this Convention has been studied and the necessary adjustments have already been made. National legislation meets all the requirements of the Convention.

### Spain.

Act of 4 July 1918 and Royal Decree of 16 October 1918 respecting hours of work in commerce.

Decree of 1 July 1931 to fix the minimum statutory daily hours of work at eight hours (L.S. 1931—Sp. 9A).

Act of 15 December 1939 respecting the organisation of the National Labour Inspectorate (L.S. 1939—Sp. 4) and decree of 13 July 1940 to issue regulations relating to the operation and functions of that body.

Ordinance of 31 January 1940 to issue general regulations on occupational safety and health.

Decree of 25 January 1941 on Sunday rest.

Act of 10 November 1942 respecting the organisation of the provincial labour offices (*L.S.* 1942—Sp. 3) and decree of 21 December 1943 respecting the ordinary and special procedures regarding penalties and deficits in social insurance schemes.

Decree of 26 January 1944 to institute a special inspection service for centres directed or administered by the State, and Ordinance of 9 February 1945.

Decree of 7 July 1944 to set up an Institute of Occupational Medicine, Safety and Health.

Ordinance of 21 September 1944 to set up safety and health committees.

Ordinance of 11 January 1947.

Decree of 18 August 1947 to establish joint boards in undertakings (*L.S.* 1947—Sp. 3).

Decree of 4 August 1952 to issue general regulations for the Ministry of Labour.

Decree of 22 June 1956 to approve revised legislation on occupational accidents, and the regulations issued thereunder.

The laws and regulations mentioned above were appended to the report.

In Spain the standards laid down in the Convention are applied under the Act of 1939 and the decree of 1940. The decree makes the labour inspection service responsible for ensuring the application of the statutory provisions relating to conditions of work and occupational safety and health. It covers all workplaces of whatever kind, and no exception is made for mines and transport undertakings. The only limitation is that in mines those responsible for safety are the mining engineers, and the labour inspection service confines itself to pointing out to them the shortcomings it observes.

The decree of 1940 lays down the rules governing the functions of inspectors with regard to laws relating to labour, compulsory social insurance and emigration.

The labour inspection service is organised on a provincial basis. Each province is under the orders of a head who is the direct subordinate of the central inspection service, which reports to the Ministry of Labour. From the administrative point of view the central inspection service is subordinate to the Under-Secretary, and from the technical point of view it is subordinate to the Directorates-General of Labour and Provident Societies.

Labour inspectors are treated as public servants, and are recruited by competitive examination; they have stability of employment and independence. The examination consists of written papers and viva voce tests in subjects forming part of a syllabus which includes labour and social security law, the history of political and social theories, administrative law, private law and book-keeping. The decree provides that successful candidates must take a practical inspection course lasting one month.

The tenure of an inspector's post is incompatible with any employment or occupation that is apt to impede the full exercise of the functions attached to such a post, and with direct or indirect participation in any industrial or commercial activities or with the direction of such activities within the province to which the inspector is attached. Inspectors are prohibited from acting as agents for insurance companies or mutual provident societies, commercial agents, industrial counsellors or workers' advisers. Inspectors are bound to profes-

sional secrecy, particularly as regards plant, industrial processes, accounts and the economic position of the undertakings inspected, and they are required to regard the source of any complaint as being absolutely confidential.

The size of the inspection service and the geographical distribution of the inspectors vary in accordance with the size of the administrative areas for which the inspectors are responsible and the industrial importance of the various provinces.

The inspection service consists partly of experts. In addition the service may itself call on outside experts, and co-operates with the joint boards set up under the decree of 1947. Technicians and skilled workers are represented on these boards. As regards the protection of the workers' health the labour inspection service co-operates directly with the Institute of Occupational Medicine, Safety and Health established under the decree of 7 July 1944.

Labour inspectors have the powers provided for in Articles 12 and 13 of the Convention (sections 34 to 56 of the decree of 1940).

The decree of 1943 lays down penalties for violation of the statutory provisions relating to inspection. Under the decree of 1940 the inspector has both a preventive and a repressive role, and Spanish legislation therefore reflects the principle stated in Article 17 (2) of the Convention.

The Act of 1939 provides that inspectors are to report all their activities to the head of the provincial inspection service, to whom they are to submit monthly summaries accompanied by statistical returns. These reports are transmitted by the provincial head to the central service, which prepares an annual report containing all the information required under Article 21 of the Convention, except that mentioned in clause (a), which will, however, be given in the report for the year 1956. The information required by clauses (f) and (g) is contained in the reports of the Occupational Accident Prevention Section. Copies of these reports were appended to the Government's report.

As regards co-operation with the labour inspection service the decree of 1940 provides that civil, military and other authorities, the heads of provincial and municipal departments and trade union bodies are to assist and co-operate with labour inspectors on request.

The Government states that existing legislation applies the Convention, and that it has not been found necessary to amend the legislation to secure that object.

As regards the difficulties that have prevented ratification of the Convention, the report recalls that when the Convention was adopted Spain was not a Member of the I.L.O., since it re-entered the Organisation only on 28 May 1956.

### *Sudan.*

The Employers and Employed Persons Ordinance, 1948, and rules thereunder, and Exception Ordinances in respect thereof.

The Employment of Children Ordinance, and regulations thereunder.

The Apprenticeship Ordinance.

The Domestic Servants Ordinance.

The Workmen's Compensation Ordinance, and rules thereunder.



The Workshops and Factories Ordinance, and regulations thereunder.

Wages Tribunal Orders in respect of domestic servants (hotels and catering), shop assistants, and Arabic clerical workers.

The Shops, Trade and Factories (Weekly Closing) Ordinance.

*Articles 1 to 4 and 22 of the Convention.* Legislation of 1948 lays down fair minimum standards of conditions of work and provides for labour inspection. The inspection system applies to industrial and commercial workplaces and is under the control of the Commissioner of Labour. Inspectors are required to inspect workplaces, to give advice on labour laws to workers and managements, and to deal with complaints lodged by individuals.

*Articles 6 and 7.* Inspectors are civil servants and as such meet the requirements of Article 6. Recruits, chosen on the basis of qualifications and experience, serve a probationary period of one to two years and are given lectures.

*Articles 9 and 10.* The Labour Department was set up in 1947, and at present the inspection service consists of six labour and factory inspectors for Khartoum and one regional labour inspector for Port Sudan. Technical experts and specialists have not yet been appointed, but such assistance, when required, is given by other government departments.

*Articles 12 and 13.* Labour inspectors have the powers mentioned in Articles 12 and 13, under the Employers and Employed Persons Ordinance.

*Articles 17 and 18.* Persons who contravene provisions of the legislation are liable to prompt legal proceedings. The Sudan Penal Code provides adequate penalties for any violations, and for obstructing labour inspectors.

*Articles 19 to 21.* Labour and factory inspectors are required to report monthly to the Commissioner, who publishes monthly and annual reports.

The present national legislation and practice are considered to be quite adequate and to suit the local conditions. The Government states that all provisions of the Convention are covered, but that it is intended to adopt other measures whenever necessary. No difficulties prevent the ratification of the Convention.

#### *Ukraine.*

Labour Code.

Health Regulations for the planning of industrial undertakings, approved on 4 November 1954 by the Committee on Building and Construction on behalf of the Ukrainian S.S.R. Council of Ministers.

Government and trade union orders, and ministerial instructions, rules and standards.

*Articles 1 to 4 and 22 of the Convention.* Labour inspection applies without exception to all undertakings, institutions and government agencies in all branches of the economy, including rail, water, air and road transport, mining, commerce, municipal public utility services, scientific and educational establishments, etc. Inspection is carried out partly by government agencies and partly by the trade unions.

Government agencies include the state public health inspection service of the Ministry of

Health; the public health and epidemic prevention services of districts, towns and regions; the fire inspection service and the government inspectorate for supervising the safety of labour and mining inspection attached to the Council of Ministers and the various mining divisions; and the inspection services of the Ukrainian S.S.R. Council of Ministers. The departmental supervisory system of the Government comprises the safety and hygiene sections and services of the various ministries, departments and undertakings. General supervision of the observance of labour legislation is also exercised by the public prosecutor's office.

The state public health service exercises preventive supervision, enforces measures for preserving air, soil and water supplies from pollution by industrial waste and sewage, and ensures observance of the technical sanitary rules when undertakings or public utility services are planned, built or altered. The public health and epidemic prevention services ensure compliance with hygiene standards when projects are planned, built or altered. The state mining inspectorate and the divisional branches of the Ukrainian S.S.R. mining inspectorate supervise observance of safety rules in existing or planned mining undertakings and geological survey operations, the proper exploitation of minerals, and observance of the rules regarding construction and operation of steam boilers, pressure containers, steam and hot water pipes, hoisting equipment and gas installations.

Technical inspection is carried out by the trade unions, on an industry basis, under the general direction of the labour protection department of the All-Union Central Council of Trade Unions.

*Article 5.* The work of technical inspectors is discussed at regular intervals, and labour protection conditions in undertakings form the subject of a decision by the trade union authorities, which is communicated to the managements concerned and to the local trade union organisations. The trade unions in the Ukraine enforce labour legislation not only through trade unions but also through labour protection subcommittees and social inspectors elected in undertakings and having extensive rights defined in regulations.

*Articles 6 to 10.* The technical inspection service is independent of the economic authorities, government agencies and institutions. Technical inspectors are paid by the trade unions by whom they are employed. They are not allowed to be employed on any work not directly connected with their duty of supervising the working conditions of wage and salary earners. Engineers or technicians of either sex may be technical inspectors if they have a good knowledge of the industry in question. Candidates are chosen by the appropriate trade union. They attend special courses, and must pass an examination prescribed by the central committee of the trade union. Appointments are made by the praesidium of the central committee. Union committees organise lectures locally for improving the qualifications of technical inspectors. There are more than 300 technical inspectors in the Ukraine, distributed by region or district according to the number of workers employed in the particular industry, the complexity of the

production processes, and the territorial distribution of the undertakings. Technical inspectors may call in experts to assist them and may themselves act as experts. In order to solve labour protection problems in undertakings, help is enlisted from research and industrial hygiene institutions, and from labour protection and occupational hygiene laboratories.

*Articles 12 and 13.* Technical inspectors have the right to enter without hindrance any part of an undertaking at any time of day or night on production of their inspector's certificate ; to require the production of documents and the provision of information and materials on safety matters ; to issue binding orders to managements and also to individual officials requiring them to stop violations of labour laws ; and to see that such orders are carried out. Technical inspectors may order the suspension of work in any department if there is immediate danger to life or health, and may require any employee not acquainted with the relevant safety rules to be taken off a particular job.

*Article 15.* Technical inspectors are not allowed to do any work paid for by the undertakings which they inspect.

*Articles 17 and 18.* Technical inspectors can apply for proceedings to be brought against persons who have violated safety and hygiene rules or have failed to carry out their orders, and can also fine persons violating labour laws or health and safety rules. Any person who hinders the work of technical inspectors or social inspectors is severely punished. The Criminal Code contains special provisions regarding the liability of officials violating labour protection laws.

*Article 19.* Technical inspectors must report on their work to the central committee of the appropriate union.

The Government observes that the existing system of inspection and the work of labour protection carried out in undertakings provide more solid guarantees of observance of labour protection laws and greater possibilities for labour inspection than is required by Convention No. 81 and Recommendations Nos. 81 and 82.

#### *Union of South Africa.*

Mines and Works Act, 1911.

Industrial Conciliation Act, 1937 (L.S. 1937—S.A. 3).

Wage Act, 1937 (L.S. 1937—S.A. 4).

Shops and Offices Act, 1939.

Factories, Machinery and Building Work Act, 1941 (L.S. 1941—S.A. 3).

Apprenticeship Act, 1944 (L.S. 1944—S.A. 1).

Native Building Workers Act, 1951.

Native Labour (Settlement of Disputes) Act, 1953 (L.S. 1953—S.A. 1).

By means of inspectors situated at various centres throughout the country, the Department of Labour maintains an inspection system for the administration of the above-mentioned laws and the wage-regulating instruments enacted thereunder. In addition there are 92 industrial councils which have been set up under the Industrial Conciliation Act in various industries, and the majority of these employ inspection staff for the administration of any collective agree-

ments which may have been entered into in these industries.

Labour inspectors employed by the Department of Labour are members of the public service and enjoy the same rights and privileges as other public servants employed in clerical or administrative capacities. Some inspectors are specially recruited as such from outside the public service, but many commenced their public service careers in the clerical grades. Training is done on the job under the guidance of experienced instructors.

The Department of Labour employs a staff of over 200 inspectors in 30 different centres. Of this number 28 are engineering specialists and the Department of Mines employs a staff of about 90 mining and engineering specialists. The services of the medical officers employed by the Department of Health are available to inspectors, and the problem of silicosis receives the special attention of a medical bureau coming under the jurisdiction of the Department of Mines.

Inspectors employed by the Department of Labour and the industrial councils have all the powers provided for in Articles 12 and 13 of the Convention, except the power to take samples for analysis.

Provisions enforceable by labour inspectors carry penal sanctions, and legal proceedings in the criminal courts are taken whenever necessary. The maximum penalty for such contraventions and for obstructing labour inspectors in the performance of their duties is £100 or imprisonment for a period not exceeding one year or both.

Inspectors employed by the Department of Labour must submit a report on every inspection carried out, and the departmental annual report includes particulars of their activities. The most recent report published was for 1953. No reports are made to the central authority by the inspectors attached to industrial councils, who are responsible for the management of their own affairs.

A system of formal collaboration such as seems to be envisaged in Article 5 does not exist, but co-operation between the department and employers' and workers' organisations is practised continuously. The representatives of employers' and workers' organisations on the industrial councils control the activities of the councils' inspectors, with the Department of Labour participating mainly in an advisory capacity.

No modifications have been made in the national legislation with a view to giving effect to the provisions of the Convention. In practice the spirit of the Convention is observed.

The result of the system of industrial councils composed of representatives of employers and workers is that the administration of wage-regulating measures in almost all the major industries is in the hands of the employers' and workers' organisations themselves. This system has earned the approval of employers' and workers' organisations and has proved very effective, but does not fit within the framework set out in the Convention and debars the Union Government from considering ratification. Although in practice inspectors do give technical information and advice to employers and workers, it is not strictly part of their duties as specified in Article 3 (1) (b) of the Convention.

The lack of collaboration between officials of the labour inspectorate and employers and workers or their organisations, envisaged by Article 5 (b) of the Convention, and the inability of inspectors to take samples of materials and substances for purposes of analysis, as required by Article 12 (1) (c) (iv) also hinder ratification.

The adoption of measures to make ratification of the Convention possible is not contemplated.

A copy of the annual report of the Department of Labour for the year 1953 was appended to the Government's report.

#### *U.S.S.R.*

Labour Codes of the R.S.F.S.R. and other Union Republics.

Ordinance of the U.S.S.R. of 2 January 1929 respecting measures to prevent contraventions of labour laws.

Ordinance of the U.S.S.R. of 30 June 1944 to impose fines for contraventions of rules governing industrial safety and the protection of labour.

Ordinance of the U.S.S.R. of 29 March 1956 to approve rules for the committee set up by the Council of Ministers to supervise mining and the safety of work in industry.

Rules governing public inspectors of labour approved by the Praesidium of the All-Union Central Council of Trade Unions on 21 January 1944.

Order of the Secretariat of the All-Union Central Council of Trade Unions of 26 August 1950 respecting the control exercised by trade union councils over the work of technical inspectors employed by central trade union committees.

Rules of 8 February 1951 for the labour protection boards established by factory, works, local and workshop committees.

*Article 1 of the Convention.* A system of labour inspection is maintained in all workplaces. The system comprises a state inspectorate and a trade union inspectorate.

*Article 2.* The inspection system applies to all industrial and commercial workplaces, mining, transport and all other institutions, departments and services.

*Article 3.* The functions of the labour inspection system are to supervise compliance with all legislation, instructions, rules and collective agreements relating to protection of the labour, life and health of all employed persons without distinction; and to ensure that management gives theoretical and practical instruction to workers in safe working practices, and that safety rules and instructions have been brought to the knowledge of the workers. Inspectors are not assigned any kind of work unconnected with their immediate responsibilities for supervising working conditions.

*Article 4.* The State Labour and Wages Committee of the Council of Ministers of the U.S.S.R. inspects and supervises the work done by ministries and government departments in the field of labour and wages, and ensures that ministries and departments take all requisite steps to improve conditions of work.

The central trade union committees, by agreement with the public authorities, organise the technical inspection services. Over-all responsibility for these services lies with the All-Union Central Council of Trade Unions.

*Article 5.* Co-operation and over-all control at the National level is ensured by the State Labour and Wages Committee of the Council

of Ministers of the U.S.S.R., the Health Inspectorate of the U.S.S.R. Ministry of Health, the Ministries of Health of the Union republics, the State Inspectorate of Mining and Safety established by the Council of Ministers of the U.S.S.R. and the Fire Prevention Inspectorate. The Soviet trade unions are associated in the drafting of protective laws and regulations, and ensure that they are properly observed.

*Article 6.* The staff of the technical inspection system is selected with the assistance of the trade union councils concerned, and nominations are confirmed by the praesidium of the Central Trade Union Council. The system is independent of any economic authority, department or institution. To ensure the independence of inspectors, they are not permitted to engage in any paid work in the undertakings where they carry out visits of inspection.

*Article 7.* Candidates for posts as technical inspectors must have a higher or specialised intermediate education and a good knowledge of the branch of industry concerned. They are required to sit for a special inspectors' examination set by a board established by the Central Trade Union Council. Special training courses are organised for technical inspectors.

*Article 8.* Posts of technical inspector are open to both men and women.

*Article 9.* In the discharge of their supervisory duties technical inspectors have the right, which is effectively guaranteed, to ask for expert advice on any problem whose solution calls for specialised knowledge or abilities. Thousands of highly qualified scientists working in numerous scientific research institutes are called upon to help in the solution of safety problems in undertakings.

*Article 10.* The number of inspectors for each branch of industry is determined by the number of workers employed in the branch concerned, the complexity of the processes of production and the geographical distribution of the undertakings. The number of inspectors, together with the number of members of labour protection boards (organised voluntarily on a works basis), is 1.9 million.

*Article 12.* Technical inspectors are empowered to enter the premises of undertakings at any time of the day or night on production of their inspector's certificate, to require the management to produce documents and give information and explanations in connection with labour protection problems; to undertake inquiries into breaches of safety and health rules and to issue orders requiring remedy of breaches of industrial health and safety rules.

*Article 13.* Technical inspectors have the power to issue orders to remedy breaches of the safety and health rules within a specified period of time, and to suspend operations in the case of imminent danger to the life or health of workers.

*Article 15.* Technical inspectors are not permitted to engage in any paid work on behalf of undertakings which they have to inspect.

*Article 16.* Technical inspectors are required to pay regular visits to the undertakings for

which they are responsible to ensure that legal requirements regarding safety and health are being observed and that the necessary safety instruction is being given to workers.

*Article 17.* Inspectors are empowered to impose fines on persons who infringe the labour legislation and the industrial health and safety rules, and any person obstructing a technical inspector in his work is liable to severe penalties.

*Article 18.* Special clauses in the penal legislation provide for the liability of persons in positions of authority who infringe the protective labour laws.

*Articles 22 to 24.* The inspection system applies to commercial workplaces.

The Government states that the system of labour inspection existing in the U.S.S.R., affording as it does an opportunity for an enormous number of wage and salary earners to be associated in the work of labour protection, provides more reliable guarantees that protective legislation will be enforced than those envisaged in Convention No. 81 and Recommendations Nos. 81 and 82.

#### *United States.*

Public Contracts Act, 1936.

Fair Labor Standards Act, 1938, as amended in 1949 (L.S. 1938—U.S.A. 1 ; 1949—U.S.A. 1).

The Convention is regarded as appropriate in part for Federal action and in part for action by the States.

The Government refers to the detailed report supplied for the period ending 31 December 1950 which showed the extent to which effect was given to the provisions of the Convention by federal law and practice and by the law and practice of the States. It has also supplied copies of reports on the functions and appropriations of the state Labor Departments, prepared in 1950 and in 1955.

#### *Federal Inspection Service.*

*Articles 1 to 4 and 22 of the Convention.* The Wage and Hour and Public Contracts Divisions of the United States Department of Labor maintain a system of labour inspection pursuant to the Fair Labor Standards Act and the Public Contracts Act. The inspection system applies to all industrial and commercial workplaces whose employees are covered by these Acts, including mining and transport other than local railways and bus lines. The Fair Labor Standards Act covers all employees engaged in inter-state commerce or in the production of goods for inter-state commerce; the Public Contracts Act covers all employees engaged in work on government contracts in excess of ten thousand dollars.

The functions of the inspection service are similar to those referred to in Article 3 and no other duties are assigned to inspectors. The laws are enforced through the courts, both by individual and government action.

*Article 5.* With the consent of the administrators of State labour laws the Federal agencies may, for the purpose of carrying out their duties under the Acts, utilise the services of state and local agencies. Section 5 (c) of the Fair Labor Standards Act provides for the co-operation of

workers and employers and their organisations in the performance of functions under both Acts. All interested parties are consulted before regulations under the Acts are issued.

*Articles 6 to 8.* Inspectors have the status of permanent public officials under the civil service system, under which also their selection and qualification are determined. Both men and women are appointed as inspectors and where necessary specific duties may be assigned to either. Training of inspectors is the responsibility of the regional offices to which they are assigned, the training programme of the offices being subject to review and control by the national office. Inspectors receive intense training in formal classes and by field work.

*Articles 9 to 11.* Inspectors under the Public Contracts Act are given a course of training in safety and health; safety engineers are employed for consultation on the more difficult problems; and technical experts and specialists of other agencies and organisations are called in on particular problems when necessary.

The factors mentioned in Article 10, and also the results of previous inspections, are taken into consideration in planning the inspection programme and determining the number of inspectors required to carry it out. The Wage and Hour and Public Contracts Divisions have 12 principal offices covering the United States. They are also represented in the three territories, and local field offices of the divisions are established throughout the various states. Inspectors are provided with transport facilities and necessary travel expenses.

*Article 12.* Under sections 9 and 11 of the Fair Labor Standards Act inspectors have powers of entry and interrogation, and to require production of documents similar to those mentioned in paragraph 1 (a), (b), and (c) (i) and (ii) of Article 12. Investigators must notify employers of their presence before proceeding with the investigation. Under sections 4 and 5 of the Public Contracts Act the Secretary of State or his authorised representatives have power to hold investigations, and can compel the attendance of witnesses and the production of documents.

*Article 13.* No enforcement provisions as mentioned in this Article are contained in the Fair Labor Standards Act. However, where a safety or health hazard is observed in the course of an inspection under the Act and it is known that state or local laws or regulations apply to such conditions, the inspector is expected to report the facts to such state or local agency. Inspectors under the Public Contracts Act are empowered to take steps with a view to remedying defects in plant layout or working methods constituting a threat to health or safety. They have no power to issue orders to this end, the Act being enforced through formal administrative proceedings.

*Article 14.* The Public Contracts Act requires employers to keep injury frequency records, and inspectors make reports based on such records.

*Article 15.* Inspectors are not permitted to have any personal interest in the establishments under investigation by them. They are prohibited from revealing confidential information

of any nature coming to their knowledge in the course of their duties. A complainant's identity is not revealed.

*Article 16.* Inspection programmes provide for the inspection of workplaces as often and as thoroughly as is necessary, subject to budgetary limitations.

*Articles 17 and 18.* Both Acts provide for legal action in the case of violation of their provisions. Generally, employers voluntarily agree to come into compliance with the Act. The Fair Labor Standards Act provides penalties for violations of its provisions but not for obstructing an inspector. The penalties under the Public Contracts Act are cancellation of the contract and denial of future contracts, recovery of wages underpaid, and damages for contract violations involving child labour.

*Articles 19 to 21.* In practice inspectors are required to submit detailed written reports of each inspection. The annual report on the work of the Wage and Hour and Public Contracts Divisions is included in the annual report to Congress covering all activities of the United States Department of Labor, its constituent bureaux, divisions and offices. The contents of the annual report vary from year to year according to the emphasis considered necessary, but they generally include the statistics specified in Article 21, except those relating to industrial diseases.

#### *States Inspection Service.*

All the 48 states and also the district of Columbia and the territories of Alaska, Hawaii and Puerto Rico (all of which are hereafter referred to as states) have legislation relating to conditions of work enforceable by labour inspection. The legislation and regulations in regard to matters dealt with in the Convention include laws establishing state departments of labour, provisions in respect of safety and health, child labour, wages and hours of work, and those covering the appointment and qualifications of labour inspectors.

*Articles 1 to 4 and 22.* All the states provide by law for a labour inspection system applicable to all workplaces covered by state labour law. In all states except Montana labour inspection is applied to commercial as well as to industrial workplaces. There is substantial variation in the law and practice in the several states. In a few predominantly rural states labour inspection is carried out by departmental offices or local authorities and is limited to certain more important aspects of working conditions. The functions of inspectors referred to in Article 3, paragraph 1, are the basis of the development of labour inspection in the states. It is a common practice to confine the activities of inspectors to inspection only but, in a very few states, they are sometimes called upon to perform mediation services. In the majority of states, labour inspection is under the supervision and control of a single agency, usually the Department of Labor. In five states, both the Labor Department and the Workmen's Compensation Agency (which administers the safety and health laws) maintain inspection staffs. In two further states labour inspection is carried out by more than one state agency.

*Article 5.* Several states provide in their statutes for the co-operation referred to in Article 5 (a); others provide for co-operation with a few specified agencies. On the whole, however, this is a matter of administrative practice, and reports on the law and practice in the various states show that in a number of states such co-operation has been developed. The collaboration referred to in Article 5 (b) is usual in most states.

*Articles 6 to 8.* All labour inspectors have the status of public officials of a state agency. In 28 states inspectors are appointed under a civil service or merit system which determines their qualifications and assures them of stability of employment and of independence of changes of government and all improper external influences. In the remaining states inspectors hold office at the discretion of the head of the department, who also determines their qualifications. Methods of training vary with each state. Instruction is usually both practical and theoretical, and many states provide for safety training courses conducted, upon request, by the federal department. In most states both men and women are eligible for appointment as inspectors.

*Articles 9 to 11.* In 1950 sixteen states, mainly large industrialised ones, had technical experts or specialists attached to their inspection staff; since then a number of additional states have engaged such personnel. In other states experts may be made available by other Government and public agencies or engaged on a daily basis as need arises. The factors mentioned in Article 10 (a) are taken into consideration in determining the number of inspectors, but in most states the funds appropriated by the legislature determine the size of the staff. Local offices are usually provided as needed, and all states furnish transport facilities to inspectors and pay their travelling and incidental expenses; either state-owned cars are provided or the use of private cars on a mileage basis is permitted.

*Article 12.* In all states inspectors have the powers of entry and interrogation and to require production of documents mentioned in this Article, even where the labour laws themselves do not specifically provide for such powers; but the right to take samples of materials for analysis exists only in California, Illinois, New Jersey and New York.

*Article 13.* Apart from the four rural states of Mississippi, New Mexico, South Dakota and Wyoming, which have no safety laws, in all states but one the labour inspectorate has authority to issue orders, subject to any right of appeal, requiring alterations to installations or plant which may be necessary to secure compliance with safety and health laws. In most states it is left to the inspectorate to specify the time limit for compliance with the order; generally 30 days are allowed, but this is shortened in proportion to the degree of hazard existing. Disregard of the order is, under most state laws, a misdemeanour.

*Article 14.* Provisions for reporting accidents and cases of occupational disease, where they exist, are usually included in the state workmen's compensation laws. In most of the states where the workmen's compensation agency is

outside the labour agency, arrangements have been made for the labour agency to obtain accident data, but in six states the labour agency has no access to these reports.

*Article 15.* The principles specified in this Article have legislative force in very few states, but they are applied in practice in a majority of states.

*Article 16.* A few state laws provide for an annual inspection, but modern practice is to arrange inspections as often as is necessary.

*Articles 17 and 18.* All the relevant laws contain provisions for legal proceedings and penalties in the case of violations of their provisions. The general practice is simply to warn the offender upon first violation, unless it is flagrant or wilful.

*Articles 19 to 21.* In practically every state with an inspection system, inspectors are required to make reports at frequent intervals, daily or weekly. Annual reports on the work of the state labour agencies, including inspection work, are required in most states. A few states require them biennially.

The Government states that the report it submitted for the period ending 31 December 1950 showed that the labour inspection systems of the states as well as of the federal Government substantially met the provisions of the Convention, and that there have been no significant changes in the legislation since then. Emphasis in the United States has been on strengthening the services and improving techniques. Appropriations to state labour departments have been increased markedly. In many states as well as in the Federal agency the inspection service has been enlarged. Training programmes for inspectors have been improved and in many states salaries have been increased to permit the employment of better qualified inspectors. These developments may be expected to continue as laws are amended and strengthened and new techniques are put into practice.

#### *Uruguay.*

Act No. 5350 of 17 November 1915 (*Bulletin of the International Labour Office* (Basle), 1916, p. 30).

Act No. 7318 of 22 November 1920 concerning weekly rest (*L.S.* 1920—Ur. 2).

Act No. 8797 of 22 October 1931 to amend the Act respecting weekly rest (*L.S.* 1931—Ur. 1).

Act No. 10004 of 28 February 1941 to issue rules respecting industrial accidents and occupational diseases (*L.S.* 1941—Ur. 1).

*Article 1 of the Convention.* The Act of 1915, which introduced the eight-hour day and the 48-hour week, established a system of labour inspection and set up a labour inspection service of 25 members to supervise the implementation of the Act and of other labour legislation. These inspectors now number 68, and a plan for reorganising the National Labour Institute and related departments provides for 60 new inspectors' posts.

*Article 2.* The inspection system extends to all establishments, including transport undertakings.

*Article 3.* The functions of the inspection service are those stated in this Article.

*Article 4.* The labour inspectors belong to the National Labour Institute and related departments; they are responsible to the Director-General of the Institute, who is the central authority provided for in Article 4 of the Convention. The Institute itself comes under the jurisdiction of the Ministry of Industry and Labour.

*Article 5.* The co-operation provided for in this Article exists in Uruguay.

*Article 6.* Although existing legislation and the provisions relating to labour inspection are in harmony with the Convention, Article 6 prevents Uruguay from ratifying it since it is contrary to the constitution of the Republic of Uruguay that public servants should be irremovable. It should be added that it is rare for public servants to be dismissed.

The organisation of the labour inspection service goes back to the year 1915, and since that time only one inspector has been dismissed, for abandoning his post. In 1948 three complaints led to the transfer of a group of inspectors. After an inquiry which lasted over two years, the inspectors were reinstated and no penalty was imposed on them since nothing had been proved to their discredit.

The position of Uruguay in this respect is unshakable, and Uruguay will not ratify the Convention so long as Article 6 remains in its present form.

*Article 7.* The plan for reorganising the National Labour Institute and related departments lays down that inspectors are to be recruited and trained in the manner recommended in this Article.

*Article 8.* Women have been employed in the labour inspection service for 20 years.

*Article 9.* The provisions of this Article have been borne in mind in the plan for reorganising the Institute.

*Article 10.* The labour inspection arrangements are in harmony with the provisions of this Article.

*Article 11.* There is a departmental labour inspection service in each department of the Republic. The inspectors receive a regular allowance for travelling expenses and special allowances for inspection visits outside their own areas.

*Article 12.* The labour legislation of Uruguay grants inspectors the powers listed in Article 12 and also lays down special penalties for employers or persons impeding the activities of inspectors (section 7 of the Act of 1915, section 17 of the Act of 1920, section 6 of the Act of 1931).

*Article 13.* The legislation complies with the provisions of this Article. In addition it entitles inspectors, acting in conjunction with the police, to hold up production in any establishment where they happen to discover a hazard menacing the safety or health of the staff; work can be suspended so long as the necessary safety measures are not taken, quite apart from the penalties to which an offender is liable for infringing the law.



*Article 14.* The Act of 1941 lays on all employers an obligation to report directly cases of occupational accidents or diseases that occur in their establishments to the National Labour Institute and related departments. In addition the police almost always come on to the scene when accidents occur, and send copies of their reports to the Institute.

*Articles 15 to 18.* The legislation contains provisions that are similar to those of the Convention as regards the duties of inspectors. The same applies to the frequency of inspection visits and the violation of provisions enforceable by inspectors, with the difference that the Uruguayan system involves not preventive action but punishment for offences. All the labour legislation includes the penalties provided for in Article 18.

*Articles 19 to 21.* The inspectors in the capital submit daily reports and those in the departments submit monthly ones. An annual report is submitted to the Ministry of Industry and Labour and a summary is published in the press. On the whole these reports contain the information required under Article 21.

*Articles 22 to 24.* In Uruguay commercial establishments and all other undertakings having workers in their employment are subject to the same inspection system as industrial establishments, since the laws promulgated are of a general character and apply to industry, commerce, maritime work, etc., to the exclusion of agriculture.

The Government states that additional particulars on the duties of labour inspectors are to be found on pages 69 and 70 to 73 of the work entitled *Legislación social del Uruguay* (second edition).

#### *Viet-Nam.*

Ordinance No. 15 of 8 July 1952 (Labour Code, Chapter XIV, sections 321 to 344).

Ordinance No. 26 of 26 June 1953 (Agricultural Labour Code, Chapter VI, sections 118 to 125).

Decree No. 60-XL of 26 June 1953 to regulate the powers and duties of labour and social security inspectors.

Orders Nos. 117 and 118 of 23 November 1955 to regulate the powers and duties of labour controllers and assistant labour controllers.

*Articles 1 to 4 and 22 of the Convention.* There exists a system of labour inspection which applies to all industrial, mining, agricultural and commercial undertakings, including professional offices. The inspection service is under the control of the Ministry of Labour.

*Article 5.* Collaboration between the inspection service and employers' and workers' organisations is assured by regional and national labour

advisory committees which deal with all problems of labour and social security. In the course of their work inspectors also collaborate closely with employers and workers, and with works committees where they exist.

*Articles 6 and 7.* The inspection staff consists of inspectors, controllers and assistant controllers, and medical inspectors; their appointment is subject to civil service regulations and they therefore enjoy stability of employment and independence from changes of government and from all other external influences. Recruitment to the service is by way of competitive examinations. Controllers and assistant controllers attend training courses; inspectors attend advanced courses and undergo practical training.

*Articles 9 and 10.* At present there are three inspection regions. Each is under the direction of a regional labour inspector, who is assisted by inspectors and controllers, and by rural controllers responsible for inspection of agricultural undertakings and plantations. Medical inspectors are attached to the regional labour inspectors to enforce legislation relating to industrial hygiene and workers' health.

*Articles 12 and 13.* The powers of inspectors are defined in section 331 of the Labour Code, and include those specified in Article 12 of the Convention. Inspectors may make or obtain orders in accordance with the provisions of Article 13.

*Article 15.* Inspectors and controllers are required to take an oath they will not, even after leaving the service, reveal any trade secrets learned in the course of their duties.

*Articles 17 and 18.* Labour inspectors are empowered to take appropriate legal proceedings. They may also at their discretion in the first instance give warnings. Appropriate penalties are provided by the labour legislation for failure to observe its provisions and for obstruction of inspectors in the course of their duties.

*Articles 19 to 21.* In addition to making monthly reports, local inspection offices must send a detailed annual report to the Ministry of Labour within two months of the end of the year. The labour department prepares an annual inspection report, which contains the information specified in Article 21, except statistics of occupational diseases.

The Government states that the principal provisions of the Convention are applied by national law and practice. Ratification of the Convention may shortly be suggested.

Copies of the Decree of 26 June 1953 and the Orders of 23 November 1955 were appended to the report.

## Labour Inspection Recommendation, 1947 (No. 81)

### *Argentina.*

*Preventive duties of labour inspectorates.* There exist no legal provisions requiring the labour inspectorate to be notified of the opening or taking over of any establishment. Plans for new establishments, plant or processes of production are not submitted to the inspectorate. They must be approved by the competent authorities and must comply with municipal building by-laws, which deal in particular with matters of safety and health.

*Collaboration of employers and workers.* Although works safety committees are few in number, they have carried out some encouraging experiments. They have shown that the positive results of such collaboration are in direct proportion to the extent to which the workers' representatives can rely on effective technical advice.

There are no legal provisions authorising employers' or workers' representatives to collaborate directly with inspectors in the absence of an express request.

No conferences as envisaged by Paragraph 6 of the Recommendation are organised.

The authorities and private bodies supply information to employers and workers about labour legislation and ways of improving safety and health conditions. Special courses on industrial health and safety are given in technical schools.

*Labour disputes.* Existing legislation does not assign conciliation or arbitration functions to inspectors. These matters are the responsibility of other departments of the labour service.

*Annual reports on inspection.* Inspection reports are not published regularly and do not contain all the information specified in the Recommendation, particularly as regards the detailed statistics.

The Government observes that to give full effect to the Recommendation it would be necessary to enact legislation enlarging the powers and organisation of the inspection services and of the relevant statistical services. The reorganisation of the Ministry of Labour is now under consideration and will in all essentials follow the recommendations of the Lima Seminar. In this respect it is considered that the services of the I.L.O. expert on health and safety questions who is about to arrive in Argentina will be of the greatest utility.

### *Austria.*

#### *Industrial Code.*

Federal Works Councils Act of 28 March 1947 (*L.S.* 1947—Aus. 2).

Federal Labour Inspection Act of 3 July 1947 (*L.S.* 1947—Aus. 3).

Federal Employment of Children and Young Persons Act of 1 July 1948 (*L.S.* 1948—Aus. 3).

*Preventive duties of labour inspectorates.* The industrial authorities are required to inform the labour inspectorates of all new industrial undertakings established and of any alterations to existing undertakings which affect protection of persons employed therein (section 13 (2) of the Labour Inspection Act). In the case of installations for which no special permit is required (Chapter III of the Code) the labour inspection services must first satisfy themselves that the installations afford sufficient safeguards for the workers' safety and health. They can, if necessary, require the local authorities to instruct employers to make the necessary alterations. In the case of installations for which a permit is required (Chapter III and section 27 of the Code) the premises must be approved before the undertaking starts to operate. The local authorities from which the permit is obtained must give the labour inspectorate an opportunity to make observations and recommendations (section 10 of the Labour Inspection Act). To enable them to do so plans of the undertaking must be submitted to the labour inspectorate. Any change or extension of the premises must be approved beforehand by the local authorities. If these changes or extensions affect the workers' safety or health the labour inspectors must be given an opportunity of approving them in project. If the local authority does not take account of the labour inspectors' observations and recommendations the inspectors may appeal against the authority's decision. They may also appeal if they are not given an opportunity of expressing their views or making suggestions before the plans of the establishment are approved. In many cases the plans are submitted by the employer directly to the labour inspectorate for approval.

*Collaboration of employers and workers.* Employers and workers co-operate in matters of safety and health both at the level of the undertaking and through the Accident Prevention Committee, whose membership includes employers' and workers' representatives. This Committee, which was set up in 1899 and subsequently reorganised by an Order dated 26 March 1920, is responsible for studying industrial safety and health arrangements in the undertakings visited by the labour inspection services. In addition, works councils are empowered by law to supervise and further the action taken to enforce the laws and regulations governing industrial safety and health.



The labour inspection services are required to work in close co-operation with the statutory bodies representing the employers' and workers' interests (Labour Inspection Act, section 3 (4)). This co-operation may take different forms. Section 28 of the Employment of Children and Young Persons Act states that the labour inspectorates are to consult employers' and workers' organisations before permitting exceptions under the Act. Satisfactory results have been obtained from labour protection conferences attended by labour inspectors and the representatives of employers' and workers' organisations. The labour inspectors pay particular attention to co-operation between employers and workers at the level of the undertaking. In their inspection work, they also avail themselves of the assistance of the bodies representing the employees (section 3 (3) of the Labour Inspection Act). Representatives of the employer may accompany the inspector on his rounds and are obliged to do so if the inspector so requests. Representatives of the employees may also be required by an inspector to assist him in certain other official duties, such as the conduct of accident inquiries.

Booklets and lectures by inspectors help to spread a knowledge of occupational safety and health legislation among employers and workers. Inspectors sometimes give lectures on accident prevention at vocational schools. Mention should also be made of the accident prevention service run by the General Accident Insurance Institute (set up under section 172 of the Social Insurance Act), as well as of the issue of safety standards, the teaching of industrial health in vocational schools, the organisation of film shows, exhibitions and so on.

*Labour disputes.* In practice labour inspectors have a part to play as conciliators, in as much as they endeavour to re-establish good relations between management and labour in the event of any differences of opinion between the two. Their duties do not, however, extend to conciliation or arbitration work in the event of labour disputes.

*Annual reports on inspection.* The annual reports submitted by the labour inspection services contain all the information required under clauses (a), (b), (c) (i), (d), (e) (i) and (ii), (f) and (g) of Paragraph 9 of the Recommendation. The report by the labour inspection service for 1954 and the reports on the inspection of transport undertakings for 1952-53 and 1954 were attached to the report on the Recommendation.

The report states that the Recommendation is fully applied and that its essential purposes are met.

### *Belgium.*

Act of 5 May 1888 concerning the inspection of dangerous, unhealthy and obnoxious establishments and the supervision of machines and steam boilers.  
Royal Order of 22 August 1895 to reorganise labour inspection and the inspection of dangerous, unhealthy and obnoxious establishments.

Acts respecting compensation for injuries resulting from industrial accidents, as consolidated by a Royal Order of 28 September 1931 (L.S. 1931—Bel. 9).

Royal Order of 6 March 1936 for the reorganisation of the labour inspection service (L.S. 1936—Bel. 2A).

Order of the Regent of 3 July 1945 respecting the status of social supervisors, as amended by an Order

of the Regent of 10 January 1946 and a Royal Order of 17 March 1951.

General Regulations governing the protection of labour, as approved by Orders of the Regent of 11 February 1946 and 27 September 1947.

Order of the Regent of 21 March 1949 to establish the structure of the Ministry of Labour and Social Welfare.

Act of 10 June 1952 respecting the health and safety of workers and the salubrity of work and workplaces (L.S. 1952—Bel. 3).

Existing laws, regulations and practices generally conform to the requirements of the Recommendation. Labour inspection is carried out by the Technical and Medical Inspectorate of the Occupational Safety and Health Department and by the Social Legislation Inspection Service of the Labour Regulation and Relations Department.

*Preventive duties of labour inspectorates.* No legislation exists requiring persons wishing to open an industrial or commercial establishment or to take such an establishment over to give notice of their intention to the Social Legislation Inspection Service. On the other hand, establishments whose existence or operation may prove dangerous, unhealthy or obnoxious may not be built or transformed without a permit from the administrative authorities. Any request for such a permit must be accompanied by a plan showing the layout of the premises and the location of workshops, stores, etc. No scheduled establishment may be opened or permitted to continue unless the requirements of the competent authority have been complied with.

*Co-operation of employers and workers.* The co-operation of employers and workers in problems of safety and health is secured by safety and health services in undertakings. Safety and health committees must be set up in all undertakings employing 50 workers or more. Such co-operation is also secured by means of works councils, which, under existing legislation, may sometimes discharge certain of the duties of the health and safety committees.

The reports prepared by the chairmen of the committees in connection with the undertakings' health, safety and accident record can be consulted by the officials responsible for enforcing the relevant legislation. A full annual report on the work of the safety and health services is sent to the competent inspection authorities.

A Higher Council for Safety, Health and the Improvement of Workplaces, consisting of employers' and workers' representatives, has been set up within the Ministry of Labour and Social Welfare. It is required to express an opinion on any new industrial safety and health regulations that the Government is intending to publish and to submit suggestions for any other regulations that it considers should be published.

Co-operation between employers and workers is also secured by means of joint committees, which discuss problems of working conditions.

A number of private institutions, such as the National Association for the Prevention of Industrial Accidents and the Belgian Association of Manufacturers, spread a knowledge of accident prevention by exhibiting posters, organising lectures and film shows, etc.; courses on accident prevention are also given in technical schools. In addition, a permanent exhibition

has been organised by a national association specialising in this field.

*Labour disputes.* The Belgian legislation on labour disputes does not comply with the Recommendation; in addition to their enforcement duties, labour inspectors are employed as conciliation officers, if not as actual arbitrators. This system has yielded satisfactory results.

*Annual reports on inspection.* Annual reports are published on the work done by the Social Legislation Inspection Service and the Occupational Safety and Health Department.

The reports of the Social Legislation Inspection Service give the details required under clauses (a), (b) (i) and (ii), (d) and (e) of Paragraph 9 of the Recommendation.

The reports issued by the Occupational Safety and Health Department give the details required under clauses (a), (b) (i) and (ii), (c) (i) and (ii), (d), (e) and (f) (i) and (ii) of Paragraph 9 of the Recommendation.

Copies of the reports mentioned above were attached to the report.

The Government is considering the possibility of tabling a Bill on the inspection of labour with a view to bringing Belgian legislation more into conformity with Convention No. 81.

#### *Bulgaria.*

Labour Code of 13 November 1951 (L.S. 1951—Bul. 2).  
Order No. 266 of 30 April 1953.

The Government states that the provisions of the Recommendation are applied.

*Preventive duties of labour inspectorates.* Section 101 of the Labour Code states that no undertaking is to be established, commence operations, be transferred to other premises or be in any way transformed without the permission of the labour inspection agencies and the agencies of the Ministry of Health and Social Welfare. The membership of the committee responsible for approving building plans includes the occupational safety officers of the trade union organisations and of the safety engineering services of the departments and also the industrial hygiene officers and officers of the State Inspectorate of Health.

Section 103 of the Labour Code states that premises and workplaces must conform to the rules and standards of safety engineering, occupational hygiene and industrial sanitation prescribed by the Ministry of Health and Social Welfare. A number of such rules and standards have been issued for different branches of the national economy.

*Co-operation of employers and workers.* Co-operation between labour and management in the improvement of occupational safety and health is mainly evident in the collective agreements which the management of the undertaking and the works union committee conclude each year and in which they set down the various measures to be taken in this field. In some undertakings special health and safety agreements are concluded between the management and the works union committee. An Order issued by the Council of Ministers on 30 April 1953 states that ministries and central departments having their own production or transport undertakings are required, as part of

their annual programmes and in co-operation with the trade union organisations, to prepare and implement measures for the protection of labour and occupational health. A special list has been drawn up indicating the various measures to be included in such programmes; these measures are not covered by the labour protection budget but are entered under other headings in the general budget. The expenditure involved is incurred under the supervision of the labour protection services of the works unions and ministerial departments.

The present system of labour protection affords a guarantee of co-operation between management and labour. The responsibility for enforcing legislation lies with the workers and their organisations. The trade unions have their own labour inspection services and at the level of the undertaking conditions are supervised by inspectors elected from among the workers by each trade union group. Labour protection, social insurance and social and cultural committees have also been set up by trade union committees to put forward suggestions in these different fields in consultation with the management.

The labour inspectors arrange lectures on problems of labour legislation, occupational safety and health, etc.; these lectures are attended by representatives of management, by members of works union committees or by the employees in their entirety.

Section 108 of the Labour Code states that young workers are to be given an initial training course in working conditions, accident prevention, health and occupational disease. Use is made of the measures indicated in Paragraph 7 of the Recommendation.

*Labour disputes.* Labour disputes are brought before special conciliation boards, whose meetings are not attended by the labour inspectors.

#### *Byelorussia.*

Labour Code.

Under Section 138 of the Labour Code, no undertaking may be opened or start to function or be transferred to other premises without the permission of the labour authorities.

Technical labour inspectors are entitled to take part in commissions for approving newly built or re-equipped undertakings or departments of undertakings.

The works and local union committees hold quarterly meetings attended by labour inspection authorities and management representatives to discuss the implementation of local agreements and labour protection in undertakings.

Considerable funds are expended, in agreement with the trade unions, on safety and health education and publicity. Young specialists are trained in the high schools and the technical, craft, railway and works training schools, and also at continuous special courses at clubs and schools attached to undertakings. With the help of administrative officials and other employees, the labour protection inspectors each year publish large editions of books, brochures and posters, produce films, give lectures and radio talks, and publish periodicals on labour protection. Exhibitions of safety and health methods exist in research institutes, and are arranged in undertakings by the safety advisory services.

See also under Convention No. 81.

### Canada.

The relevant legislation is listed in the report on Convention No. 81.

*Preventive duties of labour inspectorates.* The factory Acts of all provinces except Manitoba and New Brunswick require the inspectorate to be notified within one month after operations in a factory have begun. In Manitoba 15 days' advance notice must be given of the first occupation of a factory or changes in operations, building or equipment, and operations or alterations may not be commenced until a certificate of inspection and a permit have been obtained; changes of ownership must be notified within one month. In Nova Scotia and Ontario also operations in a factory must not be begun without a certificate of inspection and a permit, and plans for new factory buildings or alterations require the inspectorate's approval. In Alberta the Chief Inspector may require the submission of plans; in Quebec the regulations dealing with plans do not make their submission for approval mandatory.

*Collaboration of employers and workers.* Employers and workers in Canada are encouraged by Government agencies to collaborate on matters affecting the safety and health of workers. This is done through the safety educational programme of the provincial inspectorates and above all through the voluntary formation within industry of joint safety committees. In Manitoba, for example, safety committees are functioning in practically all major industries.

The promotion of such committees is also an important aspect of the accident prevention activities of the Boards appointed under the Workmen's Compensation Acts in Alberta, British Columbia, Newfoundland and Saskatchewan, and of the associations of employers organised under these Acts in New Brunswick, Nova Scotia, Ontario and Quebec. In Alberta, British Columbia, and Newfoundland the establishment of safety committees in factories has been made compulsory.

Under the New Brunswick Factory Act the Chief Inspector may direct the operator of a factory to designate one of his employees as an accident prevention officer to inform the operator of suspected violations of provisions under the Act and of the inspector's recommendations, and to do his utmost to see that such recommendations are carried out.

Joint consultation in industry is encouraged by the federal Department of Labour through the formation of labour-management production committees which, although set up primarily to improve production efficiency, deal also with such matters as accident prevention and good housekeeping. At 31 March 1955 there were a total of 1,029 of these committees in manufacturing, transport, mining and construction industries and in commercial and trading undertakings.

Representatives of employers and workers may be called upon to co-operate with inspectorates in their day-to-day work or when special inquiries into industrial accidents or occupational diseases are being made. Use is also made of conferences and joint committees. For example, in New Brunswick in 1949 the Factory Inspectorate established a joint com-

mittee to draft safety regulations for the wood-working trades and in 1951 safety officers of the Power Commission co-operated with officials of the Department of Labour, the Workmen's Compensation Board and the Accident Prevention Association in a study of methods of controlling accidents; and in Manitoba in 1947 the Meat Packers' Safety Council was organised by the Department of Labour for joint consultation to reduce accidents.

In their safety education activities the departments of labour in most provinces use films, posters, pamphlets, and similar methods. The Manitoba Department in co-operation with the Evening Institute of the University conducts accident prevention courses for personnel in industry. The Ontario Department makes use of the facilities of the Canadian National Exhibition to inform employers, workers and the general public of the services of the Department, and displays properly-guarded power machinery.

The Workmen's Compensation Boards or the employers' accident prevention associations in some provinces also carry on extensive educational programmes by means of lectures, radio talks, safety training courses, posters, pamphlets, films, etc. The British Columbia, Newfoundland and Saskatchewan Boards have authority to maintain museums or places for the exhibition of safety devices. The Alberta Board, in its report for the year 1955, called attention to the increasing interest being shown in the safety and first-aid school instituted some years ago by the Board's accident prevention department.

The Federal Department of Labour assists the provincial authorities and other agencies working in the field of accident prevention through the development and distribution of safety films in co-operation with the National Film Board.

*Labour disputes.* In some provinces labour inspectors may be called upon to conduct voting or to make investigations required by the labour relations legislation. In general, however, the functions of labour inspectors in Canada do not include that of acting as conciliators or arbitrators in proceedings concerning labour disputes.

*Annual reports on inspection.* The Government refers to the information given in its report on Convention No. 81.

No arrangements have been made to promote co-ordinated action on the federal level, but some of the matters dealt with in the Recommendation have been discussed at annual conferences of the Canadian Association of Administrators of Labour Legislation. Also there is a federal-provincial programme for the development of a uniform method of compiling industrial accident statistics that has been undertaken by the federal Department of Labour in co-operation with the provincial Workmen's Compensation Boards.

### Ceylon.

Wages Boards (Amendment) Act, No. 5 of 1953.

Shop and Office Employees (Regulation of Employment and Remuneration) Act, No. 19 of 13 March 1954 (L.S. 1954—Cey. 1).

The above Acts are additional to the legislation referred to in the Government's previous

report on this Recommendation.<sup>1</sup> The new legislation is also cited in the Government's report on Convention No. 81 (Article 19), and in March 1956 the Government of Ceylon ratified this Convention.

The Government states that several changes in the law and practice are necessary to give effect to the Recommendation, and that these will receive due attention when amendments to the legislation are again being considered.

### *Chile.*

Labour Code (L.S. 1931—Chile 1), as amended.

Regulation No. 545 of 24 May 1932 respecting general conditions of life and work in industrial undertakings.

Act No. 10383 of 28 July 1952 to amend Act No. 4054 respecting compulsory insurance (L.S. 1952—Chile 1).

Legislative Decree No. 76 of 29 April 1953 to issue rules for the General Directorate of Labour.

*Preventive duties of labour inspectorates.* The Chilean legislation currently in force has clauses similar to those contained in Paragraph 1 of the Recommendation. The Labour Code states that "an undertaking or works shall not begin, resume or cease its operations or make substantial alterations without having previously notified the competent labour inspector in the manner laid down in the regulations".

Regulation No. 545 also has a bearing on Recommendation No. 81.

The Inspection Department of the General Directorate of Labour has a number of sections, one of which deals with home work and the employment of women and young workers. This section has a number of women inspectors, who are responsible for enforcing the laws and regulations governing women's work.

*Collaboration of employers and workers.* No provision is made in law for co-operation between employers' and workers' organisations. The task of inspecting industrial safety and health standards has been entrusted by Act No. 10383 to the National Health Service.

*Labour disputes.* One of the duties of inspectors is to act as conciliation or arbitration officer in industrial disputes.

Chilean legislation has not recently undergone any changes and it is generally true to say that it complies with the provisions of the Recommendation, except for those appearing in Part III.

### *Costa Rica.*

Labour Code (L.S. 1943—C.R. 1), as amended.

Decree No. 2 of 3 August 1953 laying down regulations for the Industrial Safety and Health Council.

Act of 21 April 1955 on the organisation of the Ministry of Labour and Social Welfare.

Regulations on Safety Committees.

*Collaboration of employers and workers.* There exist two agencies of the Ministry of Labour and Social Welfare concerned specifically with supervision of health and safety measures in private and public undertakings. They are the Industrial Safety and Health Council and the Industrial Safety and Health Office, which

assists the Council. Regulation 8 of the Council's regulations provides that it is to consist of eight members: two representatives of the Ministry of Labour and Social Welfare, one representative each of the Ministry of Public Health, the Social Insurance Fund, and the Department of Occupational Hazards of the National Insurance Institute, one employers' representative, one workers' representative, and a technical adviser. Under section 66 of the Act of 1955, the Industrial Safety and Health Office has to promote the establishment of industrial safety committees and encourage the preparation of health and safety codes, co-operating with other organisations active in this field.

The Regulations on Safety Committees provide that these are to investigate the causes of occupational hazards, to propose safety measures, and to supervise observance of safety requirements prescribed by the competent authorities. To this end, other labour and social security authorities must send to the appropriate committees copies of the warning notices sent to employers. The committees are composed of equal numbers of employers' and workers' representatives.

The Industrial Safety and Health Office must maintain a manual of industrial health in general, of risks in particular industries, and of health conditions. This manual must be revised at regular intervals. All undertakings or workplaces must furnish the Office with any information requested by it, and permit it to carry out studies, investigations and inspections.

*Labour disputes.* Although by virtue of section 93 of the Act of 1955 inspectors may intervene in labour disputes, it is appropriate to note that there exists in the Ministry a special department responsible for intervention in labour disputes with a view to their amicable settlement.

The Government observes that the provisions of the Recommendation are partly covered by national law and practice, and that it is concerned to give effect to those parts in respect of which no special legislation as yet exists.

### *Cuba.*

Act No. 91 of 1935 and subsequent supplementary legislation on labour inspection.

Ordinances of the Ministry of Health and Social Assistance.

*Preventive duties of labour inspectorates.* Every commercial establishment must, in order to be allowed to function, obtain a permit from the Ministry of Health and Social Assistance. Such a permit is granted only after the Directorate-General of Health and Social Welfare has examined the sanitary and working conditions on the premises.

*Collaboration of employers and workers.* Workers' and employers' organisations are entitled to report any infringement of the existing legislation and to suggest the main improvements to be made in order to ensure that the workers will be better protected.

*Labour disputes.* The task of inspectors is merely to discover infringements of the relevant provisions and to ensure that the instructions of the Ministry of Labour are observed. Conciliation and arbitration are not part of their functions.

<sup>1</sup> See I.L.O.: *Summary of Reports on Unratified Conventions and on Recommendations*, Report III, Part II, International Labour Conference, 34th Session, Geneva, 1951 (Geneva, 1951), p. 63.

*Annual reports on inspection.* The provincial labour offices, the Director of Health and Social Welfare and the Director-General of the National Labour Inspection Service submit half-yearly reports on the working of the service. The report does not give details of the contents of these reports.

#### *Denmark.*

Reference is made to the Government's report on Convention No. 81 for a list of the relevant legislation.

*Preventive duties of labour inspectorates.* *Paragraph 1 of the Recommendation.* Regulations of 25 March 1955 lay down detailed rules regarding the notice to be given to the labour inspectorate by undertakings. Such notices, both in industry and commerce, are to be given to the local labour inspection services. In industry an employer employing not less than four workers during a total of 60 days in any year must generally notify the inspectorate. A similar rule applies in commerce, except that there must be at least eight employees.

Employers in industry must notify the inspectorate on moving into new premises. Notice must also be given, irrespective of the employment of workers, where an undertaking uses engine power or particularly dangerous technical equipment, or in the case of certain dangerous products or processes.

A person intending to erect or alter premises for commercial use must notify the labour inspectorate before building work commences. An employer moving into new premises used for commerce must give notice thereof, unless notice has already been given on the erection or alteration of the premises.

*Paragraph 2.* Persons wishing to establish or convert industrial or commercial workplaces may ask the labour inspectorate to advise whether the plans comply with legal requirements.

*Paragraph 3.* The labour inspectorate's requirements regarding plans submitted to it for approval are enforceable by appropriate penalties. The requirements are subject to appeal to the higher authority.

#### *Collaboration of employers and workers.*

*Paragraph 4.* The general Workers' Protection Act provides that the labour inspectorate shall encourage co-operation between employers, supervisors and workers in promoting industrial safety. Provision is also made for the election of workers' safety representatives in most industrial undertakings employing ten workers or more. The duties of these representatives are to bring about good relations between employers and workers in safety matters, and they have the right to be consulted on all such matters. Similar rules for commercial undertakings do not exist, although they may be laid down by regulations. In undertakings where working conditions are particularly dangerous, the Minister of Social Affairs may order the creation of a special safety service, but so far no orders have been made.

*Paragraph 5.* Workers and employers in practice collaborate with labour inspectors to a large extent, although there is no legislative requirement to this effect.

*Paragraph 6.* Statutory provisions require the labour inspectorate to submit questions of principle and fact to the employers' and workers' organisations, and frequently consultation takes place. The local inspection services often get into contact with the organisations in the course of their work.

*Paragraph 7.* The relevant statutes require labour inspectors to give guidance in methods of achieving the aims of the Acts. Inspectors frequently lecture on industrial safety and health at courses arranged by workers' and employers' organisations. The Workers' Protection Fund, which is financed chiefly by contributions from accident insurance companies and health insurance funds, informs the public of accident and health risks, by means of posters, pamphlets, films, broadcasts, etc. Schools are required to give information or instruction on accident and health risks, but the extent of such information or instruction remains to be laid down by the competent Minister. There is an Occupational Safety and Health Exhibition, financed by the State, the Copenhagen City Council, the accident insurance companies, and employers' and workers' organisations; the organisations are represented on its Board and the director of the labour inspection service is its president.

*Labour disputes.* *Paragraph 8.* The settlement of labour disputes falls outside the sphere of activities of the labour inspection service.

*Annual reports on inspection.* *Paragraph 9.* Hitherto the annual report has included only some of the information specified in this Paragraph. Consideration is at present being given to including additional information, but it seems unlikely that the revised form of report will include the statistics mentioned in clauses (c) and (d) (ii) to (iv).

The Government points out the following divergencies between the provisions of the Recommendation and Danish law and practice :

*Paragraph 1.* The Danish rules normally provide for subsequent notice to be given, and no notice need be given on the mere taking over of an undertaking.

*Paragraph 5.* There is no statutory authority for the co-operation of workers' and employers' representatives in investigations, although in practice there is such co-operation.

*Paragraph 6.* No conferences between the inspectorate and organisations are organised, nor have joint committees concerned with questions of the enforcement of labour legislation been set up.

*Paragraph 9.* It is not possible to provide the statistics required by clause (c), and difficult to provide those required by clause (d) (ii) to (iv).

The Government states that, apart from revision of the form of the annual report now under consideration, it is not intended at present to amend Danish law or practice to remove the above-mentioned divergencies. The Government observes however that these divergencies are insignificant.

#### *Dominican Republic.*

There are statutory, administrative and practical arrangements for dealing with all the matters covered by the Recommendation. Refer-

ence is made to the report for the period 1 July 1954 to 30 June 1955 on the application of the Labour Inspection Convention, 1947 (No. 81), which has been ratified by the Dominican Republic.<sup>1</sup>

#### *Finland.*

Act of 4 March 1927 respecting industrial inspection (*L.S.* 1927—Fin. 1A and B) and resolution of the Council of State dated 4 March 1927 concerning the administration of the Act.

Workers' Protection Act of 28 March 1930 (*L.S.* 1930—Fin. 2) and decision of the Ministry of Social Affairs dated 31 December 1930 specifying the industrial plants coming within the scope of section 19 of the Act and the business undertakings coming within the scope of section 20 of the Act.

Decree on the Permanent Occupational Safety and Workers' Health Exhibition, dated 28 January 1944.

Decision of the Council of State concerning the jurisdiction of state labour inspectors, dated 21 December 1944.

Act of 30 December 1949 respecting production committees (*L.S.* 1949—Fin. 2) and decision of the Council of State relating thereto (30 December 1949).

#### *Preventive duties of labour inspectorates.*

Under section 20 of the Workers' Protection Act any person who desires to open a new industrial plant or other undertaking is bound to give notice thereof. In a decision of 31 December 1930 the Ministry of Social Affairs specified what undertakings were subject to this obligation to lodge a declaration. Under section 19 of the Workers' Protection Act any person who desires to erect a factory or other industrial plant or to carry out any reconstruction of such plant is bound to give notice thereof. The labour inspector is bound to give his opinion on request as to whether the building plans may be deemed to be satisfactory from the point of view of the protection of the workers. Decisions taken by the Council of State under the Workers' Protection Act provide that preliminary authorisation must be obtained from the labour inspectorate for clothing factories and bakeries.

#### *Collaboration of employers and workers.*

Under the Act respecting labour inspection workers have the right to elect from among themselves persons to represent them in relation to the inspection service and their employers. In all establishments in which at least 120,000 man-hours are worked during the calendar year production committees have to be appointed. They may also be appointed in other undertakings where both the employers and a majority of the workers so agree. It is the duty of production committees to supervise, in conjunction with the labour inspectors and workers' delegates, the improvement of occupational safety and of sanitary conditions. In addition to the above-mentioned collaboration bodies there are in the larger industrial undertakings voluntary safety committees set up by employers with the encouragement of the labour inspectorate. The workers' delegates are authorised to co-operate directly with the labour inspectorate, and the Act provides that labour inspectors are to co-operate with the representatives of the workers and the employer.

<sup>1</sup> See I.L.O. : *Summary of Reports on Ratified Conventions*, Report III, Part I, International Labour Conference, 39th Session, Geneva, 1956 (Geneva, 1956), pp. 117-118.

Labour inspectors must give the representatives of workers and employers instructions and advice not only in particular cases but also through meetings, lectures and special courses. When dealing with matters connected with production committees the Ministry of Social Affairs may be assisted by the Central Advisory Commission for Production Committees. There is also an accident prevention association and an occupational medicine foundation, both of which are subsidised by the State ; some of the members of the governing body of the latter are appointed by the employers' and workers' federations and the remainder by the Council of State. One of the members appointed by the Council of State represents the Ministry of Social Affairs. The foundation runs an occupational health institute which is partly engaged in research work. The institute also assists experts working for the labour inspectorate. There is also an occupational safety and health exhibition run under the supervision of the Ministry of Social Affairs and financed from the national budget. Its governing body, which is headed by the chief of the labour inspectorate, includes representatives of employers, workers and autonomous institutions.

The officials of the labour inspectorate give instructions on the prevention of employment injuries at the place of work and ensure that posters and printed manuals are available there. The Occupational Safety and Health Exhibition concerns itself with the organisation of film shows and travelling exhibitions, which visit rural areas as well. In technical schools the labour inspectors also run courses on occupational health and accident prevention.

*Labour disputes.* The legislation contains no provision specifically prohibiting labour inspectors from acting as conciliators or arbitrators in labour disputes, but they do not do so in practice, partly because they must behave in such a way as to avoid anything that might upset the mutual trust that exists between them and employers and workers and partly because there is special legislation relating to conciliation in labour disputes and this legislation provides for the appointment of special officials known as conciliators.

*Annual reports on inspection.* The annual reports of the labour inspectorate contain the information required under the Recommendation, with the exception of that listed in clauses (f) and (g), which is collected and published by the Social Research Bureau. The Ministry of Social Affairs has had forms printed for the notification of accidents and occupational diseases. At present such notification is compulsory only in the case of an accident involving serious injuries or death.

In the Government's opinion it is unnecessary to modify the Recommendation.

Copies of the regulations in force, the annual report and the forms used by the labour inspectorate were appended to the report.

#### *France.*

Decree of 1 August 1947 concerning safety and health committees.

Act No. 50-205 of 11 February 1950 respecting collective agreements and proceedings for the settlement of collective labour disputes (*L.S.* 1950—Fr. 6A).



Decree of 27 November 1952 to apply the Act of 11 October 1946 concerning the organisation of the Industrial Medical Services (L.S. 1952—Fr. 3).

Legislative decree of 18 September 1953 concerning building permits.

*Preventive duties of labour inspectorates.*<sup>1</sup>

Under the Decree of 18 September 1953, section 2 of which replaces section 5 of the order of 27 October 1945, a building permit may now only be granted if the proposed building conforms with the requirements of the legislation or regulations, including those relating to safety and hygiene of the workers. In order to speed up the handling of requests permits may be dealt with by the departmental services of town planning and housing without consulting the labour inspector, except in cases where the building proposal does not conform with the requirements laid down. As regards the control of extensions and installation of new plant, an employer must now give notice in advance to the labour inspector where extensions or alterations will involve a change in the activities carried on in the workplace, or where an establishment not already using mechanical power or equipment proposes to do so.

*Collaboration of employers and workers.*

With regard to Paragraphs 4 and 5 of the Recommendation, the setting up of hygiene and safety committees is obligatory in virtue of the decree of 1 August 1947, which replaces a decree of 4 August 1941. Furthermore, accident prevention associations to which building and public works undertakings belong, irrespective of the number of employees, are now organised to comprise national and regional committees which include safety delegates responsible for visiting work sites.

In connection with the National Social Security Fund, Regional Funds are required to study the causes, frequency and effects of accidents and the problems of accident prevention, and with the approval of the divisional labour inspector they may require employers to take appropriate measures to prevent accidents and occupational diseases; the results of these activities have already been considerable. The Regional Funds are assisted by Regional Technical Committees to which the administrative body of the Funds may, in matters concerning accident prevention, delegate their powers. The National Safety Institute takes part in the organisation of annual regional safety weeks.

*Labour disputes.* In virtue of the Act of 11 February 1950, divisional and other labour inspectors and departmental Directors of Labour and Employment are required to preside over regional committees and conciliation sections of the department. All collective labour disputes which are not subject to normal conciliation procedures must be considered by these agencies. The committees comprise equal numbers of employers' and workers' representatives, and a maximum of three representatives of public authorities, including a member of the inspectorate as chairman. Arbitration under this Act is at the option of the parties to the conflict.

<sup>1</sup> In connection with this and the remaining Parts of the Recommendation the Government refers to its previous report (Cf. Report III, Part II, International Labour Conference, 1951, op. cit., pp. 65-66).

As to the extent of the role of labour inspectors in settling disputes, the Government states that while they do not have true powers of arbitration they do have powers to make administrative decisions in cases where no agreement exists between the parties concerned. The legislation already referred to in the Government's previous report under Paragraph 8 (together with the new decree of 27 November 1952 in application of the Act of 11 October 1946 concerning the organisation of Industrial Medical Services) specifies the matters in which labour inspectors may act as mediators. In practice it has become a well established custom for labour inspectors to act as arbitrators.

*Annual reports on inspection.* Labour inspectors are required to report annually on the work of the labour inspection services. The form of this report has been settled in accordance with the requirements of Paragraph 9 of the Recommendation.

*Federal Republic of Germany.*

Industrial Code.

Works Constitution Act of 11 October 1952 (L.S. 1952—Ger. F.R. 6).

Wage Earners' Protection Act for Land Berlin of 16 April 1953.

*Preventive duties of labour inspectorates.* Section 14 of the Industrial Code states that notice must be given of the opening of any industrial or commercial establishment. The authorities to which the notice is addressed must transmit the information to the Labour Inspection Office. Prior notice of any construction, reconstruction or major transformation project must be given to the inspection authorities. Under the administrative arrangements made at the provincial and district levels detailed building plans of industrial premises must be sent to the inspection authorities for prior examination. The competent authority has the power to suggest any changes that are considered necessary in the interests of the workers' safety and health and also to ensure that these changes are effectively incorporated.

Section 16 of the Code states that a special permit is required for certain types of undertakings constituting a serious danger or nuisance to the employees concerned. This permit is also required for major transformations to the establishment. Under the regulations issued by the various Länder the expert opinion of the labour inspectors is sought when applications for permits are being considered.

Section 24 of the Code states that prior permission from the labour inspection service is necessary before work can be started on the construction, reconstruction or transformation of certain particularly dangerous establishments. This permission is required because of the need to protect the workers' safety and health.

*Co-operation of employers and workers.* The Works Constitution Act contains a certain number of clauses on the co-operation of employers and workers in matters of safety and health. Section 49 (1) of the Act states that the employer and the works council are to work together within the framework of collective agreements for the good of the undertaking

and its employees, having due regard to the interests of the community.

There are no statutory provisions on the establishment of joint safety committees at the level of the undertaking. Only the Land of Berlin has passed legislation (Wage Earners' Protection Act of 16 April 1953) setting up workers' protection committees. These committees, which consist of employers' and workers' representatives, are required to supervise safety arrangements in their undertakings and to foster technical and organisational measures in this field.

Under section 58 of the Works Constitution Act the works council has to devote attention to the combating of accident risks and dangers to health and to give assistance in such matters to labour inspection officials and other competent bodies by means of suggestions and advice. They are also consulted whenever safety appliances are installed or tested or accident inquiries instituted.

The labour inspection services endeavour to increase labour management co-operation in the field of safety and health. To this end they organise conferences and meetings with employers' and workers' representatives to discuss such problems. They also make use of broadcast programmes.

Industrial safety and health congresses are organised from time to time by the German Industrial Safety Association in co-operation with other associations. Exhibitions are also arranged in connection with these congresses.

The Federal Safety Institute helps to spread a knowledge of industrial safety and health by lending exhibits to schools and undertakings. The labour inspectors and the medical practitioners employed by the health service also give lectures in vocational schools and universities. Industrial safety and health is one of the subjects taught at a number of vocational schools, and the labour inspection services have in the past occasionally organised courses for the teachers.

*Labour disputes.* The labour inspectors do not act as mediators or arbitrators in labour disputes.

*Annual reports on inspection.* Details of the form and content of the annual reports submitted by the labour inspection services are given in the *Labour Inspector's Guide to the Preparation of Annual Reports*, published by the federal Ministry of Labour. To meet their own requirements the governments of the different Länder have extended the scope of these reports to include certain subjects that are not mentioned in the Guide. These reports contain the information required under clauses (b), (c), (d), (e) (i) to (iii), (f) and (g) of Paragraph 9 of the Recommendation, except in respect of the following details:

*clause (c) (iii):* children and young persons are not classified separately, as it is very rare for children under 14 years of age to be employed in industry;

*clause (d):* the information mentioned under (ii), (iii), and (iv) is published every two years;

*clause (f):* it has not been considered possible to classify notified accidents by causes, as the

details reported by undertakings are frequently insufficient. The only accidents classified by causes are consequently those that have been investigated by the labour inspection services and for which these services have been able to establish a definite cause;

*clauses (f) and (g):* a classification of industrial accidents and occupational diseases by industry or occupation is not required by law but the mutual insurance associations prepare and publish statistics of this kind each year.

The Government states that the laws and regulations in force cover most of the provisions of the Recommendation and that it has not been necessary to amend the law in any way. What action would need to be taken to apply the Recommendation in its entirety would depend upon the findings of a thorough study of the problem.

The text of the Act published in the Land of Berlin in 1953 and a copy of the *Labour Inspector's Guide to the Preparation of Annual Reports* were attached to the report.

#### Greece.

Decree of 25 August/5 September 1920 codifying the provisions regarding workers' health and safety.

Decree No. 2954 of 1954 in respect of the organisation of the labour inspectorate.

Act No. 3249 of 1955 ratifying Convention No. 81.

The Government describes in some detail the organisation and functions of the labour inspection service and gives a list of laws for whose enforcement the inspectorate is responsible. The following information relevant to the recommendation is contained in the Government's report.

*Preventive duties of labour inspectorates.* The director or manager of every industrial, commercial or other establishment must notify the labour inspectorate within one month of the commencement of operations, of alterations, of extensions, of defects in installations, and on any partial or complete cessation of operations.

*Collaboration of employers and workers.* Works safety committees are not provided for in Greek legislation.

One of the duties assigned to the labour inspectorate by the decree of 1954 is the organisation of exhibitions illustrating measures for the prevention of industrial accidents and occupational diseases.

*Labour disputes.* Under section 7 of the decree of 1954 one of the functions of the first-class labour-controllers attached to the inspectorate is to mediate in labour disputes.

*Annual reports on inspection.* The report lists the matters contained in the annual inspection reports, which include the statistics specified in clauses (d) (i) and (iii), (e) (i) and (iii) and (f) (ii) and (iii) of Paragraph 9 of the Recommendation.

The Government states that, with the exception of safety committees, the requirements of the Recommendation are substantially met by Greek legislation.

#### Guatemala.

Labour Code (L.S. 1947—Guat. 1), as amended.

General Accident Protection Regulations.

Public Health Code (Decree No. 1877), as amended.

Regulations on the organisation of the General Labour Inspectorate.



*Preventive duties of labour inspectorates.* Regulation 54 of the General Accident Protection Regulations provides that every employer obliged to register who has not done so and who has an enterprise or workplace whose operations are dangerous in nature, must notify the Labour Inspection and Social Assistance Department of the Social Security Institution within eight days of the coming into force of a binding agreement or, in the absence of agreement, within eight days of commencing operations.

Section 111 of the Public Health Code provides that no workplace, of whatever nature, can open unless its plans have first been approved by the Directorate-General of Public Health in so far as its sanitary installations are concerned. Section 114 of the Code provides that before letting premises for commercial or industrial uses, the owner must obtain a declaration from the competent authority certifying that the premises are suitable for the proposed use from the point of view of interior and exterior sanitation.

Section 201 of the Labour Code defines unhealthy and dangerous processes, installations and industries, and provides that regulations may lay down special rules applicable to them.

*Collaboration of employers and workers.* Section 204 of the Labour Code provides for the collaboration of all labour and health authorities to ensure compliance with the safety and health provisions of the Code and regulations made thereunder. Section 279 of the Code provides that the Labour Inspectorate shall act as a legal advice department to the Ministry of Labour and Social Welfare and shall, whenever it seems desirable, publish its legal opinions in the Ministry's official organ or, in default thereof, in one of the largest daily papers.

Regulation 44 of the General Accident Protection Regulations provides that the Social Security Institution is to work out plans of gradual application for the improvement of health and safety conditions. Under regulation 45 the Institution may order an employer to carry out specified safety precautions. In the case of large undertakings where work is dangerous the Institution may require one or more safety inspectors to be appointed. The inspectors must work in close collaboration with the Institution's Accident Prevention Department. The Institution may refund their wages to the employer either fully or in part. The inspector's powers and duties are defined in regulation 52 and include: to propose safety measures; to ensure the maintenance of good health and safety conditions and the proper functioning of machines and tools; to keep a register of accidents and prepare a special report on every serious accident; to give first aid; to promote safety and health principles by demonstrations, meetings, posters, competitions and prizes; to report contraventions of legal requirements to the employer with a view to disciplinary action; and to prepare a brief annual summary of his activities, to be sent to the Institution. The Institution may also require undertakings to establish one or more safety committees composed of equal numbers of employers' and workers' representatives. The committees meet during working hours, without any loss of wages for their members. There are special

provisions for undertakings working in shifts. The regulations provide for the size of the committees, the procedure to be followed in electing their members, etc.

The Government states that it proposes to adopt measures to give effect to those provisions of the Recommendation which are not yet covered by national legislation and practice.

#### *Haiti.*

Act of 1947 on labour inspection (L.S. 1947—Hai. 4).

Act of 13 September 1947 on notification of undertakings.

*Preventive duties of labour inspectorates.* The Act of 13 November 1947 provides that any person employing paid labour in an industrial, agricultural or commercial undertaking of whatever nature, including educational and charitable establishments, must give notice in a prescribed form to the Labour Office. The information so supplied must be kept up to date by the authorities in collaboration with the employer.

*Collaboration of employers and workers.* Section 5 of the Act on labour inspection empowers inspectors to arrange conferences and to set up joint or other similar boards with a view to discussing with the representatives of employers' and workers' organisations questions concerning the application of labour laws and the safety and health of workers. The Act also empowers inspectors to question employers and employees, either alone or in the presence of witnesses, regarding all matters relating to the application of labour laws.

*Labour disputes.* The Labour Office has a special conciliation branch responsible for labour disputes. The functions of labour inspectors in conciliation or arbitration proceedings are limited to recording the proceedings.

*Annual reports on inspection.* Section 16 of the Act on labour inspection provides for the preparation of annual inspection reports including particulars of laws and regulations within the competence of the inspectorate and of the inspectorate staff, and statistics of workplaces subject to inspection and the number of workers employed therein, inspection visits, violations and penalties, industrial accidents and occupational diseases.

#### *Honduras.*

See under Convention No. 81.

#### *Iceland.*

Act No. 23 of 1 February 1952 respecting safety measures in workplaces (L.S. 1952—Ice. 1), as amended by Acts Nos. 57/1954 and 52/1955, and regulations made thereunder.

*Preventive duties of labour inspectorates.* Act No. 52/1955 provides for the submission to the Safety Inspector-General of detailed specifications and drawings of new major factories or workshops or the alteration of existing establishments. No new factory or workshop may commence operations until an inspector has issued a certificate to the effect that the entire installation conforms with safety requirements.

*Collaboration of employers and workers.* Under the same Act a Safety Service Council,

representative of employers and workers, has been created to draft laws and regulations and to advise the inspection service on matters of safety. Shop stewards are charged with the duty of ensuring that all safety measures are respected, and inspectors must consult them during inspections.

No amendment of national legislation has been proposed to give increased effect to the provisions of the Recommendation.

#### *India.*

Factories Act, 1948 (L.S. 1948—Ind. 4), as amended, and rules made thereunder by state governments.

Measures to give effect to the Recommendation are within the competence of both the central and state governments.

*Preventive duties of labour inspectorates.* By section 7 of the Factories Act, as amended, at least 15 days before an occupier begins to use a factory he must send a notice containing specified information to the Chief Inspector of Factories. The rules made by state governments under section 6 (1) of the Act require the occupier of a factory to obtain permission from the government or the chief inspector for the site, construction and extension of any factory, and applications for permission must be accompanied by plans. The chief inspector may demand that the plans be brought into line with legal requirements.

*Collaboration of employers and workers.* There is no legislation on safety committees, but state governments have encouraged their establishment and where they exist satisfactory results have been reported. Details of the work of the committees is published in the Indian Labour Yearbook. Inspectors have been instructed to encourage employers and workers to look to them for help and advice, and to keep in close touch with other government departments and organisations in their work; their attention has been drawn in particular to Article 5 of Convention No. 81. It has been decided to set up tripartite committees in organised industries to prepare agreements on safety, health and welfare, and a start is being made with the cement industry. The employers of Bombay have established a council on industrial health, hygiene and safety, and the central Government proposes to set up a central labour institute in Bombay which will contain a health, welfare and safety museum and an industrial hygiene laboratory. The central Government is also exploring the possibility of starting a national safety organisation for employers and workers throughout the country. The Chief Adviser of Factories conducts surveys into health, safety and welfare problems, and publishes leaflets and pamphlets on safety, accident prevention and welfare measures. State governments also distribute pamphlets and posters.

*Labour disputes.* The functions of labour inspectors do not include that of settling industrial disputes.

*Annual reports on inspection.* The annual reports published by state governments on the administration of the Factories Act generally contain the information referred to in Paragraph 9 of the Recommendation.

The Government observes that the provisions of the Recommendation are being complied with, and that a continuous review is being made by the Chief Adviser of Factories and by the state governments to improve the safety and health standards and to strengthen the inspection services.

#### *Iran.*

The Industrial Safety Bill makes it compulsory for builders of industrial and technical plant and machinery, factory owners and directors of public undertakings and buildings to obtain a licence from the competent authorities. Under the same section it is provided that the National Industrial Safety Council is to issue special regulations. These regulations, which are now in course of preparation, will as far as possible include the measures advocated in the Recommendation.

To ensure the collaboration of employers and workers in regard to safety and inspection, employers and workers are given talks on labour legislation and matters of safety and health by officials of the labour inspection service, and receive advice on the subject through various media (radio, posters and documentary films).

The officials and inspectors of the central labour inspection authority do not act as conciliators or arbitrators in labour disputes. However, in a few places of little importance, the same official performs the duties of labour inspector and of conciliator or arbitrator, on account of the limited number of competent officials.

For the legislation, the applicable penalties and the strength of the labour inspection service, see under Convention No. 81.

#### *Iraq.*

The Government states that it has not yet considered the Recommendation, owing to the imperfect development of industrial organisations in Iraq. It is hoped that further attention will be given to these matters as soon as a new labour law is enacted.

#### *Ireland.*

Factories Act, No. 10 of 1955, effective 1 October 1956.

This Act replaces the Factory and Workshop Acts, 1901-20, the Notice of Accidents Act, 1906 and the White Phosphorus Matches Prohibition Act, 1908.

The position described in the previous report on this Recommendation remains the same except as follows:

*Paragraph 4 of the Recommendation.* Section 73 of the Factories Act, 1955, provides that where the workers in a factory have appointed a Safety Committee, one function of the Committee shall be to assist in securing compliance by the employer and workers with the Act and regulations thereunder. The employer may be represented at meetings of the Committee. He shall consider representations made by the Committee, and it shall consider representations made by the employer.

*Paragraph 5.* Section 73 also provides that an inspector shall consider representations made

by the workers' safety delegate and for this purpose he may inspect the Safety Committee's minutes. An inspector is entitled to have the safety delegate with him on his tour of inspection.

Section 77 provides that, in the case of a coroner's inquest in connection with a death caused by an industrial accident or disease, the right to examine witnesses shall be given to, among others, any person appointed by any trade union, friendly society or other association to which the deceased belonged or to which any person employed in the factory belongs, and to any person appointed by any association of employers of which the employer is a member.

*Paragraph 6.* Under section 127 the Minister for Industry and Commerce has appointed an Advisory Council consisting of a chairman and eight ordinary members, including representatives of workers' and employers' organisations. The Advisory Council may advise the Minister on matters relating to the enforcement of the Act and regulations thereunder. On the request of the Council, and with the Minister's consent, inspectors may attend meetings of the Council to give information.

*Paragraph 7.* The Advisory Council may advise the Minister on the promotion of safety and welfare campaigns, lectures, film shows or exhibitions, the publication of posters or pamphlets or any other measures designed to further industrial safety and health.

*Paragraph 9.* Copies of the report for 1954 on the working of the factory inspection service have been supplied to the International Labour Office. The report contains substantially all the information specified in this Paragraph of the Recommendation.

#### *Israel.*

Factories Ordinance, 1946.

Organisation of Labour Inspection Act, 1954.

Trades and Industries Ordinance.

*Preventive duties of labour inspectorates.* There are no legal provisions requiring prior notifications as provided for in Paragraph 1 of the Recommendation. However, the town planning authorities consult the labour inspectorate on plans for new industrial buildings submitted to them. In the case of trades or industries covered by the Trades and Industries Ordinance the licensing authority normally consults the labour inspectorate before granting a licence.

*Collaboration between employers and workers.* The Organisation of Labour Inspection Act provides for collaboration of employers and workers in regard to health and safety both in undertakings and at a national level. The Act provides for the appointment of safety delegates and safety committees in undertakings; approximately 250 committees now operate, but the provisions as to safety delegates have not yet been put into force. The Act also provides for the establishment of a National Safety and Hygiene Institute to promote the setting up of safety committees and to guide the committees in their work. The Institute also arranges lectures, conferences and exhibitions. The Act provides for permanent contacts between the labour inspectorate, the safety committees and the Safety Institute.

The Government states that, as the main provisions of the Recommendation are already covered by legislation or practice, it does not intend at present to take further measures to implement the instrument.

#### *Italy.*

Decree of the President of the Republic, No. 520 of 19 March 1955, to reorganise the central and branch services of the Ministry of Labour and Social Welfare, sections 6 to 21 (L.S. 1955—It. 3).

Decree of the President of the Republic, No. 547 of 27 April 1955, concerning general accident prevention rules.

Decree of the President of the Republic, No. 302 of 19 March 1956, to consolidate general prevention rules.

Decree of the President of the Republic, No. 303 of 19 March 1956, respecting general occupational health rules.

*Preventive duties of labour inspectorates.* Under the Decree concerning general occupational health rules any person wishing to build, extend or alter a building or premises for industrial work involving the employment of four or more workers must notify the competent office of the labour inspection service. The Decree also authorises the labour inspection service to require any changes it considers desirable to be made in the plans of the premises and plant and in the manner of carrying out the works.

The above-mentioned provisions do not apply to business undertakings.

*Collaboration of employers and workers.* In practice the officials of the labour inspection services and employers' and workers' organisations co-operate. The trade unions ask the inspection service to act if they find that preventive measures or sanitary conditions are not up to standard. Employers' and workers' organisations co-operate with the accident prevention committees that have been set up in the various areas. They co-operate with the Ministry of Labour through a central special standing advisory committee set up under section 393 of the decree concerning general accident prevention rules.

There is no legislation providing for the organisation of safety arrangements at the level of the undertaking. Consequently there is no legislation providing for the appointment of safety officers or the constitution of prevention committees; but in certain cases the appointment of safety delegates and committees in undertakings is provided for by collective agreement. The setting up of safety committees was encouraged by the National Accident Prevention Body (*E.N.P.I.*), and there are now 7,647 accident prevention bodies in undertakings. The *E.N.P.I.* has also formed an association known as the Italian Centre of Safety Officers (*C.I.A.S.*) to further the action it has taken in this field.

*Labour disputes.* Acting as a conciliator or arbitrator in labour disputes is not part of the functions of a labour inspector.

*Annual reports on inspection.* Annual reports on labour inspection activities are drawn up in accordance with the rules laid down in the Labour Inspection Convention, 1947 (No. 81). The possibility of compiling supplementary statistics as mentioned in the Recommendation will be investigated.

The Government states that on the whole the provisions of national legislation already apply the principles laid down in the Recommendation. When the Government takes measures applying to the field covered by the Recommendation it will follow the principles laid down in the latter.

#### *Japan.*

Labour Standards Law, No. 49 of 1947 (*L.S.* 1947—Jap. 3).

Enforcement Ordinance of Labour Standards Law (Ministry of Welfare Ordinance, No. 23 of 1947).

Ordinance on Labour Safety and Sanitation (Ministry of Labour Ordinance, No. 9 of 1947).

*Preventive duties of labour inspectorates.* Paragraph 1 of the Recommendation. Section 57 of the Enforcement Ordinance requires every employer to notify the Labour Standards Inspection Office as soon as the Labour Standards Law becomes applicable to him.

*Paragraphs 2 and 3.* Under section 54 of the Labour Standards Law every employer planning to construct, move or remodel buildings and installations for a hazardous or injurious enterprise must submit a plan of work to the administrative authority which can prohibit commencement of the work and make suitable alterations if the plan does not meet prescribed standards of safety and hygiene. Under section 55 of the law the administrative authority can prohibit use of and order alterations to sub-standard installations and buildings.

*Collaboration of employers and workers.* Paragraph 4. Sections 8 and 20 of the Labour Safety and Sanitation Ordinance provide that workers are to be consulted on safety and hygiene questions and to be represented on any committees dealing with these matters.

*Paragraph 6.* Representatives of labour and management are appointed members of the National and Prefectural labour standards councils established under section 98 of the Labour Standards Law. The councils deal, among other things, with safety and health questions.

*Paragraph 7.* The Ministry of Labour and the Prefectural labour standards offices provide workers and employers with information and assistance for enforcement of legislation. National and local meetings on safety and hygiene are held annually with employers and workers and industrial safety and hygiene weeks are organised every year. During these weeks lectures, exhibitions, radio broadcasts, posters, etc. are used to publicise safety and hygiene laws and practices.

*Labour disputes.* Labour standards inspectors are forbidden to intervene in labour disputes.

*Annual reports on inspection.* The annual reports on labour standards inspection issued by the Labour Standards Bureau contain the information specified in clauses (a), (b) (i), (c), (d) (i) and (iii), (e) (ii) and (iv), (f) and (g) of Paragraph 9.

The Government states that it has not been found necessary to modify the Recommendation in order to apply it.

#### *Jordan.*

There exists no national legislation covering matters dealt with in the Recommendation.

#### *Luxembourg.*

The Government makes reference to the report of the Labour and Mining Inspectorate for 1955. This authority, consisting of two sections under the same director, ensures the enforcement of the measures called for in Recommendations Nos. 81 and 82. Supervision of working conditions for employees of road and rail carriers is the responsibility of a special examiner under the direct control of the Minister of Labour with the assistance of the Minister of Transport.

#### *Mexico.*

Federal Labour Act of 18 August 1931 (*L.S.* 1931—Mex. 1).

Rules of 1 April 1941 of the Secretariat for Labour and Social Welfare.

Regulations respecting measures for the prevention of occupational accidents.

For some years Mexico has made legislative, administrative and practical arrangements to ensure that the provisions relating to Parts I and II of the Recommendation will be applied.

*Preventive duties of inspectorates.* The rules of the Secretariat of Labour and Social Welfare provide that the Directorate of Social Welfare is to be responsible for examining the plans for new workplaces and for issuing permits before work begins. The regulations respecting the prevention of occupational accidents also deal with this subject.

*Collaboration of employers and workers.* Under section 324 of the Labour Act, standing safety and health committees function in Mexico; they consist of equal numbers of employers' and workers' representatives.

*Labour disputes.* Although the labour inspectors never act as arbitrators, they have long acted as conciliators. The Government considers that this practice has given excellent results and that it should be continued.

*Annual reports on inspection.* The Mexican administration has neither the staff nor the funds required to draw up annual reports of the type specified, but the report published each year by the Secretariat of Labour and Social Welfare contains a certain amount of information on the labour inspection services.

The Government considers that in view of the provisions of the Mexican Constitution measures to apply the Recommendation would have to be adopted both at the federal level and by the states of the Union; it is communicating the Recommendation to the authorities of the states in order that its provisions may be applied in so far as this is possible.

#### *Netherlands.*

Royal Decree of 23 August 1920.

Works Councils Act, 1950 (*L.S.* 1950—Neth. 2).

Dangerous, Unhealthy and Noxious Workplaces Act.

Occupational Accident Prevention and Industrial Health Act.

*Preventive duties of labour inspectorates.* The provisions of this part of the Recommendation are duplicated in sections 7, 21 and 25 of the Dangerous, Unhealthy and Noxious Workplaces Act and in section 35 *bis* of the Occupational Accident Prevention and Industrial Health Act.

*Collaboration of employers and workers.* The Dangerous, Unhealthy and Noxious Workplaces Act provides that safety committees may be set up in undertakings or groups of undertakings to give advice on the promotion of safety and the prevention of injuries to the workers' health. Under the Works Councils Act any undertaking employing 25 or more workers is required to establish a works council, the members of which are to be elected by workers aged 21 and over. The employer acts as chairman of the committee, which is responsible for supervising the observance of statutory provisions concerning the protection of the workers within the undertaking as well as those governing safety installations, sanitary and washing facilities, cloak rooms and canteens. As regards direct collaboration between employers' and workers' representatives on the one hand and officials of the labour inspection service on the other, the Netherlands legislation abides by the principle that the responsibility for ensuring safety and health in an undertaking lies with the management. Collaboration of the type mentioned in Paragraph 6 of the Recommendation is a regular feature, particularly as regards safety and health matters. The report lists the means used to apply Paragraph 7; they include educational films, the holding of safety days and participation in industrial exhibitions. In the technical schools, safety and health are taught by officials of the labour inspection service.

*Labour disputes.* In the absence of explicit instructions from the Ministry of Social Affairs and Public Health, the officials of the labour inspection service refrain from all intervention in labour disputes.

*Annual reports on inspection.* Under the Royal Decree of 23 August 1920 the Director-General of Labour submits an annual report to the Ministry of Social Welfare and Public Health on the activities of the labour inspection service. An attempt is being made to meet the requirements of the Recommendation as regards statistics.

#### *Netherlands Antilles.*

Accident Regulations, 1936.

National Ordinance on Safety, 1942.

Decree of 4 October 1955 on Safety.

*Preventive duties of labour inspectorates.* The provisions of the first part of the Recommendation are almost wholly complied with. Plans for the construction of industrial undertakings are subject to prior authorisation by the labour inspection service, which is subordinate to the Department of Social and Economic Affairs.

*Collaboration of employers and workers.* This part of the Recommendation has not yet been fully complied with because the labour inspection service was set up only in July 1955, after the entry into force of the National Ordinance on Safety of 1942 and the decree on safety, which was promulgated in October 1955

and entered into force on 1 January 1956. Large undertakings in the Antilles have for some years past had industrial safety departments.

*Labour disputes.* The requirements of this part of the Recommendation are complied with.

*Annual reports on inspection.* The information required under this part of the Recommendation could be supplied, except as regards figures of occupational accidents classified by cause.

The authorities intend to take steps to apply the Recommendation in its entirety.

The text of the decree of 4 October 1955 was appended to the report.

#### *Netherlands New Guinea.*

The Government has supplied a copy of Decree No. 3 of 7 January 1955 respecting labour inspection and the supervision of safety. This decree determines the organisation and functions of the inspection service. It does not contain provisions relating to the subject matter of the Recommendation except as regards labour disputes; section 1 provides that the duties of the labour inspection service shall include that of arranging for mediation in labour disputes.

#### *Surinam.*

*Preventive duties of labour inspectorates.* The Government has made available a copy of the report of the Ministry of Social Affairs and Immigration for the year 1955, which contains the report on labour inspection activities. In this report there are statistics relating to the number of permits granted to allow the opening and extension of undertakings as well as to the permits granted for the use of machinery in those undertakings.

*Collaboration of employers and workers.* There is only a comparatively limited number of undertakings the size of which would justify the establishment of safety committees. So far it has not been possible to organise conferences, congresses, etc. to discuss occupational safety and health. As regards information, mention should be made of the distribution of publications, wireless talks, exhibitions, films and courses in technical schools.

*Labour disputes.* In the event of a dispute the labour inspectors act only as mediators, never as arbitrators. The conciliation board intervenes in major disputes.

*Annual reports on inspection.* The annual reports on inspection contain the information mentioned in clauses (a), (b) (i), (c), (d) (i) and (iii), (e) and (f) of Paragraph 9 of the Recommendation.

#### *New Zealand.*

Regulations under the Health Act, 1920.

Scaffolding and Excavation Act, 1922.

Spray Painting Regulations, 1940.

Factories Act, 1946 (L.S. 1946—N.Z. 4).

Industrial Relations Act, 1949 (L.S. 1949—N.Z. 1).

*Preventive duties of labour inspectorates.* Under sections 9, 10 and 11 of the Factories Act, 1946, no one may occupy or use an un-

registered factory. Application for registration must be made to a factory inspector, and the inspector has power to withhold registration until any defects in the premises are remedied ; the occupier has a right of appeal to a magistrate. Clause 13 of the Spray Painting Regulations, 1940, provides that no booth for spray painting, as defined in clause 3, shall be erected or used in any factory until the plan and specifications have been approved in writing by the Secretary of Labour. For the building or alteration of premises, the approval of plans by the local authority is obligatory and many local authorities confer with the factory inspector before issuing permits. Section 5 of the Scaffolding and Excavation Act, 1922, requires advance notice to be given to the inspector of the erection of any scaffolding or any building work which is likely to involve risk to the workers, the erection of any crane or the making of any excavation of defined dimensions. Failure to give notice is punishable by a fine not exceeding £20. Advance notice of the opening of commercial establishments in general is not compulsory, although regulations under the Health Act, 1920, require notice of intention to open certain establishments selling food to be given to the local authority.

*Collaboration of employers and workers.* Sections 3 and 4 of the Industrial Relations Act, 1949, provide that the Minister of Labour may appoint an Industrial Advisory Council consisting of a chairman appointed by the Minister, representatives of employers and workers and any other persons the Minister thinks fit. The functions of the council are to make recommendations to the Minister on ways of improving industrial relations and welfare, including such matters as terms of employment, the safety and health of workers, the provision of amenities, and the establishment of works committees and other employer-worker organisations. Section 7 of the Act provides for regulations to be made for the establishment on a voluntary basis of works committees, representative of workers and employers, for the purpose of improving and maintaining the welfare, safety and health of workers in their respective establishments. A workers' representative and an employers' representative may accompany factory inspectors during investigations on matters of amenities and the health and welfare of workers.

Articles on industrial safety appear regularly in the publications of the Department of Labour. The Labour Department and the Health Department's Division of Industrial Hygiene, through a joint committee on which the National Safety Association of New Zealand is represented, issue articles on safety, health and welfare in pamphlet form or for publication in various trade journals. The committee also issues placards, safety posters and films strips, and prepares industrial safety exhibitions. For some years a number of films on various safety topics have been shown, on request, to employer and employee organisations and factory staffs, on occasion by means of mobile projection units. Posters are regularly distributed to industry, and safety displays are featured at industrial fairs and on other suitable occasions. Safety matters are also publicised in a mobile health exhibition organised by the Department of Health. The

government states that it is hoped that these measures, as well as promoting safety consciousness, will draw the attention of industry to the Departments' information services.

*Labour disputes.* The Labour Department administers the industrial conciliation and arbitration procedure, through specially appointed conciliation commissioners. However, as factory inspectors are also inspectors of awards, they are often asked to adjudicate on minor differences. This has even been recognised by some awards where the parties have agreed that the inspectors of awards shall be the arbiters in interpretation disputes. The government states that the dual functions have not been opposed by either group and, while not strictly in terms of paragraph 8 of the Recommendation, are often a satisfactory substitute for the enforcement action that would be the inspectors' function failing arbitration.

*Annual reports.* The published annual reports of the various inspection services cover the details in Paragraph 9 of the Recommendation in varying degree. Such reports are those of the Department of Labour published as Parliamentary Paper H.11, and of the Department of Health (Parliamentary Paper H.31) and the Annual Statistical Report on Industrial Accidents published by the Statistics Department.

#### Norway.

Workers' Protection Act.

*Preventive duties of labour inspectorates.* Section 9 of the Act contains provisions wherein it is laid down that in the case of establishments or work deemed to be particularly arduous or dangerous to the life and health of the workers the Crown may order *inter alia* that the establishment shall not open unless prior consent has been given.

*Collaboration of employers and workers.* The Bill concerning workers' protection which is at present under discussion contains a provision respecting collaboration between employers and workers for the purpose of promoting health and safety. The "protection and welfare" organisation does similar work. The Norwegian People's Relief Organisation has concerned itself with the organisation and development of first-aid measures. Safety work also lies within the sphere of the production committees. The Directorate for Labour Inspection has taken the initiative in several cases in drawing up regulations respecting organised safety work on the basis of agreements. Some employers' and workers' organisations have also taken up this kind of work, and there are undertakings which have carried out planned safety work in conjunction with the workers.

The officials of the labour inspectorate also organise lectures on the Workers' Protection Act and the activities of the labour inspectorate in schools, at meetings of various kinds and on the wireless. Films and pamphlets are also used.

*Labour disputes.* The principle that labour inspectors shall not act as conciliators or arbitrators is followed.

*Annual reports on inspection.* The annual report of the labour inspectorate contains the



information required with the exception of the classification of occupational diseases according to industry and occupation for diseases other than pneumoconiosis.

The Government also refers to its report for the period ending 31 December 1949.<sup>1</sup>

In January 1956 a Bill was submitted to Parliament concerning the protection of workers. For the time being it is impossible to indicate whether the new Bill will give effect to the provisions of the Recommendation that are not yet covered by national legislation or practice.

#### *Pakistan.*

Railways Act, 1890.

Mines Act, 1923 (L.S. 1923—Ind. 3), and Consolidated Mines Rules, 1952.

Coal Mines Regulations, 1926.

Metalliferous Mines Regulations, 1926.

Dock Labourers Act, 1934 (L.S. 1934—Ind. 1), and regulations thereunder, 1948.

Factories Act, 1934 (L.S. 1934—Ind. 2), and Factories Acts and rules of various provinces.

Payment of Wages Act, 1936 (L.S. 1936—Ind. 1), and rules thereunder, and provincial rules concerning payment of wages.

Hazardous Occupations Rules, 1937.

Employment of Children Act, 1938 (L.S. 1938—Ind. 5), and provincial acts and rules concerning the employment of children.

Mines Maternity Benefit Act, 1941 (L.S. 1941—Ind. 1), and Maternity Benefit Acts and rules of various provinces.

Oil Fields Regulations, 1950.

Mining Board Rules, 1951.

Various provincial Acts and rules regulating working conditions in trade and commerce.

*Preventive duties of labour inspectorates.* Section 9 (1) of the Factories Act, 1934, provides that before work is begun in any factory or in any seasonal factory each season the occupier shall send to the inspector a notice containing specified particulars. Section 9 (2) provides for notice to be given within seven days of change of manager. The Factories Act and rules of the province of Punjab provide that in the case of certain specified manufacturing processes the Government's permission must be obtained before a factory can be established or extended, and it can only commence operating after a registration certificate has been granted by the chief inspector. The factories Acts and rules of other provinces also have provisions in respect of such advance notice.

Section 14 of the Mines Act, 1923, provides for notice containing specified particulars to be given to the district magistrate within three months of the commencement of operations in a new mine. The Metalliferous Mines Regulations, 1926, contain similar provisions, and provide for a copy of the notice to be sent by the district magistrate to the chief inspector. The Oil Fields Regulations, 1950, contain similar provisions.

Section 3-B of the Employment of Children Act, 1938, requires that before commencing in a workshop any of the processes set forth in the schedule the occupier shall send to the inspector a notice containing specified particulars.

There are no statutory provisions for the submission of plans for new establishments or

plant to the inspection service. Compliance with legal requirements regarding industrial health and safety is secured by inspection of establishments once they are in existence, and the Government's report states in some detail the powers of inspectors of factories and mines in this respect.

*Collaboration of employers and workers.* The Government states that it has been encouraging collaboration between employers and workers for the purpose of improving conditions affecting the health and safety of workers, although at present there is not much evidence of this collaboration. The Pakistan Tripartite Labour Conference and the Standing Labour Committee play a prominent part in fostering collaboration. Section 3 of the Industrial Disputes Act, 1947, together with rules thereunder, provide for the constitution of works committees comprising equal numbers of employers' and workers' representatives in establishments with 100 or more employees, and a function of these committees is to comment on health, safety and accident prevention measures. Section 10 of the Mines Act provides for the constitution, for any part of the provinces and the capital of the Federation or for any group or class of mines, of a Mining Board consisting of a chairman and one member (neither being an inspector) nominated by the central government, the chief or other inspector and two persons nominated by mine owners and two by the miners. Section 11 provides for the formation of committees of similar composition. Section 12 lays down the powers of the Board and committees.

No particular arrangements exist for the measures recommended in Paragraph 7 of the Recommendation, owing to the inadequate strength and organisation of the inspection service. However, the necessary advice is given when sought.

*Labour disputes.* The functions of the labour inspectorate do not include that of acting as conciliator or arbitrator in proceedings concerning labour disputes.

*Annual reports on inspection.* Annual reports on the working of the Factories, Payment of Wages, Mines, Workmen's Compensation and other Acts are published by the central government and include an account of the work of the inspection services. Provincial governments also publish reports on the working of labour laws. These reports cover most of the points mentioned in Paragraph 9 of the Recommendation.

The Government has decided to augment the existing inspection staffs. Revision of the Factories Act, 1934, is at present under consideration and it is proposed to include provisions along the lines of Paragraph 2 of the Recommendation. One important step recommended by the I.L.O. mission to improve factory inspection throughout the country was the establishment in the Ministry of Labour of a small factory advisory service comprising experts on occupational health and safety and on the special problems of women workers. The Planning Board has endorsed this suggestion, and its proposals as to the functions of such a service (which include those mentioned in Paragraphs 2 and 7 of the Recommendation) are at present under consideration by the Government.

<sup>1</sup> See Report III, Part II, International Labour Conference, 1951, op. cit., p. 69.

*Philippines.*

Commonwealth Act No. 104 of 1936.

*Preventive duties of labour inspectorates.* Every person or undertaking engaged in mining, quarrying, metallurgical operations or any other industrial enterprise must register with the Department of Labour. Plans for new establishments, plant or processes of production are submitted to the Industrial Safety Engineering Division for approval. If the plan does not comply with the regulations on industrial safety and protection of health of workers, the inspectorate orders the necessary alterations to be made.

*Collaboration of employers and workers.* In the Department of Labour there is an Advisory Safety Council composed of the Secretary of Labour (or his representative) as chairman, one safety engineer who acts as secretary and executive officer of the Council, one mining engineer designated by mining operators, one person designated by other industrial undertakings and two persons designated by the Secretary of Labour to represent respectively the industrial accident insurance companies and the public. The Council, which serves for two years, advises the Secretary of Labour on the formulation of safety orders and regulations and safety devices and standards to safeguard the health and lives of workers in mining and other industrial operations. Each plant or establishment organises its own safety committee, which collaborates with safety inspectors in enforcing the regulations. The Division of Industrial Safety conducts a weekly radio programme concerning prevention of industrial accidents and occupational diseases, and pamphlets and posters on industrial safety are distributed to all plants for the guidance of workers. In addition, the Department continuously undertakes a nation-wide workers' education programme, whereby safety measures are explained to workers.

*Labour disputes.* The functions of the labour inspectorate do not include that of acting as conciliator or arbitrator in labour disputes. There are conciliators in the departments whose work is primarily that of attending to labour disputes.

*Annual reports on inspection.* The Government states that the annual reports of the Inspection Service cover practically all the items mentioned in the Recommendation.

*Poland.*

Order of 16 March 1928 concerning the contract of employment of wage-earning employees (*L.S.* 1928—Pol. 3), as amended.

Act of 4 February 1950 respecting the social inspectorate of labour (*L.S.* 1950—Pol. 1).

Decision No. 592 of 1 August 1953 of the Praesidium of the Government concerning methods of securing progress in the field of industrial safety and health.

Decision No. 61 of 6 February 1954 of the Council of Ministers on the conclusion of collective agreements in undertakings.

Decree of 10 November 1954 transferring to the trade unions certain duties in the enforcement of labour laws and the administration of labour inspection.

Order of 6 November 1956 containing general provisions on industrial safety and health.

*Preventive duties of labour inspectorates.* The requirements of this part of the Recommendation are met by section 8 of the decree of 10 November 1954. They are also partly covered by section 9 of the order of 16 March 1928, as amended, and by section 2 (1) of the order of 6 November 1956. These provisions do not however require advance submission of new processes of production to the labour inspectorate.

*Collaboration of employers and workers.* Collaboration between the authorities and workers for the purpose of improving working conditions is governed by the Act of 4 February 1950 and the decision of the Council of Ministers of 6 February 1954. Provisions regarding training and information are contained in the decision of 1 August 1953 of the Praesidium of the Government.

*Labour disputes.* The functions of labour inspectors do not include that of acting as arbitrator or conciliator in labour disputes. The settlement of industrial disputes is the responsibility of special arbitration committees of the trade unions.

*Spain.*

Royal Ordinance of 17 November 1925 to approve regulations relating to establishments where noxious, unhealthy or dangerous work is carried on.

Ordinance of 31 January 1940 to approve the general occupational safety and health regulations.

Decree of 13 July 1940 to issue regulations for the labour inspection service.

Decree of 21 December 1943 on Labour Delegations.

Ordinance of 31 July 1944.

Ordinance of 21 September 1944 and supplementary rules issued by the Directorate-General of Labour on 4 October 1944 concerning the establishment of safety and health committees.

Decree of 18 August 1947 to establish joint boards in undertakings (*L.S.* 1947—Sp. 3).

Decree of 11 September 1953 to issue regulations for joint boards in undertakings.

Ordinance of 9 February 1954.

*Preventive duties of labour inspectorates.* Section 35 of the decree of 1943 provides *inter alia* that labour delegates are to be informed in advance of the date on which work will begin in an industrial undertaking and of the conditions under which the work will take place; undertakings are to be authorised to open only when these conditions comply with the law and after the inspection service has reported. A similar authorisation is required when major changes are made in an undertaking. Section 29 of the decree of 1940 provides that the provincial head of the labour inspection service is to ensure that the plant in industrial establishments is examined by inspectors before it comes into operation in order that the inspection service may be in a position to assess the working and safety conditions and to take any measures required to secure the protection of the workers.

The documents concerning the implementation of the Recommendation are appended to the report.

*Collaboration of employers and workers.* The bodies that have ensured collaboration between employers' and workers' organisations on the one hand and the authorities, particularly the labour inspection service, on the other,



have been the safety and health committees, which have now been superseded by the joint boards set up in undertakings. These bodies consist of representatives of employers and workers, and are responsible for ensuring that labour legislation is observed, carrying out inquiries into occupational accidents and diseases, and concerning themselves with occupational safety and health training, publicity and propaganda.

Under the Ordinance of 31 July 1944 the Ministry of Labour takes part in propaganda work to promote accident prevention and the use of personal protective equipment. This is done by the written word and pictorial publicity.

The report states that in Spain all the provisions of the Recommendation are covered by national legislation and practice.

#### *Sudan.*

Workshops and Factories Regulations, 1950.

Workshops and Factories Ordinance.

*Preventive duties of labour inspectorates.* Local authority regulations require permission to be obtained from the authorities before establishing an industry. Under the Workshops and Factories Ordinance plans for the buildings and machinery of any factory employing thirty or more workers require the prior approval of the Commissioner of Labour.

*Collaboration of employers and workers.* The co-operation of employers' and workers' organisations in the application of the legislation concerning the safety, health and welfare of workers is sought through educative visits of the inspectorate staff and through posters explaining legislation which are displayed in prominent places in undertakings.

The Government states that nearly all the provisions of the Recommendation are covered by the Workshops and Factories Ordinance and Regulations. It is hoped to enact by the end of 1956 new regulations protecting workers against the risk of electrical shocks.

#### *Sweden.*

Workers' Protection Act, No. 1 of 1949 (*L.S.* 1949—Swe. 1).

Royal Proclamation, No. 208 of 1949: Regulations under the Workers' Protection Act (*L.S.* 1949—Swe. 4).

Regulations of 1951 respecting supervision by municipal authorities of enforcement of the Workers' Protection Act.

*Preventive duties of labour inspectorates.* The 1951 regulations require the municipal inspectors to be notified of the opening of new establishments subject to inspection by the labour inspectorate, but this does not apply to establishments liable to municipal inspection only. The municipal inspectorate is required in turn to inform the labour inspector.

Under the Workers' Protection Act any employer intending to construct, reconstruct or extend any work room or staff accommodation must submit the proposal to the labour inspector, accompanied by such drawings and other particulars as may be required for the examination of the proposal. The labour inspector must give his written opinion on the proposal as soon as possible. Any subsequent modification having a bearing on occupational health

and safety must likewise be submitted to the labour inspector for approval. In addition, no mining workshop or similar workplace situated entirely below ground may be installed except with the permission of the Workers' Protection Board. An exception may be made by decree for underground workings recognised as being of importance for national defence.

The employer is likewise bound to give notice to the labour inspector of his intention to use for industrial purposes any premises formerly used for other purposes, unless the inspector has already examined the proposal for the reconstruction or extension of the premises for their new employment. In such a case it is the duty of the inspector, where appropriate, to issue special rules for the use of such premises or the conduct of the work.

The labour inspection service also has the opportunity of expressing its opinion in cases where a building permit is required. Under the law as it now stands the Building Committee which passes on applications to build factories or industrial installations must obtain the opinion of the labour inspector before reaching its decision.

There is no provision in the law regarding action to be taken by the inspection service when work is put in hand on plans for new premises, new installations, etc., that are considered to be dangerous or unhealthy. However, the Workers' Protection Act authorises the labour inspector to intervene, if the circumstances so require, when new establishments are opened.

*Collaboration of employers and workers.* Co-operation between employers and workers with regard to occupational safety and health is provided for under the Workers' Protection Act and the regulations issued thereunder. Furthermore, the Swedish Employers' Confederation and the Swedish Confederation of Trade Unions have concluded an agreement regarding the organisation of workers' protection at the local level. Towards the end of 1953, when the number of registered establishments employing not less than five wage earners was 32,354, health and safety delegates had been appointed in 20,957 registered establishments and in 1,311 unregistered establishments. As of the same date safety committees existed in 436 undertakings and there were 91 regional delegates.

Under the Standing Instructions for the Workers' Protection Board, the Board is required to give its advice, information, explanations and instructions on matters of workers' protection, and it has also to co-operate with the voluntary organisations in this field. The labour inspection service, for its part, assists in preventing accidents and occupational diseases by issuing information, advice and directions, and its task is also to promote co-operation in such matters. In 1954, for instance, the officials of the labour inspection service gave 1,153 lectures on questions of workers' protection to audiences of employers, workers and pupils at vocational schools.

Apart from the work done in this connection by the competent authorities, extensive private activity is carried on with the same object.

At present instruction is given in vocational schools on questions relating to workers' pro-

tection and endeavours are being made to raise the standard of such protection.

*Labour disputes.* There are no statutory provisions to prevent labour inspectors from acting as conciliators or arbitrators in labour disputes. However, an Act of 28 May 1920 requires arbitrators appointed by the Crown to have legal qualifications, and in practice labour inspectors not possessing legal training are not allowed to officiate in that capacity.

*Annual reports on inspection.* The information supplied in the annual reports covers the particulars required by the Recommendation, except for the numbers of inspectors in the different categories and the number of women inspectors. In addition, the statistics make no distinction between young persons and children and it has not been deemed necessary to classify inspection visits according to whether they were made by day or by night. Statistics of industrial accidents and occupational diseases are not given in the annual reports, but appear in *Occupational Accidents*, a publication of the National Insurance Institution.

#### Switzerland.

The Government refers to information given in its report of 1 June 1950<sup>1</sup> regarding the legislative, administrative or practical action taken on the matters dealt with in the Recommendation.

In addition to the information already supplied, the Government mentions that organisations of employers and workers are represented on the Board of Directors of the Swiss National Accident Insurance Fund, which is also active in accident prevention. The prevention of accidents and occupational diseases is one of the major concerns of the Federal Office of Industry, Arts and Crafts and Labour and the public health institutes of the Federal Polytechnic College and the universities. These bodies co-operate with the National Fund and the employers' and workers' associations, using the normal channels of education and public information for that purpose. Workers' committees are widespread in the undertakings and they are also active along the lines of the Recommendation.

The Bill respecting labour, handicrafts, commerce, transport and allied branches of industry, which was designed to give effect to those provisions of the Recommendation that are not yet covered by legislation, is still under discussion and is encountering some measure of opposition.

While recognising the value of comprehensive facts and figures, the Government states that it is not in a position to meet entirely the requirements of the Recommendation as to statistics. Any centralisation of statistics as called for by the Recommendation would necessitate additional staff and a previous centralisation of the authorities.

The labour inspection service in Switzerland is a matter for regulation at the federal level.

#### Tunisia.

Decree of 27 March 1919 relating to dangerous, unhealthy and noxious workplaces, as amended by decrees of 30 December 1925 and 30 December 1947.

<sup>1</sup> See Report III, Part II, International Labour Conference, 1951, op. cit., p. 71.

Decree of 6 April 1950 relating to health and safety and the employment of women and children in commercial, industrial and professional establishments (L.S. 1950—Tun. 1), as amended by decree of 27 September 1956.

Decree of 6 August 1953 on labour inspection.

*Preventive duties of labour inspectorates.* Under the decree of 27 March 1919 a permit from the Minister of Public Works is required for the opening, alteration, and extension of specified classes of undertakings, and for new installations or processes therein.

*Collaboration of employers and workers.* Close collaboration between employers and workers and public officials is provided for by the decree of 6 April 1950. It establishes an industrial safety board composed of representatives of the Ministers of Public Health and Public Works, the medical labour inspector, and four representatives each of employers and workers.

*Labour disputes.* Labour inspectors do not act as arbitrators in labour disputes. Conciliation is the responsibility of regional governors, and the function of inspectors is limited to providing conciliators with information.

*Annual reports on inspection.* The decree of 6 August 1953 requires labour inspectors to furnish detailed annual reports on the inspection activities in the districts for which they are responsible.

Under a draft Tunisian Labour Code, employers intending to employ workers would be required to give notice to the Ministry of Social Affairs before opening industrial, commercial or craft undertakings or professional offices. Notice would also be required of existing undertakings, and in cases of change of methods of production such as the introduction of female or child labour or of motive power.

Copies of the decree referred to were appended to the report.

#### Turkey.

Labour Code (section 56) (L.S. 1936—Tur. 2).

Labour Act (Amendments) (section 29) (L.S. 1952—Tur. 1).

Industrial Health and Safety Regulations (sections 79, 80 and 81).

Regulations respecting safety measures in mining undertakings (section 2).

*Preventive duties of labour inspectorates.* Under section 56 of the Labour Code every employer who intends to establish and carry on a new undertaking is required to obtain prior authorisation and a permit to begin operations. For this purpose he must submit to the Ministry of Labour a detailed declaration, accompanied by plans, sketches, photographs and models of the establishment. The Minister may order any necessary improvements for the purpose of securing the health and safety of workers.

Sections 79 to 81 inclusive of the Industrial Health and Safety Regulations deal with this matter in detail. Section 56 of the Labour Code has been extended by regulations to apply also to mining undertakings.

*Collaboration of employers and workers.* There are no specific provisions in the Labour Code to require the setting up of joint safety

committees in undertakings. However, section 29 of the Code provides that every employer must draw up rules of employment setting forth the terms of employment and including in particular health and safety measures. Employees are required to observe these measures and to co-operate with the employer in giving effect to them.

In large undertakings, including mines, there are special personnel for safety, first-aid, rescue, etc., under the orders of a safety engineer or technician, according to the size of the undertaking in question. These personnel receive special training and are required to co-operate with the management.

The functions of the labour inspectors and the inspectors of the Workers' Insurance Institution include the investigation of causes of industrial accidents or occupational diseases. Under section 92 of the Labour Code both employees and employers are required to co-operate with the inspectors.

Although there are no special conferences or joint committees in which labour inspectors can discuss questions concerning the enforcement of labour legislation and the health and safety of the workers with representatives of employers' and workers' organisations, it is nevertheless one of the functions of labour inspectors to deal with these matters during their inspection visits. The Istanbul Labour Institute for the Near and Middle East proposes to expand this type of work in the future.

The large undertakings use lectures, posters and films to demonstrate ways of preventing industrial accidents and occupational diseases. The employer must post up in workplaces the rules of employment dealing with questions of safety and health and setting forth the action to be taken in the event of accidents or occupational diseases. Instruction in industrial hygiene forms part of the curriculum of vocational schools.

*Labour disputes.* It is not part of the functions of labour inspectors to act as conciliators or arbitrators in labour disputes.

*Annual reports on inspection.* As mentioned in the Government's report on Convention No. 81 the legislative formalities involved in promulgating the labour inspection regulations have not yet been completed and therefore no annual reports have yet been published on the work of the inspection services. However, *Çalışma Dergisi* (the Ministry of Labour quarterly review) contains information on the activities of these services.

No action is contemplated for the time being to give effect to those provisions in this Recommendation which are not yet covered by Turkish legislation and practice, except the promulgation of the labour inspection regulations referred to above.

#### *Ukraine.*

See under Convention No. 81.

#### *Union of South Africa.*

Industrial Conciliation Act, 1937 (L.S. 1937—S.A. 3).  
Wage Act, 1937 (L.S. 1937—S.A. 4).  
Factories, Machinery and Building Work Act, 1941 (L.S. 1941—S.A. 3).

*Preventive duties of labour inspectorates.* Employers whose undertakings are covered by wage enactments must register within one month of the commencement of business, but prior notification, as laid down in the Recommendation, is not required. The Factories, Machinery and Building Work Act, however, makes it an offence for an employer to occupy unregistered premises, and prior notification is therefore necessary where this Act applies. Submission of building plans is also required by this latter Act, but no such provisions apply to commercial establishment except the normal building regulations enforced by the various local authorities. The registration of factories can be withheld if the premises do not comply with the health and safety provisions of the Act.

*Collaboration of employers and workers.* No specific statutory provisions have been made in regard to collaboration between employers and workers.

For further details regarding employer and worker co-operation by means of industrial councils the Government makes reference to its report on Convention No. 81.

*Labour disputes.* In practice, inspectors function as mediators or conciliators, but the use of inspectors as arbitrators is not favoured.

*Annual reports on inspection.* A report on the activities of the inspection service is published annually by the Department of Labour, but it contains only part of the statistics listed in the Recommendation.

No measures are contemplated by the Government to give effect to those provisions of the Recommendation not yet covered by national legislation or practice.

#### *U.S.S.R.*

*Parts I, III, IV of the Recommendation.* The report gives no information on these provisions.

*Part II.* Labour protection boards are organised on a voluntary basis by the trade unions in all undertakings and workplaces. The chairmen of such boards are at the same time employed as senior public inspectors of labour within their undertakings. They can make suggestions to the management for overcoming production difficulties and can also raise the question whether members of the administrative staff should not be called to account for breaches of labour legislation. The technical inspectors maintain close contact with the labour protection boards.

Funds earmarked by the Government for the purpose of creating healthy and hygienic working conditions are spent with the agreement of the trade unions. The management of every undertaking enters into an agreement with the local trade union committee whereby provision is made for schemes to improve working conditions from the standpoint of health and hygiene, and this forms a specific section in the collective agreement. Over the period of the fifth Five-Year Plan (1951-55) 10,000 million rubles were spent on improvements to industrial health and safety.

#### *United Kingdom.*

##### *Great Britain.*

Explosives Acts, 1875 and 1923 (L.S. 1923—G.B. 4).  
Petroleum (Regulation) Acts, 1928 and 1936.

Cellulose Solutions Regulations, 1934 (*L.S.* 1934—*G.B.* 4).  
 Factories Acts, 1937 and 1948 (*L.S.* 1937—*G.B.* 2, 1948—*U.K.* 6).  
 Cinematograph Film Stripping Regulations, 1939.  
 Factories (Luminising) Special Regulations, 1947.  
 Shops Act, 1950, sections 37 and 38 (*L.S.* 1950—*U.K.* 1).  
 Mines and Quarries Act, 1954 (expected to be brought into force within the coming months).

#### *Northern Ireland.*

Metalliferous Mines Regulation Act, 1872.  
 Explosives Act, 1875.  
 Coal Mines Act, 1911.  
 Explosives Act (Northern Ireland), 1924.  
 Quarries Act (Northern Ireland), 1927.  
 Petroleum (Regulations) Acts. (Northern Ireland), 1929 and 1937.  
 Cellulose Regulations (Northern Ireland), 1935.  
 Factories Acts (Northern Ireland), 1938 and 1949.  
 Shops Act (Northern Ireland), 1946.

*Preventive duties of labour inspectorates.*  
*Paragraph 1 of the Recommendation.* In Great Britain a person may not use any premises as a factory unless he has given advance notice to the district inspector, although this is modified as to date of notice where a person takes over from another person without changing the nature of the work; similar requirements apply before mechanical power (except for heating, ventilating or lighting) is first used in a factory (section 113, Factories Act, 1937 as amended by section 5 of the 1948 Act). Advance notice is required of the commencement of specified activities in a factory, e.g. the manufacture, use or storage of cellulose solutions, luminising in factories, the production of artificial humidity in a humid factory, and the use as a workroom of an underground room. In Northern Ireland the legislation is similar except that regulations for luminising have not been made.

The owner of a mine is required to notify the district inspector of mines, within two weeks, of the beginning of operations for opening or re-opening (after abandonment or discontinuance for more than two months) the mine, any seam or vein, or any shaft or outlet, and of any change in ownership; in the case of quarries the period of discontinuance after which notice of re-opening must be given is 12 months (sections 139 and 140 of the Mines and Quarries Act, 1954).

In Great Britain no factory for the manufacture of explosives may operate until a licence has been obtained from the Secretary of State. Such a licence is also required to store explosives, but for small amounts of specified explosives, application or notice may be sent to the local authority. No premises may be used for any purpose involving the keeping of petroleum spirit or mixtures in amounts exceeding three gallons (other than for private use in a motor vehicle) without a licence from the local authority responsible for the enforcement of the Petroleum (Regulation) Acts.

There is no legislation giving effect to Paragraph 1 of the Recommendation in respect of non-industrial workplaces.

*Paragraph 2.* In the United Kingdom advance advice may be sought of the factory inspectorate on the safety and health aspects of plans for new establishments, plant or processes of production. This is encouraged particularly where

the proposals involve health or safety problems of an unusual or specially difficult character or where there is doubt about the suitability of the premises for the purposes contemplated. In some cases in Great Britain plans must be approved by the inspectorate, e.g. building plans for a proposed cotton cloth factory, and plans of premises to be used for the stripping and drying of cinematograph film.

Owners and managers of mines and quarries can and frequently do have informal consultations with the mines inspectors on the safety and health aspects of plans for new establishments, plant or processes or production. In relation to certain especially dangerous matters, the inspectors (or in some cases either the inspectors or the Minister) must be consulted, e.g. the use of internal combustion engines, steam boilers or locomotives below ground in a mine otherwise than in accordance with regulations, release of compressed air for ventilation of a mine, or division of a quarry into more than one part each under a separate manager (sections 83, 58 (4) and 98, Mines and Quarries Act, 1954).

Applicants for licence to manufacture explosives must first submit plans of the establishment to inspectors of explosives at the Home Office, who, in consultation with the applicant, determine the terms of licence which are framed to secure among other things the safety of the work people. In order to store explosives, a plan or construction details of the magazine or store must be submitted to inspectors of explosives or the local authority; for the storage of small quantities of certain explosives the premises must be registered with the local authority and must conform to safety regulations made by the Secretary of State. In the case of licences to store petroleum spirit the local licensing authorities usually require an applicant to submit a plan or installation details, and this arrangement is being strongly recommended to all local authorities in a code on good licensing practice which the Home Office is to publish shortly.

*Paragraph 3.* Inspectors do not have general powers to order alterations to plans, although they may certify that an underground room is unsuitable as regards construction, height, light or ventilation, or on any hygienic ground or because adequate means of escape in case of fire are not provided (section 53 Factories Act, 1937 and section 54 Factories Act (Northern Ireland) 1938). Compliance with general statutory requirements concerning industrial health and safety is secured by court order on the complaint of an inspector when actual contraventions exist.

With regard to mines and quarries, as stated in connection with Paragraph 2 plans are required in respect of certain matters. In other matters inspectors have specific powers of objection or may require certain steps to be taken, and they have general powers in matters not otherwise specifically provided for (section 146 Mines and Quarries Act, 1954); in some cases these powers are subject to appeal. The general effect is that in practice inspectors have means of getting alterations made to assure the safety and health of workers and to this extent the spirit of Paragraph 3 of the Recommendation is embodied in the legislation.

In the case of the manufacture or storage of explosives, inspectors of explosives will not recommend the Secretary of State to issue a licence until alterations necessary for the safety of workers have been carried out. In the storage of petroleum spirit, local licensing authorities may insist that requirements to protect workers be carried out before the issue of a licence. In this case there is a right of appeal to the Secretary of State.

*Collaboration of employers and workers.* Arrangements at all levels in industry for collaboration between employers and workers in health and safety matters are encouraged by the Government, boards of nationalised industries, employers' and workers' organisations and by other organisations such as the Royal Society for the Prevention of Accidents, the Institute of Personnel Management and the Industrial Welfare Society. Arrangements at the national level include the National Joint Advisory Council, the Industrial Safety Subcommittee of which has recently published a report. In many undertakings there are joint committees and other consultative arrangements which cover industrial health and safety matters. The persons referred to in Paragraph 5 of the Recommendation may approach factory inspectors at any time on matters concerning industrial health and safety. In investigations made by the inspectorate, and particularly in inquiries into industrial accidents and occupational diseases, the collaboration of employers' and workers' representatives is encouraged and enlisted, subject to the rights of an inspector as to how he conducts his inquiries, including his right to interrogate people alone.<sup>1</sup> The position is broadly similar with regard to inspectors of mines and quarries, where, in addition, workmen's inspectors may carry out regular inspections, and in particular investigations into accidents (section 123 of the Mines and Quarries Act, 1954).

The collaboration referred to in Paragraph 6 has for many years been promoted by a variety of arrangements. Formal arrangements include joint standing committees and joint advisory committees set up by the Chief Inspector of Factories in particular fields; at present there are such committees for iron, steel and non-ferrous foundries, drop forging, cotton spinning and weaving, wool, jute, paper mills, power presses and milling machines. Comparable committees have not been established in Northern Ireland where the reports of the British committees are relied upon. The inspectorate is also associated with many conferences, joint committees and similar bodies.

Much advisory and educational work is undertaken by the factory inspectorate in the course of visits and by the issue of advisory publications and periodical journals, lectures, the showing of films, the maintenance of a permanent up-to-date exhibition at the Industrial Health and Safety Centre in London and by visits to technical schools and colleges. The British publications are used extensively in Northern Ireland.

For mines and quarries similar work in the way of lectures and publications explaining the effect of safety legislation are carried out by

the mines inspectorate of the Ministry of Fuel and Power.

*Labour disputes.* Inspectors of factories, wages inspectors and inspectors of mines and quarries in the United Kingdom never act as conciliators or arbitrators in proceedings concerning industrial disputes. Shop inspectors, whose detailed duties are determined by local authorities, are not normally, if ever, required to act as conciliators or arbitrators.

*Annual reports.* As regards factories most of the information required in Paragraph 9 is published in the annual report of the respective chief inspectors in Great Britain and Northern Ireland, with the exception that in Great Britain details of staff are published separately, and in respect of some clauses information is less precise: (c) (ii) and (iii), estimates only; (e), prosecutions are classified in broad groups; and (f), persons injured are not classified by occupation. No information is given in respect of clause (d) (iii) and (iv).

For establishments subject to Wages Regulation Orders, the published annual report of the Ministry of Labour and National Service deals with the work of the Wages Inspectorate in Great Britain and includes information in respect of clauses (a), (b) (i), (iii) and (iv), (c) (i), (d) (except that day and night visits are not classified separately), and (e) (iii) and (iv).

For mines and quarries the information is given in general in the published annual report of the inspectors of mines or in other publications of the Ministry of Fuel and Power. The Recommendations are kept in mind in the collection and tabulation of the Ministry's statistics but the details are not followed in every respect.

Local authorities are not required to publish annual reports on the work of their shop inspectors, but some do so along the lines of Paragraph 9.

A copy of a "notice of occupation" form (Paragraph 1 of the Recommendation) was appended to the report.

It is intended to extend the scope of the Factories Acts to cover certain railway premises. Also the Government intends, as soon as Parliamentary time can be found for it, to introduce legislation dealing with working conditions in a wide range of non-industrial workplaces in Great Britain, including a provision for the publication of annual inspection reports.

The Government states that it has not been found necessary to give shops inspectors any of the preventive duties mentioned in Part I of the Recommendation, and that the machinery of co-operation between employers and workers in regard to health and safety is a matter for settlement between their representative organisations. The Government also states that no useful purpose would be served by requiring that notice of opening of mines and quarries be given in advance, and that it does not accept the principle underlying Paragraph 3 of the Recommendation that factory inspectors should be empowered to order alterations to plans. In particular it would regard a strict application of Paragraph 3 in mines and quarries as fundamentally wrong in principle, since responsibility for compliance with the law would thereby be transferred from employers to inspectors.

<sup>1</sup> In this connection the report refers to Article 12 of Convention No. 81.

*United States.*

Public Contracts Act, 1936.

Fair Labor Standards Act, 1938, amended in 1949 (*L.S.* 1938—U.S.A. 1; 1949—U.S.A. 1).

The Recommendation is regarded as in part appropriate for federal action and in part for action by the states.

The Government refers to its report for the period ending 31 December 1950, and indicates that it is applicable to the situation at the present time.

*Federal law and practice.*

*Paragraph 1 of the Recommendation.* There is no provision in federal law for the registration of commercial or industrial establishments subject to labour inspection.

*Paragraphs 2 and 3.* The review and approval of building plans for industrial and commercial establishments are matters traditionally reserved for state action.

*Paragraphs 4 to 7.* The services responsible for inspection in regard to the two federal Acts mentioned above do not participate directly in the arrangements for, or the promotion of, collaboration between employers and workers in regard to safety and health. However, in the course of their visits inspectors, where necessary, inform employers of sound industrial safety and health practices and of the value of such practices to the employer.

*Paragraph 8.* Federal labour inspectors do not act as conciliators or arbitrators in proceedings concerning labour disputes.

*Paragraph 9.* The annual report of the Secretary of Labor includes the report of the Wage and Hour and Public Contracts Divisions.

No legislation has been enacted for the specific purpose of applying the provisions of the Recommendation.

*State law and practice.*

*Paragraph 1.* It is not general practice to require registration in advance by persons proposing to open or take over industrial or commercial establishments, or to undertake new types of activity. A few states, as for example Kentucky, Maryland, Missouri, New Jersey and New York, have legal requirements of this nature but in general these relate only to new establishments or new ownership and not to new types of activity. Furthermore, the specific provisions vary with each state and do not always apply to all industries or to all establishments within an industry. Only one or two states require all industrial and all commercial establishments to be registered with the inspection authority.

*Paragraph 2.* In general the examination and approval of plans for new establishments, plants or processes of production are not compulsory in the United States. Such requirements exist in a few states, as for example New Jersey, New York and Wisconsin, and in several other states, such as California and Illinois, with regard to highly dangerous industries only. For the most part the states endeavour to make industry aware of the importance of careful planning on a consulting basis, and in a number of states the review of building plans is admin-

istratively a part of the advisory service available to management upon request.

*Paragraph 3.* Where such procedure is required by law the execution of plans for new plants carrying on processes deemed to be highly hazardous is conditional upon the carrying out of alterations ordered by the state labour department for the purpose of securing the health and safety of the workers. However, attempts to appraise degrees of hazard have been so unsatisfactory that the trend is away from any classification according to hazards.

*Paragraph 4.* In most states the inspection service, as a matter of administrative practice, encourages arrangements for collaboration between employers and workers to improve conditions affecting the safety and health of workers. The methods differ in the various states, but in general the inspection authority promotes the establishment of safety committees and joint activities by labour and management to prevent occupational injuries.

*Paragraph 5.* The basic principle that labour, management and government should co-operate in investigations of industrial accidents or occupational diseases is accepted in the United States. The manner in which such collaboration is carried on, however, is not a matter of law or administrative practice to be determined by an inspection authority.

*Paragraph 6.* To a varying extent the Commissioners of Labor in most states follow the practices indicated in this Paragraph.

*Paragraph 7.* All the methods suggested in this Paragraph, as well as others, are used. In some states these activities are extensive and continuous, in others they are extremely limited. In general the trend is toward the wider use of the consultative approach by trained safety personnel.

*Paragraph 8.* In general the activities of labour inspectors are confined to inspection only. However, in one or two states inspectors are sometimes called upon to perform conciliation services.

*Paragraph 9.* Annual or biennial reports on labour inspection are required in all states, but they vary widely in content. For more detailed information see the report on Convention No. 81.

*Uruguay.*

See under Convention No. 81.

*Viet-Nam.*

Ordinance No. 15 of 8 July 1952 (Labour Code) as amended by Ordinances Nos. 9 and 10 of 8 February 1955.

*Preventive duties of labour inspectorates.* In the absence of an adequate inspection staff, examination of plans is undertaken only by the Directorate-General of Mines and Industry.

*Collaboration of employers and workers.* Workers' representatives and trade unions can bring to the notice of the inspectorate any complaints made by workers. Employers and workers have equal representation on the national and regional labour advisory committees which study labour and social security problems.



*Labour disputes.* Labour inspectors and controllers act as conciliators in labour disputes and, furthermore, represent the workers in the absence of trade unions. This practice has proved convenient and to the workers' advantage.

The Government states that the labour services suffer from a shortage of qualified staff, and that measures to give further effect to the Recommendation will become possible only when a more adequate qualified staff permits a reorganisation of the labour services.

#### *Yugoslavia.*

Labour Inspection Act of 1 December 1948 (L.S. 1948—Yug. 2).

General Regulations on Industrial Safety and Hygiene Measures (*Službeni List F.N.R.J.*, Nos. 16/47 and 36/50).

Besides the enactments mentioned above there are special occupational safety and health regulations for each branch of industry: the building industry, the hemp industry, underground work in mines, maritime transport, printing, hides and skins, manipulation or installation of radio-active materials, forestry, glass-making, explosives, railways, quarries, sand and gravel workings, chemical industries, the iron and steel industry, electrical industry, etc.

*Preventive duties of labour inspectorates.* Under section 25 of the Labour Inspection Act directors of undertakings, responsible managers or employers are required to give the labour inspectorates due notice of the commencement, suspension or cessation of work in the undertaking, business, workshop or workplace and of alterations or reconstruction work if they have not previously obtained the opinion of the labour inspection service.

Section 17 makes it compulsory to obtain the prior approval of labour inspectors for any plans for the construction or transformation of undertakings, workshops, etc., with a view to ensuring industrial safety and hygiene. The Act also imposes penalties on those responsible if they fail without good cause to remedy defects or irregularities noted or fail to submit to the labour inspectorate a report on the measures taken to remove such defects.

The statutory provisions in the Act give effect to the provisions in the Recommendation making it compulsory to obtain prior authorisation from the labour inspection service for any new undertaking and any plans or projects, and making it compulsory to carry out any alterations ordered by the inspectorate.

*Collaboration of employers and workers.* The system of social ownership which covers all industries with the exception of agriculture and handicrafts furnishes the most favourable

conditions, through the system of worker self-management, for co-operation between employers and workers. The representative bodies of the labour collectives, while carrying out management functions on behalf of the workers, simultaneously perform given functions characteristic of an employer.

The private sector consists only of agriculture and handicrafts, though these are not included in that sector in their entirety. Private agricultural and handicrafts employers may at the most employ three or four workmen; on this account the possibility of setting up a special body (e.g. a workers' protection committee, etc.) is non-existent. A large number of workers are members of the trade unions, and the latter play an important part in the sphere of workers' rights and conditions of work. Pursuant to the decree respecting the wages of salaried employees and wage earners employed by private employers, their collective agreements are concluded by the occupational organisations. The report lists the clauses which it is compulsory to include in these agreements. These provisions make it possible to settle all the essential points affecting industrial relations and conditions of employment. This method of negotiating the agreements may be considered as a form of co-operation between employers and workers.

Section 1 of the Labour Inspection Act requires the labour inspectorate to collaborate with the trade unions. In practice this collaboration goes even further than is required in the Act, since direct co-operation is rendered necessary by the special occupational safety and health regulations. Another form of co-operation lies in the very widespread practice of holding joint meetings of the labour inspection authorities, the trade unions and the chambers of industry.

The Government reports that all the forms of collaboration called for in the Recommendation are in regular use.

*Labour disputes.* The legislation contains provisions conferring on labour inspectors certain mediation functions. This does not imply, however, that mediation and arbitration functions are an integral part of the inspectors' duties; they constitute the first phase of intervention by the labour inspector, who possesses the necessary powers to determine the liabilities of undertakings to enforce specific statutory provisions or to determine the rights of the workers.

The Government is of the opinion that all the requirements for the adoption of the Recommendation are fulfilled, and that there is no need to make any changes in the domestic enactments on the subject.



## Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82)

### *Argentina.*

In view of the federal structure of the Argentine Republic, jurisdiction over labour inspection in mines and transport is exercised by provincial and local as well as national authorities.

No special inspection systems exist for these branches of industry, but they are subject to the general inspection system, which is the same for all workplaces and extends to all classes of undertakings and workers.

The Government observes that in the absence of specialised services in mining and transport, and until such services are organised, the Recommendation cannot be adopted.

### *Austria.*

Austria has ratified Convention No. 81, and mining and transport undertakings have not been excluded from the ratification. The Government therefore refers to its report on the Convention as dealing with inspection in mines and transport undertakings.

### *Belgium.*

*Mining undertakings.* Belgian legislation includes a number of laws and orders which have been issued in connection with safety in the mines, the conservation of mining property and the protection of mineworkers both underground and on the surface.

The responsibility for supervising the accident prevention measures recommended is entrusted to a Corps of Mining Engineers, assisted by workers' representatives specialising in inspection work. The Corps of Mining Engineers has its own charter and its duties are clearly circumscribed.

The mining engineers visit underground workings in coal mines; the frequency of their visits varies with the size of mine and type of work. During their visits they offer comments and advice, which are recorded in a special register. Each engineer submits a detailed report to his superior, indicating any ways in which safety arrangements can be improved.

In case of danger which is not imminent, the divisional director of the coalfield submits a report to the governor of the province suggesting what action should be taken to eliminate the risk. Any orders issued become binding only after they have been approved by the competent minister and notified to the Council of State and the National Mining Commission. In case of imminent danger the mining engineer issues the necessary orders on his own responsibility. Where such imminent danger is the

result of a collective and voluntary stoppage of work or of a collective dismissal of the workers, the law indicates what measures should be taken and what services maintained.

Accidents are dealt with according to their nature: (a) accidents resulting in at least one day's incapacity for work are reported by the mining engineer to his immediate superior; (b) serious accidents resulting in death, or which could result in death or in permanent or partial disability, must be investigated and the appropriate measures taken to prevent any possible recurrence; the divisional director of the coalfield informs the mining operator of the action recommended and transmits the file to the competent minister via the General Inspector of Mines; in addition, criminal proceedings may be instituted if the investigation shows that the regulations in force have not been complied with; (c) material accidents not resulting in any physical harm, but which might well jeopardise the safety of the mine (firedamp, flooding, broken cables, etc.), are also investigated, suitable measures being devised to prevent any recurrence; notice of these measures is communicated to the mining operator and offenders are brought before the courts.

The workers' representatives specialising in inspection work are subject to special regulations in which their duties are defined. They take their orders from the mining engineers, who also supervise the work they do. In the discharge of their duties they assist the mining engineers, making visits of inspection underground and reporting on their findings. In an emergency they can also indicate what action should be taken in the interests of safety, reporting immediately to the mining engineer, who decides whether or not to give effect to their suggestions.

The mining operator can appeal to the competent minister against the measures indicated by the mining engineer or workers' representatives.

*Transport undertakings.* There is no special system of inspection for transport undertakings, where working conditions and welfare are supervised by the same agencies as any other industry. All transport undertakings and their employees are subject to inspection, including carriers on own account employing wage earners.

It should be noted in connection with the co-operation of employers and workers in the enforcement of social legislation that some employers have formed associations, which in their turn have set up federations. These associations have been founded for different types of

transport—by motor bus and coach operators, furniture removers, taxi drivers, road haulage companies, etc.—each having a social legislation information service. The same is true of workers' organisations.

Employers' and workers' representatives meet from time to time on joint committees. Employers' and workers' organisations are also represented on various advisory committees set up to deal with technical inspection problems.

The Government considers that the present system is in accordance with the Recommendation and that no further measures are required.

#### *Bulgaria.*

Labour Code (L.S. 1951—Bul. 2).

The Government states that the provisions of the Recommendation are applied.

Section 4 of the Labour Code requires labour inspection services to be set up by each trade union for the purpose of enforcing the legislation governing working conditions and the protection of labour.

Labour inspection services have in fact been set up by the Miners' Union and the Transport Workers' Union. In addition, inspectors are elected from among the workers in each trade union group; such inspectors have been elected in mining and transport undertakings.

Also under section 4 of the Labour Code special industrial safety inspectorates have been organised by the Ministry of Transport and the Ministry of Heavy Industry, which is responsible for mining undertakings.

The labour inspection services and the special inspectorates work in close co-operation.

#### *Byelorussia.*

See under Convention No. 81.

#### *Canada.*

##### *Federal.*

The Canada Shipping Act, Revised Statutes of Canada 1952, c. 29.

The Railway Act, R.S.C. 1952, c. 234.

The Canadian National Railways Act, R.S.C. 1952, c. 40.

The Pipe Lines Act, R.S.C. 1952, c. 211.

The Motor Vehicle Transport Act, S.C. 1954, c. 59.

##### *Alberta.*

The Coal Mines Regulation Act, 1945, c. 8.

##### *British Columbia.*

The Coal Mines Regulation Act, Revised Statutes 1948, c. 217.

The Metalliferous Mines Regulation Act, R.S. 1948, c. 218.

##### *Manitoba.*

The Mines Act, R.S. 1954, c. 166.

##### *New Brunswick.*

The Mining Act, R.S. 1952, c. 146.

##### *Newfoundland.*

The Regulation of Mines Act, R.S. 1952, c. 178.

##### *North West Territories.*

The Mining Safety Ordinance, 1952, c. 14.

##### *Nova Scotia.*

The Coal Mines Regulation Act, R.S. 1954, c. 35.

The Metalliferous Mines and Quarries Regulation Act, R.S. 1954, c. 176.

##### *Ontario.*

The Mining Act, R.S. 1950, c. 236.

##### *Quebec.*

The Quebec Mining Act, R.S. 1941, c. 196.

##### *Saskatchewan.*

The Coal Miners' Safety and Welfare Act, R.S. 1953, c. 339.

The Mines Regulation Act, R.S. 1953, c. 340.

##### *Yukon Territory.*

The Mining Safety Ordinance, 1946, c. 2.

*Federal labour inspection in transport undertakings.* In the field of shipping, and rail, road and pipeline transport operating beyond the boundaries of a province, several federal laws provide for labour inspection. The Canada Shipping Act (Part VII) provides for a steamship inspection service; this service consists of a headquarters staff and staffs of inspectors in the principal ocean and inland ports. Section 290 of the Railway Act authorises the Board of Transport Commissioners to make orders for the protection, safety, accommodation and comfort of the public and of railway employees. The Board's staff of inspectors and engineers inspect the railway track and structures, bridges, tunnels, signal devices and interlocking plants, motive power and equipment, stationary boilers, installations for handling flammable liquids, gas and explosives, etc. The Canadian National Railway Act gives the Board jurisdiction in respect to these matters over the publicly owned Canadian National Railways. The Pipe Lines Act, which applies to the construction, operation and maintenance of gas and oil pipelines under Federal jurisdiction, gives the Board similar authority, and its engineers inspect pipelines during their construction.

With regard to "extra-provincial undertakings" in transport, the Motor Vehicle Transport Act provides that, if the Act is proclaimed in force in any province, the provincial transport board may require such an undertaking to be licensed by it and thereby the undertaking could be subject to provincial inspections. The Act has been proclaimed in all provinces except Quebec and Newfoundland.

*Provincial labour inspection. Transport undertakings:* transport undertakings subject to provincial jurisdiction are in a number of instances covered by labour laws of general application enforceable by labour inspectors. Highway legislation deals with some aspects of working conditions of drivers and the provisions may be enforced by special inspectors such as highway traffic officers, or by regular police officers.

*Mining undertakings:* a system of inspection in mines is provided for by legislation in all the mining provinces and in the Yukon and North West Territories. The inspectorates consist of a chief inspector and other inspectors, some of whom have specialised duties such as inspection of electrical or mechanical equipment or boilers.

##### *Ceylon.*

Motor Traffic Act, No. 14, 1951.

Since the previous report of the Government on this Recommendation<sup>1</sup>, the Motor Traffic

<sup>1</sup> See Report III, Part II, International Labour Conference, 1951, op. cit., p. 76.

Act of 1951 has been brought into effect. It lays down maximum continuous driving hours and rest periods, and provisions as to minimum wages, for motor vehicle drivers.

The supervision of the application of legislation in respect of mining and transport is entrusted to the Commissioner of Labour, the Inspector of Mines and the Commissioner of Motor Traffic.

A copy of the Motor Traffic Act has been sent to the I.L.O.

#### *Chile.*

Act No. 10383 of 28 July 1952 to amend Act No. 4054 respecting compulsory insurance (L.S. 1952—Chil. 1).  
Legislative Decree No. 231 of 23 July 1953.

Chile has a system of labour inspection which applies to all mining and transport undertakings without distinction, which are treated on the same footing as industrial and commercial undertakings.

The problem is dealt with in detail in the report for the period ending 31 December 1955 on Convention No. 81 (which has not been ratified by Chile).

The powers and duties of the Director-General of Labour in connection with industrial safety and health were delegated to the National Health Service by Act No. 10383 and to the Department of Mines and Fuel of the Ministry of Mines by Legislative Decree No. 231.

#### *Costa Rica.*

The labour inspection system applies to all classes of undertakings. Inspectors are entitled to visit any workplace, whatever its nature. It follows that mines and transport undertakings are subject to inspection, and the Government observes that Convention No. 81 is given effect by national law and practice in all essentials.

#### *Cuba.*

Act No. 91 of 1935.  
Resolutions Nos. 166 and 171.

The inspection of workplaces, including mining and transport undertakings, is governed by the 1935 Act. Routine and scientific inspection work is done by the National Inspectorate of Labour, the provincial offices and the General Directorate of Health and Social Welfare.

The inquiries into manganese poisoning instituted as a result of Resolutions Nos. 166 and 171 have led to safety measures being taken in the Charco Redondo mines.

Employers' and workers' organisations do not take any part in administrative arrangements. Many offences are nevertheless brought to light as a result of reports from workers or their unions, and inquiries are made without delay.

The Government considers that there is no need for further legislation or for any increase in the number of inspectors or their salaries.

#### *Denmark.*

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

Mining and transport undertakings are covered by the Act of 11 June 1954 and are subject in the same way as all other industrial establishments to supervision by the labour inspection services to ensure their compliance with protective legislation.

tion services to ensure their compliance with protective legislation.

For information on the organisation of inspection services the Government refers to its reports on Convention No. 81 and Recommendation No. 81.

#### *Dominican Republic.*

Current laws, regulations and practices are generally in accordance with the requirements of the Recommendation. For an indication of the extent to which Dominican legislation implements the Recommendation the Government refers to its report for the period 1 July 1954 to 30 June 1955 on Convention No. 81, which has been ratified by the Dominican Republic.<sup>1</sup> The Labour Code also applies to workers employed in mining and transport undertakings.

#### *Finland.*

Mines Act of 24 March 1943 and implementing decree.  
Act of 4 February 1944 respecting the supervision of mining operations in certain quarries and implementing decree.

Decision of 14 March 1945 by the Ministry of Commerce and Industry respecting safety precautions in mines.

Decision of 14 March 1945 by the Ministry of Commerce and Industry respecting lifting gear in mines.

Decision of 14 March 1945 by the Ministry of Commerce and Industry concerning safety precautions and lifting gear in certain quarries.

Mining and transport undertakings are supervised by the general labour inspection services, which are organised in accordance with the Convention No. 81 and this Recommendation.

The enforcement of mining regulations is the responsibility of a special mining inspection authority set up by the Ministry of Commerce and Industry. Transport undertakings are all supervised by the General Inspectorate of Labour, with the exception of the state railways, in connection with which the Inspectorate is responsible only for repair and construction shops, although it does enforce the regulations governing the working hours of staff engaged in transport operations.

The authorities responsible for labour inspection are the following: the Ministry of Social Affairs, the state labour inspectors (men and women), the assistant inspectors, the inspectors appointed from among the workers and the communal labour inspectors employed by the municipalities, townships and rural communes.

It is proposed to extend the country's industrial safety regulations to state railway workers employed in transport operations. A Bill on the subject will be tabled shortly.

A list of the forms used by the labour inspection services was attached to the report.

#### *France.<sup>2</sup>*

Decree of 9 March 1954.

*Transport undertakings.* The Transport Labour and Manpower Inspectorate was created

<sup>1</sup> See I.L.O. : *Summary of Reports on Ratified Conventions*, Report III, Part I, International Labour Conference, 39th Session, Geneva, 1956 (Geneva, 1956), pp. 116-118.

<sup>2</sup> Cf. previous report of the Government on this Recommendation, Report III, Part II, International Labour Conference, 1951, op. cit., p. 77.

by a decree of 11 March 1902. In technical matters it is controlled by the Ministry of Public Works, Transport and Tourism. Under section 96 of the Labour Code, as amended by the decree of 9 March 1954, certain transport inspection services are controlled by the Ministry of Labour and Social Security. Inspection of private transport is governed by the legislation applicable to the principal activities of the undertakings concerned. The Transport Labour and Manpower Inspectorate operates at a central, regional and local level. The central service comprises an administrative office and senior technical staff. The Inspectorate comprises a staff of 53. Inspectors are recruited from public transport undertakings; they must have spent five years in such an undertaking, be not less than 27 years of age (25 if possessing an appropriate diploma) and not more than 33 years, and pass an examination similar to that in the general labour inspection service. Their training is completed under the guidance of other inspectors. A secretariat is available to inspectors for the purpose of their duties and they have the free use of public transport. There are 44 sub-divisional inspectors spread over the country. They are responsible for the inspection of about 35,000 transport undertakings employing about 160,000 workers.

The powers and functions of transport labour and manpower inspectors are the same as those of the general labour inspectors.<sup>1</sup> Transport inspectors participate in the work of the various departmental, regional or national committees concerned with the application of the legislation and the promotion of new laws.

Various agencies of the State, tripartite bodies comprising public servants and representatives of employers' and workers' organisations, and also private institutions representative of labour and management assist the inspection service in its work. For example, the social security agencies and health services are in direct contact with undertakings, the police assist inspectors in carrying out inspections on roads, and private institutions such as the National Safety Institute undertake research and study means of developing safety methods.

*Mining undertakings.* The Government refers to its previous report on this Recommendation as still applicable.

#### *Federal Republic of Germany.*

Basic Law for the Federal Republic of Germany dated 23 May 1949 (L.S. 1949—Ger. F.R. 1).

Industrial Code.

Prussian General Mining Act of 24 June 1865.

Seamen's Ordinance of 2 June 1902.

*Mining undertakings.* Under section 74 of the Basic Law mining legislation is a matter for the provincial and federal authorities alike.

Under existing legislation the responsibility for inspecting mines lies with the mining authorities, which supervise the safety arrangements made in the actual workings as well as the safety and health of the workers and all other persons having access to the mines. The competent provincial authorities are the mining offices, the central mining offices and the

Minister of Economic Affairs (who has the rank of senator). Under the various provincial Mining Acts, which have taken over most of the provisions of the Prussian Act of 1865, the central mining offices are empowered to issue regulations. The mining offices enforce these regulations and also ensure that operating arrangements adequately safeguard the workers' lives and health.

*Transport undertakings.* The federal railways and the postal, telegraph and telephone authorities have their own inspection services. The highest federal railway authority is empowered to issue general regulations and to take final decisions in connection with inspection problems. Lower down the scale the railway administrations, the central offices and the Social Welfare Office enforce the relevant provisions. At the lowest level of authority responsibility lies with the local offices and the officials directly entrusted with the conduct of affairs. General accident prevention regulations are issued by the Social Welfare Office of the federal railways. There is co-operation at all levels, particularly in matters of industrial health, with the railway medical officers and the representatives of the employees.

Transport undertakings run by the postal, telegraph and telephone services are inspected by departmental chiefs and by the personnel services. There is also a technical inspection service at administration level, staffed by qualified officials.

All other transport undertakings, except for shipping firms, are supervised by the labour inspection services, i.e. by the provincial labour inspectors acting in accordance with section 139 (b) of the Industrial Code.

Inspection on board ship, so far as concerns the legal status of members of the crew, is governed by the Seamen's Ordinance of 1902, as subsequently amended. Accident prevention in sea transport is the responsibility of the Shipowners' Mutual Insurance Association (*See-Berufsgenossenschaft*), which has specially qualified officials to enforce its own safety regulations. In its inspection work the Association is responsible to the Ministry of Labour.

A new Seafarers' Bill, however, which is in course of preparation, provides for the establishment of a State Labour Inspectorate in this branch of transport.

#### *Greece.*

Mines Code (D.C./28.10.1919).

Act No. 3752 of 1/12 January 1929.

A system for enforcing labour laws and for giving guidance on health and safety measures for workers in mines and transport undertakings has existed for a long time.

With regard to legislation the report refers to the information given in the report on Recommendation No. 81 concerning labour inspection and adds the following further information: (1) section 48 of the Mines Code provides that the mining inspectorate shall be responsible for supervising the operation of mines and metallurgical plants and for the safety and health of the miners; (2) section 50 of the Mines Code prohibits the employment of persons under 18 years of age and of women on underground work; (3) section 1 of the

<sup>1</sup> France has ratified the Labour Inspection Convention, 1947 (No. 81).

Act of 1/12 January 1929 empowers the Minister of Communications to approve general regulations concerning persons and bodies corporate within the Ministry's competence and regulations governing the working hours and rest periods of such persons.

Supervision of the application of the labour laws in the mines is carried out by the Mining Inspectorate of the Ministry of Industry in respect of underground work and by the Labour Inspectorate of the Ministry of Labour in respect of surface work. Application of the labour laws in transport is supervised by the Labour Board of the Ministry of Communications and Marine, and by the Labour Inspectorate of the Ministry of Labour.

The Government states that the provisions of Greek laws cover the points of the Recommendation.

#### *Guatemala.*

Labour Code (*L.S.* 1947—Guat. 1), as amended.

The Labour Code does not contain provisions relating exclusively to inspection of mines and transport undertakings. These undertakings are covered by the provisions relating to labour inspection in general, which apply to all classes of work, of whatever nature. The report sets out in full the provisions of sections 278, 279, 281 and 282 of the Labour Code. Sections 278 and 279 provide that the Inspectorate shall ensure compliance with all legal provisions relating to labour and social welfare and shall act as a legal advice department to the Ministry of Labour and Social Security. Section 281 defines the inspector's rights and duties, dealing in particular with the following matters: rights of entry, inspection and examination of documents; obstruction of inspectors; intervention in labour disputes; collaboration with labour courts and teachers; free use of telegraphic services; special evidential value of inspectors' reports; non-revelation of information obtained during inspection visits. Section 282 gives the right to any person to report contraventions of labour laws to the inspectorate.

The Government considers that the legal provisions now in force give effect to the Recommendation.

#### *Haiti.*

Act of 13 September 1947 respecting the protection of workers (*L.S.* 1947—Hai. 4).

There are no special provisions regarding labour inspection in mines and transport undertakings. The general inspection system established under the Act of 1947 applies to such undertakings.

The Government observes that the development of the incipient mining industry and of organised transport will certainly necessitate the adoption of special legislative and administrative measures.

#### *Honduras.*

See under Convention No. 81.

#### *Iceland.*

The Government states that mining as an industry is unknown in Iceland, but would be

subject to the general inspection system. The general system applies to transport undertakings, as to which reference is made to the Government's report on Convention No. 81.

#### *India.*

Indian Railways Act, 1890, as amended.

Motor Vehicles Act, 1931.

Factories Act, 1948 (*L.S.* 1948—Ind. 4), as amended.

Mines Act, 1952 (*L.S.* 1952—Ind. 3).

Mines Rules, 1955.

The regulation of conditions of work in mines and railways is the responsibility of the central Government. The regulation of transport other than railways is within the competence of both the central and state governments.

*Mining undertakings.* Chapter II of the Mines Act provides for the appointment of staff to enforce, amongst other provisions, those relating to safety and health. The inspectorate is under the control of the Department of Mines of the central Ministry of Labour. The enforcement of legislation concerning paid holidays, provision of crèches and pit-head baths in coal and mica mines is, however, entrusted to the Coal Mines Welfare Organisation. The staff of the Mines Department supply technical information and advice to employers and workers; they should also point out defects or abuses not covered by existing legislation. Collaboration between the inspectorate and employers and workers is promoted by the establishment of tripartite committees.

The Government observes that the provisions of the Mines Act and the Mines Rules comply with the requirements of Convention No. 81.

*Transport undertakings.* Workshops belonging to transport undertakings are covered by the general inspection system under the Factories Act, 1948. The enforcement of the Indian Railways Act is entrusted to the central Chief Labour Commissioner, with the help of regional labour commissioners and conciliation officers.

The Motor Vehicles Act is enforced by staffs appointed by state governments, whose powers and functions are regulated by rules made by those governments.

The central Government is considering the enactment of comprehensive legislation to cover motor transport workers, which would include the creation of inspection services.

#### *Iran.*

Labour Act.

Mining and transport undertakings are not exempted from the application of the laws and regulations on the labour inspection service. The Labour Act is applicable generally to all "industrial, commercial, mining, building or transport" undertakings (section 1).

See also under Convention No. 81 and Recommendation No. 81.

#### *Iraq.*

The Government states that it has not yet considered the Recommendation, owing to the imperfect development of industrial organisations in Iraq. It is hoped that further attention

will be given to these matters as soon as a new labour law is enacted.

### *Ireland.*

The Government states that the position in Ireland regarding this Recommendation is the same as at the date of its previous report.<sup>1</sup>

### *Israel.*

Factories Ordinance, 1946.

Organisation of Labour Inspection Act, 1954.

The Organisation of Labour Inspection Act applies to all undertakings, including mines and transport. However, its provisions relating to safety committees and safety delegates apply only to undertakings covered by the Factories Ordinance, and this Ordinance does not apply to mines and transport.

The legal provisions, including those of inspection, relating to hours of work, weekly rest, holidays with pay, and employment of women and children, apply to mining and transport undertakings to the same extent as elsewhere.

The Government states that mining is a comparatively new industry in Israel and that the number of workers employed in it is relatively small. An amendment of the Factories Ordinance to cover mines, subject to certain limitations, is under consideration.

### *Italy.*

Act No. 184 of 30 March 1893 on the organisation of work in mines, quarries and turbaries.

Regulations contained in Royal Decree No. 231 of 18 June 1899.

Regulations concerning the prevention of accidents on railways, confirmed by Royal Decree No. 209 of 7 May 1903.

Regulations contained in Royal Decree No. 152 of 10 January 1907.

Regulations contained in Royal Decree No. 1306 of 23 November 1911 (Suburban tramways).

Presidential Decree No. 520 of 19 March 1955 to re-organise the central and branch services of the Ministry of Labour and Social Welfare (sections 6 to 21) (L.S. 1955—It. 3).

Mines and transport undertakings are subject to inspection by the labour inspection service with regard to the application of the various provisions of laws on social matters, except in the following cases: (a) the prevention of accidents in the mines (which is within the province of the Mines Corps); (b) the prevention of accidents in transport, and work schedules and weekly rest in concessionary transport companies (dealt with by the Civilian Motor Transport Inspectorate).

The ordinary police services are also responsible for ensuring the observance of the rules of the highway code (concerning the minimum age, physical aptitude, driving licence, etc., of drivers).

The Mines Corps consists of 14 regional offices under the General Mining Board of the Ministry of Industry and Commerce. A chief engineer is in charge of each office.

The adoption of provisions governing the organisation of work in the mines is within the sole competence of the prefect of the province

concerned. Appeals against his decisions may be lodged with the Minister of Industry and Commerce, who may in his turn consult the Supreme Mining Council. There are no legal provisions that employers' or workers' organisations may collaborate or take part in the adoption of mining safety measures, but in practice there is effective co-operation in this matter.

### *Japan.*

Labour Standards Law, No. 49 of 1947 (L.S. 1947—Jap. 3) and implementing ordinances.

Mine Safety Law, No. 70 of 1949.

Mining and transport undertakings are inspected according to standards applicable to other industries. Safety in mines is, however, the responsibility of the Mine Safety Bureau of the Ministry of International Trade and Industry. Labour and Management are represented on the central and local mine safety committees. For details of the inspection system in mines and transport the government refers to its annual report on the application of the Labour Inspection Convention, 1947 (No. 81).

The government indicates that the provisions of the Recommendation are enforced completely in Japan.

### *Jordan.*

There exists no national legislation covering matters dealt with in the Recommendation.

### *Luxembourg.*

See under Recommendation No. 81.

### *Mexico.*

Federal Labour Act of 18 August 1931 (L.S. 1931—Mex. 1).

Regulations of the Mines Police and Mines Safety Rules and the relevant circulars.

Regulations of the Federal Labour Inspectorate.

The Mexican Government many years ago took steps to establish a suitable labour inspection service not only in mines and transport but in all places of employment.

Section 403 of the Federal Labour Law provides that "the inspectors shall ensure that the provisions laid down in this Act are observed in all places of employment".

With regard to mines, there are Regulations of the Mines Police and Mines Safety Rules and two circulars, one providing for inspection of general transport arrangements for mine-workers and the other laying down the qualifications required for first-aid staff, etc.

Sections 18 and 19 of the Regulations of the Federal Labour Inspectorate deal with inspection in transport undertakings.

The application of the legal provisions and regulations dealt with in this Recommendation is checked by the Ministry of Labour and Social Welfare and the state governments through federal and local inspectors.

The provisions of the Recommendation are covered by existing legislation and are applied in practice.

The Mexican Government does not consider that the legislation requires amending.

<sup>1</sup> See Report III, Part II, International Labour Conference, 1951, op. cit., p. 78.



The Federal Government considers that under the Constitution the provisions of the Recommendation must be adopted by the state governments also and it is communicating the text of the Recommendation to those governments so that its provisions may be applied so far as possible.

#### *Netherlands.*

Mines Act, 1903.

Labour Act, 1919.

Decree of 6 June 1929 to issue public administrative regulations under sections 14 and 96 of the Labour Act, 1919, respecting Sunday work in transport by land (L.S. 1929—Neth. 5 (B)).

Vehicles (Hours of Work) Act, 1936 (L.S. 1936—Neth. 4).

Mining Regulations, 1939.

*Mining undertakings.* The Mines Act of 1903 applies to both underground and surface work. Section 9 (a) of the Mining Regulations contains provisions corresponding to those of the Recommendation. The State Mines Inspection Board is responsible for the implementation of the Mines Act of 1903 (section 9 (a)).

*Transport undertakings.* The only prohibition in force is that on the loading, unloading and driving of vehicles for the transport of goods on Sundays (decree of 6 June 1929). The Vehicles (Hours of Work) Act contains provisions regulating hours of work and rest periods.

Section 3 of the Rest Day Decree provides that the Labour Inspectors are responsible for ensuring the carrying out of its terms. Ensuring the observance of the Vehicles (Hours of Work) Act is a function of the Labour Inspectors in the case of goods transport on own account, but of the officials of the Ministry of Waterways and Communications in the case of passenger transport and goods transport for reward or hire.

The Labour Act contains provisions regarding working hours and rest periods in transport undertakings which are for the most part not yet in force. Preparations for the implementation of all these provisions are at an advanced stage.

#### *Netherlands Antilles.*

The laws of the Netherlands Antilles do not contain separate provisions for mines and transport and the facts given in the report on Recommendation No. 81 are applicable to Recommendation No. 82 also.

#### *New Zealand.*

Coal Mines Act, 1925 (L.S. 1925—N.Z. 2).

Mining Act, 1926 (L.S. 1926—N.Z. 1).

Quarries Act, 1944.

Civil Aviation Act, 1948.

Transport Act, 1949.

Shipping and Seamen Act, 1952.

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

*Mining undertakings.* The Coal Mines Act, the Mining Act and the Quarries Act cover all types of mining and quarrying and construction in connection therewith. The inspection of mines to control the application of legislative provisions, including the enforcement of awards

under the Industrial Conciliation and Arbitration Act, is the concern of the Mines Department.

*Transport undertakings.* Different aspects of inspection work in road transport are the responsibility of separate departments of State which work in close collaboration: the Transport Department, the Labour Department and the Department of Internal Affairs.

The Transport Department administers the Transport Act, which applies to goods and passenger transport by motor vehicle. Its inspection services are concerned more particularly with road patrol, the administration of certain laws and regulations concerning motor vehicle drivers, and the inspection of vehicles. Section 153 of the Act provides that, in considering any application or other matter under the Act, the appropriate authority shall have regard to the promotion of good working conditions for workers. Transport regulations lay down the observance of certain standards concerning driving hours, rest breaks and wages as a condition for the granting of passenger, goods service and taxi licences. Transport drivers other than taxi-cab drivers are required to keep time-books, which are subject to inspection by the Department's inspectors. To ensure that all vehicles measure up to a reasonable standard of mechanical fitness, all licensed passenger vehicles, trucks and tractors, and also ancillary goods service vehicles (other than those belonging to the Government, local bodies or farmers) are required to have certificates of fitness and to undergo mechanical examination every six months. Section 118 (4) of the Transport Act provides for duly authorised officers of the Department to stop and inspect vehicles as to their mechanical fitness. It also provides fines for using a vehicle without having a current warrant of fitness or obstructing an officer of the Department in the exercise of his inspection powers. The Government states that this system of vehicle inspection, as well as promoting road safety, is in the interest of drivers. The Department has a large staff of vehicle inspectors solely for this work.

The Department of Labour is concerned with the enforcement of provisions of awards made under the Industrial Conciliation and Arbitration Act and of requirements under the Factories Act relating to hours of work and other working conditions, but is also interested in the time-books of transport drivers to ensure the observance of award provisions. Inspection procedures regarding working conditions and safety requirements in motor vehicle transport are much the same as those applying to factories.

The Department of Internal Affairs administers the Explosive and Dangerous Goods Act, 1908. Its inspectors inspect the loading, unloading and conveyance of dangerous goods by road.

The three responsible departments are assisted by local authorities which, for example, enforce the Motor Drivers' Regulations, 1940, concerning the age of drivers of various types of motor vehicles.

Supervision of the application of awards applying to the government railways' road services is a matter of internal public service administration, but for matters within the com-



petence of the Transport Department they are subject to that Department's inspection services.

Division of responsibility also occurs in respect of transport by sea and civil aviation. The Marine Department is responsible for inspection relating to the engagement of seamen (through seamen's inspectors) and the condition of vessels (through marine inspectors), while the Labour Department, through its inspectors of awards, undertakes the policing of the various awards under which seamen work. In civil aviation the Civil Aviation Department is concerned with the safety, health and welfare of personnel and the condition of aircraft, but Labour Department inspectors watch the interests of those employed under awards.

The inspectors of all the departments referred to above maintain liaison with the Health Department inspectors where matters of health are concerned, and the powers of health officers to act under the Health Act, 1920, are provided for in various relevant Acts. There is similar collaboration between the various departments and the Department of Internal Affairs in matters relating to explosives in so far as they affect any of the transport or mining undertakings.

The report gives a detailed account (with reference to particular legislative provisions) of the following matters relating to inspection of mines and transport undertakings: appointment of inspectors; their qualifications, rights and powers, duties, and status; the employment of women inspectors; obstruction of inspectors; non-disclosure of information; penalties for contravention of legal provisions; publication of annual reports. This information corresponds substantially to that given in the report on Convention No. 81 in respect of labour inspection in industry and commerce.

The Government states that, in its opinion, New Zealand law and practice are fully in accord with the provisions of the Recommendation.

#### *Norway.*

Act of 2 August 1929.

Order in Council of the Prince Regent of 18 November 1938.

Workers' Protection Act.

Mining and transport are covered by the Workers' Protection Act and are subject to supervision by the labour inspectorate in the same way as the other activities covered by that Act.

The application of the provisions of the Act is checked by the state labour inspectors and by local labour committees. The King may promulgate detailed regulations on the inspection of state transport services and particularly the postal, telegraph and telephone services. For the railways special regulations have been introduced designed particularly to ensure the safety of passengers. Under an Order in Council of the Prince Regent, dated 18 November 1938, the labour inspectors are also responsible for ensuring the observance of the Workers' Protection Act on the state railways, except for the technical inspection of rolling stock and track, which is done by the appropriate railway department. The King may entrust the inspection of mining and similar undertakings to mine officials acting as labour inspectors.

The four mines inspectors at present employed carry out their duties in accordance with the relevant instructions. In Spitzbergen a safety Act dated 2 August 1929 is in force and a labour inspector ensures its observance.

The Government states that the provisions of the Recommendation are applied.

#### *Pakistan.*

The Railways Act, 1890.

Mines Act, 1923 (L.S. 1923—Ind. 3).

Merchant Shipping Act, 1923 (L.S. 1923—Ind. 4).

Coal Mines Regulations, 1926.

Metalliferous Mines Regulations, 1926.

Dock Labourers Act, 1934 (L.S. 1934—Ind. 1).

Mines Maternity Benefit Act, 1941 (L.S. 1941—Ind. 1).

Mines Maternity Benefit Rules, 1943.

Coal Mines Pit-head Bath Rules, 1946.

Mines Crèches Rules, 1946.

Coal Mines Labour Welfare Fund Act, 1947.

Dock Labourers Regulations, 1948.

Coal Mines Labour Welfare Fund Rules, 1949.

Oil Fields Regulations, 1950.

Mining Board Rules, 1951.

Consolidated Mines Rules, 1952.

Appropriate systems of labour inspection are at present applicable to mining and transport undertakings by virtue of the above acts.

#### *Philippines.*

The system of labour inspection in the Philippines does not exclude mining and transport undertakings from its scope of operations. Inspectors regularly inspect these industries to ensure the enforcement of the rules and regulations regarding the safety and protection of workers' health.

#### *Poland.*

Decree of 21 October 1954 respecting Mines Offices.

Decree of 10 November 1954 transferring to the trade unions certain duties in the enforcement of the labour protection, safety and hygiene laws and the administration of labour inspection.

Ordinance No. 305 of 13 October 1955 of the President of the Council of Ministers regarding provisional principles for collaboration between the technical labour inspectorate and the Mines Offices in the inspection of mining undertakings.

The provisions of the decree of 10 November 1954 apply to mines. The enforcement in mines of legal provisions for the protection of workers' health is also supervised by the Mines Offices. Collaboration between the technical labour inspectorate and the Mines Offices is regulated by the ordinance of 13 October 1955.

#### *Spain.*

Mining and transport undertakings are subject to the same laws, regulations and systems of inspection as other industries and workplaces. Responsibility for supervising the safety of mineworkers, however, lies exclusively with the mining engineers, the Labour Inspectorate merely informing them of any defects that have come to its attention.

The report refers to the reports submitted on Convention No. 81 and Recommendation No. 81.

#### *Sudan.*

At present the Ministry of Mineral Resources, through its Department of Geological Survey,

is the authority entrusted with the supervision of mines. This is carried out according to the Department's own practices. Mines are to some extent inspected by the labour inspectorate under the Workshops and Factories Regulations. Legislation is now being formulated under which the Commissioner of Labour intends to make regulations providing for the safety, health and welfare of persons employed in various types of mines, and the Government states that the provisions of the Recommendation are being taken into account in the formulation of the proposed regulations.

#### *Sweden.*

Mining and transport undertakings are subject to the supervision of the labour inspection service. The Government refers to its report to the Office in 1951 on the application of Convention No. 81, which has been ratified by Sweden.<sup>1</sup>

#### *Switzerland.*

Orders of the Federal Council of 20 November 1951 to amend sections 27 and 28 of Orders I and II implementing the Act of 6 March 1920 concerning hours of work in railways and in other services connected with transport and communications.

Referring to its report of 1 June 1950<sup>2</sup>, the Government states that the Federal Act of 15 March 1932 on vehicular and bicycle traffic is being revised. This will provide a new basis for the Order of the Federal Council of 4 December 1933, respecting hours of work and rest of professional drivers of motor vehicles.

Except for certain provisions concerning application adopted by the cantons and for some cantonal regulations of lesser importance on mining undertakings, all the laws concerned are federal laws.

#### *Tunisia.*

Decree of 6 August 1953 on labour inspection.

The system of labour inspection established under the decree of 6 August 1953 applies equally to mines and transport undertakings. The government therefore considers that Tunisian legislation gives effect to the Recommendation.

#### *Turkey.*

Turkey has ratified Convention No. 81, and has not exempted mining and transport undertakings from its application. The Labour Act covers all workplaces employing a specified minimum number of workers. It applies to mining and to transport undertakings (excluding air transport other than ground services). The labour inspection system established under the Labour Act accordingly applies to these undertakings.

#### *Ukraine.*

See under Convention No. 81.

#### *Union of South Africa.*

Mines and Workshops Act, 1911.

Industrial Conciliation Act, 1937 (L.S. 1937—S.A. 3).

Wage Act, 1937 (L.S. 1937—S.A. 4).

The Mines and Workshops Act contains provisions concerning workers' health and safety. Other provisions of this nature can be based on regulations made under the Industrial Conciliation Act and the Wage Act.

The Mines Department supervises the application of the Mines and Workshops Act, while the responsibility for ensuring the observance of the other two Acts mentioned lies with the Department of Labour.

The report submitted by the Government on existing legislation and practice in South Africa in respect of Convention No. 81 gives details of the functions of employers and workers in carrying out wage agreements made under the terms of the Industrial Conciliation Act.

The Government approves the principles embodied in the Recommendation and proposes to give effect to them as circumstances permit.

#### *U.S.S.R.*

The information supplied under Convention No. 81 and Recommendation No. 81 is applicable in respect of mining and transport undertakings.

#### *United Kingdom.*

Railway Employment (Prevention of Accidents) Act, 1900.

Catering Wages Act, 1943.

Wages Councils Act (Northern Ireland), 1945.

Wages Councils Acts, 1945-48.

The Government has ratified Convention No. 81, which is applied to industrial workplaces of mining undertakings and some parts (factories and the loading and unloading of ships) of transport undertakings, and refers to its report on that Convention. Its report on this Recommendation relates only to other undertakings.

Private railway lines and sidings used in connection with mines or factories are within the scope of the Mines and Factories Acts, and subject to inspection by the mines or the factory inspectorates. In Great Britain the conditions of employment for certain workers engaged in the mechanical transport of goods by road are prescribed by Wages Regulation Orders, made under the Wages Councils Acts 1945-48. For workers employed in the nationalised sector of the industry (British Transport Commission), conditions are determined through negotiating machinery which the Commission are required to maintain under the Transport Act, 1947. Conditions for workers in industrial and staff canteens, including those in mining and transport undertakings, are regulated under the Catering Wages Act, 1943. In Northern Ireland Wages Regulation Orders are made under the Wages Councils Act (Northern Ireland), 1945.

Wages Regulation Orders are enforced by the Wages Inspectorates of the Ministry of Labour and National Service in Great Britain and the Ministry of Labour and National Insurance in Northern Ireland, and by the courts of law. The law and practice in regard to the work of the wages inspectorate is dealt with

<sup>1</sup> See I.L.O. : *Summary of Reports on Ratified Conventions*, Report III, Part I, International Labour Conference, 35th Session, Geneva 1952 (Geneva, 1952), pp. 102-103.

<sup>2</sup> See Report III, Part II, International Labour Conference, 1951, op. cit., pp. 80-81.

in the Government's annual reports on the application of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26). Under section 15 (1) of the Railway Employment (Prevention of Accidents) Act, 1900, railway employment inspectors investigate accidents to employees of railway undertakings.

The Government intends, as soon as Parliamentary time can be found, to introduce legislation extending the scope of the factories acts to cover certain parts of railway undertakings and regulating the safety, health and welfare of workers in non-industrial workplaces, including offices, etc., in mining and transport undertakings and road vehicle depots. Appropriate systems of labour inspection to enforce this legislation will be established.

#### *United States.*

Fair Labor Standards Act 1938, amended in 1949 (L.S. 1938—U.S.A. 1; 1949—U.S.A. 1).

Coal Mines Safety Acts, 1941 and 1952.

Interstate Commerce Act.

*Mining undertakings.* Federal legislation consists of the Coal Mines Safety Act, 1941, as amended and added to in 1952. Title II of the Act (prevention of major disasters in mines) gives federal inspectors power to enforce specified safety provisions in coal mines with a view to preventing disasters caused by explosion, fire, etc., and certain machinery accidents. The Act is administered by the Bureau of Mines through the Secretary of the Interior.

Enforcement of mine safety laws rests primarily with the states. Each state has its own legislation covering the type of mining carried on within its borders and has its own enforcement agency. These laws vary somewhat as to the standards required and the degree of enforcement provided. The Government states that co-operation between federal and state agencies is improving constantly and that the results obtained are encouraging.

Labour inspection in mines is also provided for in the wage agreements between mine-workers, mainly through the United Mine Workers of America and the mine operators. For example, the current National Bituminous Coal Wage Agreement provides for the establishment in each mine of a safety committee, selected by the local union, with power to inspect any mine development or equipment. Where the committee considers that an imminent danger exists and that workers should be removed from the unsafe area, the employer is required to follow its recommendation. Records of inspections, recommendations and action taken must be maintained.

Copies of mines legislation and regulations referred to are appended to the report.

*Transport undertakings. Road transport:* regulation and labour inspection in road transport is divided between the federal Government and the states. Federal regulations affecting labour in transport are limited, under the Constitution, to transport affecting interstate or foreign commerce, and are provided through laws which are administered by the Department of Labour and the Interstate Commerce Commission. Comparable laws and regulations as to intrastate transport are provided by the states. Because of the free flow of commerce

between and through the states the standards adopted for federal control are fundamentally important and are followed in some measure by the states.

Federal labour inspection activities, within their competence, apply to all transport undertakings including transport on own account. Jurisdiction of the Interstate Commerce Commission with respect to qualifications of drivers, maximum hours of service and safety of operation and equipment extends to transport undertakings which are exempt from its general regulatory authority, such as the transport of agricultural commodities and the transport activities of private carriers. This jurisdiction is restricted to employees (drivers, mechanics, leaders and drivers' helpers) whose work affects safety of operation of highway vehicles. Laws enforced by the Department of Labor provide minimum wages for most employees of transport undertakings (including transport on own account), set limits on the age of employment in certain transport occupations, and regulate the hours of work of some employees outside the jurisdiction of the Commission. In many states transport operations are regulated to some extent, primarily on an economic basis.

Both federal agencies have inspection staffs throughout the country which devote at least a portion of their time to the inspection of compliance with regulations relating to labour. To a considerable extent the safety regulations supervised by the safety inspectors of the Commission directly affect labour. Many of the state agencies also have special staffs of inspectors responsible for regulations which apply in some measure to labour. Labour contracts between employers' and workers' organisations contain provisions on working conditions but in inspection work there is no significant co-operation between these bodies and the Government agencies, although workers' organisations assist to some extent by reporting violations.

The wage-hour inspectors of the Department of Labor (of whom there are about 800) make inspections of transport undertakings in conjunction with the general programme of inspection carried out under the Fair Labor Standards Act. The functions and powers of these inspectors are described in the Government's report on Convention No. 81. Inspectors of the Interstate Commerce Commission are recruited in the same way and are given special training at headquarters after recruitment. Each inspector is assigned to a limited area, usually two or three states, and is provided with a Government-owned car and necessary equipment for testing vehicles and investigating accidents. In 1955 the number of Commission Inspectors was about 40. However, other members of the Commission staff devote some time to this type of work so that about 130 persons are engaged in such work from time to time. Inspection of motor carriers is made as frequently as is practicable with the personnel available. These inspections consist of examination of employers' records and drivers' control books and inspection of vehicles. Inspections are also made at intervals of vehicles and drivers' books while vehicles are on the highway; inspectors frequently work in teams with the assistance of state police officers. More particular attention is given to carriers who transport dangerous goods.

Both the Interstate Commerce Act and the Fair Labor Standards Act prescribe penalties which may be imposed by the courts in the case of violations of the Acts' requirements; the Interstate Commerce Commission has also on a few occasions refused to issue additional operating permits to undertakings which have persistently failed to observe safety regulations.

*Rail transport*: provisions relating to conditions of work and the protection of workers in railroad operations are contained in specific federal laws. To ensure enforcement of the provisions the Interstate Commerce Commission maintains a staff of field inspectors composed of qualified former railroad employees. Also, it is the practice of employees' organisations and individual employees to report unsatisfactory conditions and practices to the Commission for investigation, following which action is taken where necessary. The various states supervise in some measure the employment conditions of railroad workers through the inspectors of State Commissions or Labor Departments.

The Government states that it believes that the objectives of the Recommendation are fully covered in the United States by the laws and practices of the federal Government and the several states.

#### *Uruguay.*

In matters of labour inspection Uruguayan laws treat mining and transport undertakings

on the same footing as other industrial and economic establishments and any other sector of economic activity. The report considers that Recommendation No. 82 is superfluous so far as Uruguay is concerned.

#### *Viet-Nam.*

Ordinance No. 15 of 8 July 1952 (Labour Code).

The general inspection system established under the Labour Code applies to mines and transport undertakings. Crews of ships and aircraft are, however, covered by special legislation.

In addition to inspection by the general labour inspectorate, mines and transport undertakings are subject to the technical inspection of the Ministries of Public Works and Industry.

The Government considers that effect is given to the Recommendation by national legislation.

#### *Yugoslavia.*

Labour Inspection Act of 1 December 1948 (*L.S.* 1948—Yug. 2).

Regulations on the organisation of protective measures and work hygiene.

The Labour Inspection Act gives effect to the provisions of Convention No. 81, ratified by Yugoslavia. The Act applies to all undertakings, including mining and transport.

## Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)<sup>1</sup>

### Argentina.

National Constitution of 1853 (section 14).

Legislative Decree No. 7760/55, repealing Act No. 14295 (L.S. 1953—Arg. 2) respecting occupational associations of employers.

Legislative Decree No. 9270/56, repealing Legislative Decree No. 23852/45 (Act No. 12921) (L.S. 1945—Arg. 3).

Under the system of government established by the Constitution of 1853 the provisions of the Convention are legally a matter for the federal authorities, the National Congress being generally responsible for enacting legislation on the exercise of such rights as that of freedom of association. To give effect to the Convention, Act No. 14295 was repealed by Legislative Decree No. 7760/55, the intention being to enable employers' occupational associations to be organised freely in the future. Legislative Decree No. 23852 of 2 October 1945 respecting the legal status of industrial associations of employees was also repealed (except for sections 52 to 61) by Legislative Decree No. 9270/56, which entered into force on 1 October 1956. The new text expressly recognises the workers' right to set up their own industrial associations in full freedom.

Under Legislative Decree No. 9270/56, all workers, without distinction as to religious or political conviction, nationality, race or sex, and without previous authorisation, have the right to establish and join the industrial associations of their own choice. Workers' associations in the federal capital are required to register with the Ministry of Labour and Social Welfare, and elsewhere in the country with the Ministry's regional offices or the competent authorities. When registering, they have to indicate the name and address of the association, the list of members, the value of the association's assets and the welfare services it provides, and the names of the members of the executive committee; they must also submit a copy of the constitution and rules. The fact of registration does not give an association any exclusive trade status, nor does it preclude the registration of other associations for the same branch of activity.

The constitution must contain various particulars (name, address, industry represented, system of election, guarantees of minority

representation on executive committees, financial arrangements, etc.).

As regards the election of officers, the reasons for disqualification given in Legislative Decree No. 7107/56 were annulled by Legislative Decree No. 14190/56. In all 0.4 per cent. of the members of industrial associations are disqualified from holding office because they have been guilty of irregularities or are accused of having committed an offence. The workers' unions are not permitted to receive economic assistance from employers or subsidies from national or foreign political bodies. The executive committee must be composed of five adult persons, the majority of whom must be Argentine citizens by birth or naturalisation. The same requirement is set for the legal representatives of the association. All associations must keep accounts and have them audited by the Ministry of Labour. Otherwise, they are entirely free to organise their administration and activities and formulate their programmes as they wish.

The competent administrative authority may suspend or annul the registration of any industrial association which violates the law or fails to observe its own constitution. The association may appeal to the competent court against the decision so taken.

Industrial associations may establish federations and confederations and join international organisations, the guarantees afforded them being the same as those accorded to primary organisations.

On being registered, associations of employees acquire legal personality with all the rights and obligations attaching to it under the Civil Code. They thus enjoy complete equality with the other incorporated associations already established in Argentina.

Organisations may hold private meetings and assemblies without previous permission. The present Government has repealed the decree on the repression of offences against the safety of the State, considering that it was prejudicial, *inter alia*, to the freedom of association. The guarantees accorded by the Constitution of 1853 may be suspended only in the event of a domestic disturbance or an attack by a foreign power, when a state of siege may be declared. In this case the President may not sentence or punish any person, his powers being limited to the arrest or removal of persons who are regarded as a danger and who choose not to leave the territory of the Republic (section 23). Section 158 of the Penal Code states that any employer, entrepreneur or employee who, whether on his own account or on the account of a third party, brings pressure to bear upon another with intent to force him to join or leave a given indus-

<sup>1</sup> This Convention came into force on 4 July 1950. Twenty-two ratifications have been registered up to 30 November 1956. 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 40th Session of the Conference (*Summary of Reports on Ratified Conventions*).

trial association is liable to a period of imprisonment of not less than one month and not more than one year.

To give effect to some of the provisions of the Convention, the present Provisional Government has repealed the earlier legislation on employers' and workers' associations, considering that they were contrary to democratic principles and designed to impose a corporative structure. It has also issued a legislative decree respecting industrial associations of employees. As a result, the distinction between associations with and without trade status has disappeared, as recommended by the Committee on Freedom of Association in 1952. To the same end the General Confederation of Labour was brought under official supervision in November 1955 because it had ceased to be a genuinely representative body after the direct election of officials had been abolished and the Confederation itself had come under the direction of the State. On 1 May 1956 trade union elections were held to place the operation of the unions once more in the hands of the workers' elected leaders. The report states that one of the Provisional Government's basic lines of policy—the re-establishment of freedom of association—has thereby been achieved and that the safeguarding of freedom of association will be one of its major preoccupations in the future.

#### *Bulgaria.*

Constitution.

Labour Code (*L.S.* 1951—Bul. 2).

The Constitution guarantees the freedom of association, the freedom of the press, the freedom of speech, the right of assembly and the right to demonstrate (sections 87 and 88). It further states in section 14 that, with a view to improving the workers' standard of living, the State is to encourage associations of employees. The Labour Code lays down that "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" (section 2).

No prior permission is required before trade union organisations are set up and the organisations themselves do not have to be registered with the administrative authorities or the courts.

Trade union organisations are free to draw up their own constitutions and rules. No restriction is placed either *de facto* or *de jure* on the workers' right to elect their representatives in full freedom, to organise their administration and activities or to formulate and publicise their programmes.

Such organisations are not liable either *de facto* or *de jure* to dissolution or suspension by administrative authority.

No restriction is placed on the establishment of federations and confederations. In practice the Bulgarian unions are subordinate to a Central Council. No restriction is placed on their membership of international workers' organisations; the Central Council of Trade Unions, for example, is a member of the World Federation of Trade Unions. Federations enjoy the same rights as ordinary unions.

The Central Council of Trade Unions and the various primary and secondary unions have legal personality (section 7 of the Labour Code). Other subdivisions of the trade union hierarchy acquire legal personality if the central council of the trade union in question so decides. The Trade Union Congress, in exercise of its legally recognised right, has granted legal personality to all existing subdivisions of the trade union hierarchy. To acquire legal personality no registration with an administrative authority or court of law is necessary.

Bulgaria has 13 unions, all of which take an active part in the country's political, economic and cultural life. Trade union organisations are associated in the drafting and enforcement of labour legislation, in the settlement of certain labour disputes and in the operation of the social insurance scheme.

In all, 93 per cent. of the workers have joined the trade union movement and 7 per cent. have remained outside it, in both cases of their own free will.

#### *Byelorussia.*

Constitution.

Labour Code.

The Government states that citizens have enjoyed the right to organise since the first days of the Soviet régime, that is to say long before the Convention was adopted by the I.L.O. Nowadays this right is guaranteed by section 101 of the Constitution enacted in 1937. All persons, without distinction, have the right to establish and join organisations of their own choosing without previous authorisation. Section 152 of the Labour Code lays down that trade unions may be freely established and are not liable to registration. The only conditions for membership are those laid down in the bye-laws of the trade union.

As a result of the abolition of private capitalist ownership there are no employers' associations within the meaning of the term in other countries. The interests of managers of Byelorussian undertakings are indissolubly bound up with the interests of the workers. Managers of undertakings nevertheless have the right to form organisations in the same way as other citizens.

The establishment of workers' organisations is not subject to any formal conditions. Such organisations draft their own bye-laws and rules without government intervention, freely elect their representatives, organise their own administrative machinery and conduct their own activities. The government authorities not only refrain from hindering the workers' organisations in the exercise of their rights but collaborate with them in every way in their lawful exercise of these rights; this is a constitutional obligation of the organs of government. The Labour Code prohibits any form of interference with the exercise of trade union rights. Section 162 of the Labour Code lays down that no restrictions are to be imposed by the managements of industrial or agricultural undertakings, while section 141 of the Penal Code prescribes criminal liability for impeding the lawful activities of the trade unions.

An industrial association may not be dissolved or suspended by administrative decision. Only the association itself has the power to decide its own dissolution.

Labour legislation does not prohibit workers' organisations from forming federations and confederations or from joining international organisations.

The acquisition of legal personality by workers' organisations is governed by the bye-laws of the organisations themselves.

Section 100 of the Constitution guarantees all citizens the freedom of speech, the freedom of the press, the right of assembly, the right to organise and the right to take part in public demonstrations. It also ensures that these rights can be exercised by providing citizens with various material facilities.

The Government states in conclusion that national law and practice afford the workers more favourable conditions than those provided for in the Convention. It adds that there was consequently no need to change the existing legislation or to draft new legislative provisions when the Convention was ratified by the Praesidium of the Supreme Soviet of the Byelorussian S.S.R.<sup>1</sup>

### *Canada.*

#### *Federal.*

Trade Unions Act, Statutes of Canada 1872, c. 30.  
Industrial Relations and Disputes Investigation Act, 1948, c. 54.  
Criminal Code, S.C. 1953-54, c. 51.

#### *Alberta.*

Alberta Labour Act, Part V, 1947, c. 8 ; amended by 1948, c. 76 ; 1950, c. 34 ; 1954, c. 51.  
Police Act, 1953, c. 90.  
Fire Departments Platoon Act, 1953, c. 42.

#### *British Columbia.*

Trade-unions Act, R.S. 1936, c. 289.  
Municipal Act, 1949, c. 41.  
Labour Relations Act, 1954, c. 17.

#### *Manitoba.*

Labour Relations Act, 1948, c. 27 ; amended by 1950, c. 31.

#### *New Brunswick.*

Labour Relations Act, R.S. 1952, c. 124 ; amended by 1953, c. 21 ; 1955, c. 57.

#### *Newfoundland.*

Labour Relations Act, R.S. 1952, c. 258.  
Trade Union Act, R.S. 1952, c. 262.

#### *Nova Scotia.*

Teachers' Union Act, 1951, c. 100, as amended by 1953, c. 97.  
Trade Union Act, R.S. 1954, c. 295.

#### *Ontario.*

Labour Relations Act, R.S. 1950, c. 194, as amended by 1954, c. 42.  
Police Act, R.S. 1950, c. 279.  
Fire Departments Act, R.S. 1950, c. 138.  
Teaching Profession Act, R.S. 1950, c. 385.  
Rights of Labour Act, R.S. 1950, c. 341.

#### *Prince Edward Island.*

Trade Union Act, R.S. 1951, c. 164 ; amended by 1953, c. 3.

### *Quebec.*

Professional Syndicates Act, R.S. 1941, c. 162, as amended by 1946, cc. 20 and 36 ; 1947, c. 52 ; 1948, c. 26.

Public Services Employees Disputes Act, R.S. 1941, c. 169.

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.

Act respecting Public Order, 1950, c. 37.

### *Saskatchewan.*

Trade Union Act, R.S. 1953, c. 259 ; amended by 1954, c. 67 ; 1955, c. 65.

The Government refers to the information given in its report for 1952<sup>1</sup> and adds the following details.

*Federal law and practice.* The Government states that, with regard to the federal field of jurisdiction, the provisions of all the Articles of Parts I and II of the Convention (with the exception of Article 1, which relates to ratification) are implemented by common law and legislation. There is no legal restriction on the individual's right to associate with others. Workers and employers are entitled, without distinction whatsoever, to establish and join organisations without previous authorisation (Industrial Relations and Disputes Investigation Act, sections 3 (1) and (2)). The right to organise is also enjoyed by persons not covered by this Act by reason of the posts they occupy (managers, persons employed in a confidential capacity in matters relating to labour relations or persons qualified under provincial legislation to practise a liberal profession).

There are statutory provisions to ensure public order and safety but these do not impair the freedom of association.

The Government considers that the provisions of the Convention are unsuitable in relation to members of the armed forces and the federal police. It explains that federal civil servants enjoy the right to organise but do not have compulsory collective bargaining rights as provided by the Industrial Relations and Disputes Investigation Act.

Employers are prohibited from interfering or participating in the formation or administration of trade unions, from contributing to their support and from discriminating in regard to employment against any person on account of union membership and activities. They are similarly prohibited from using coercion or intimidation to compel any person to become or refrain from becoming a member of a trade union (although collective agreements providing for the closed or union shop or preferential hiring are valid).

Civil law is backed by provisions in the Criminal Code protecting the freedom of association and the free exercise of trade union rights.

*Provincial law and practice.* The coverage of the various provincial labour relations laws does not include managerial personnel or persons employed in a confidential capacity in matters relating to labour relations. Such exclusion does not restrict the freedom of association of

<sup>1</sup> This ratification was registered on 6 November 1956.

<sup>1</sup> See I.L.O. : *Summary of Reports on Unratified Conventions and on Recommendations*, Report III, Part II, International Labour Conference, 36th Session, Geneva, 1953 (Geneva, 1953), pp. 7-9.



the persons involved. Professional persons are also excluded from the coverage of the labour relations laws of the various provinces, except in Saskatchewan and Prince Edward Island. In addition, five provinces exclude domestic servants and farm labourers. With regard to all such excluded persons, the denial of the privilege of compulsory collective bargaining does not carry with it a denial of the right to organise.

Public service employees are not covered by the labour relations laws of any of the provinces except Quebec and Saskatchewan. Civil servants and municipal employees, with certain exceptions such as the police, do generally enjoy the right to establish and join organisations of their own choosing without previous authorisation, except in the province of Quebec. Such organisations are not, except in Saskatchewan, recognised formally by the signing of collective agreements.

In the province of Quebec employees of public services come within the scope of the Labour Relations Act, which defines the meaning of a "public service". This Act has recently been amended and now states that no person who is a constable employed by a municipal corporation of the province, or a member of the provincial police force or the liquor police, or any other functionary within the meaning of the Civil Servants Act, Chap. 11, may remain or become a member of an association which does not consist solely of persons in the same category.

The Government states that a fairly consistent pattern seems to be in process of developing in Canada in relation to municipal employees, but that at the moment there is a lack of uniformity in the application of the labour relations legislation of the various provinces to school teachers.

In the province of Quebec municipal employees generally, including school teachers, come under the Labour Relations Act. Similarly in Alberta school teachers are covered by the labour relations code. The position is the same in Newfoundland, British Columbia and, to a lesser extent, in Nova Scotia. In other provinces the laws make little explicit reference to the problem or even no reference at all. In other provinces again, as in Ontario, school teachers are explicitly excluded from the coverage of labour relations legislation. Such exclusion does not, however, imply a denial of the right to organise.

A number of restrictions are imposed in the province of Quebec, where an association with one or more communistic officers cannot, for the purposes of the Labour Relations Act, be regarded as a bona fide association.

Subject to the minor limitations listed above, it is considered that workers and employers in Canada are entitled under provincial law and practice to join organisations of their own choosing. In general such organisations are entitled to draw up their own constitutions and rules, elect their representatives, organise their administration and activities and formulate their programmes.

Certain substantive or formal conditions must be fulfilled by workers' organisations in certain provincial jurisdictions. The legislation of Quebec differs from the Convention to some extent, in that it seems to allow only Canadian citizens to be members of the administrative council of a syndicate or form part of its personnel.

Under provincial law employers' and workers' organisations are not liable to dissolution or suspension by administrative authority. The Quebec Labour Relations Act, however, contains provisions relating to the dissolution of workers' associations that are dominated by employers or vice versa. The Professional Syndicates Act provides that the corporate existence of any syndicate shall terminate whenever the Provincial Secretary so enacts after having ascertained that it has ceased to exercise its corporate powers or that the number of its members who are Canadian citizens has fallen below a certain percentage.

The right of organisations to establish federations and confederations is very freely exercised. Such federations and confederations are subject to the same conditions as obtain in the case of their constituent organisations.

Restrictions to Article 5 of the Convention appear in the legislation of Ontario; these relate to security guards and to employees in public services. The Quebec Labour Relations Act limits the period during which associations that have entered into a collective agreement may affiliate with another association. In other provinces there are no limitations on the right of organisations to establish and join federations and confederations.

The acquisition of legal personality is optional. If desired by the organisations themselves, it is not subject to conditions of such a character as to restrict the guarantees provided in Articles 2, 3 and 4 of the Convention.

There are no provincial statutes of a general character concerning the safety of the State which might apply to workers' and employers' organisations. The Quebec Act respecting Communistic Propaganda, however, makes it illegal for any person to allow a house or other construction to be used to propagate communism or bolshevism; offenders render themselves liable to the closing of the house or construction for a period of not more than one year.

*General.* Law and practice are essentially in accordance with the Convention. The provincial authorities are competent to enact legislation on the subjects covered in the Convention, except in relation to the North West Territories and the Yukon Territory and also in respect of certain types of workers. In view of the division of legislative jurisdiction as between the federal and provincial authorities, ratification of the Convention is not contemplated.

#### *Ceylon.*

Trade Unions Ordinance, No. 14 of 1935.

Police (Amendment) Ordinance, No. 22 of 1947.

Trade Unions (Amendment) Act, No. 15 of 1948.

In its present report the Government asks for reference to be made also to the report which it submitted in 1952.<sup>1</sup>

The Trade Unions Ordinance, 1935, gives the right to workers to establish and join organisations. Workers in general are free to join organisations of their own choice, subject to the rules of those organisations, as are employers. The Trade Unions (Amendment) Act, 1948, imposes certain restrictions on trade unions of government employees.

<sup>1</sup> See Report III, Part II, International Labour Conference, 1953, op. cit., p. 9.

Within three months of being established, every trade union must apply to the Registrar of Trade Unions for registration. The application must be signed by at least seven members and be accompanied by stamps to the value prescribed and by a copy of the rules.

Employers' and workers' organisations are liable to dissolution or suspension by administrative authority, but there is a right of appeal to the courts. A certificate of registration of a trade union may be withdrawn or cancelled by the Registrar at the request of the union or if he is satisfied that the certificate was obtained by fraud or mistake, that any one of the objects or rules of the trade union is unlawful, that the constitution of the union or of its executive is unlawful, that the union has wilfully contravened any provisions of the Trade Unions Ordinance, that the funds of the union are expended in an unlawful manner or that the trade union has ceased to exist. Registration may be refused if the name of the union is the same as that of a union already registered or so nearly resembles it as to deceive or mislead, or if any of its objects is unlawful or contravenes the Trade Unions Ordinance. Refusal to register or cancellation of registration can be appealed against in the District Court and then in the Supreme Court. The registration of a public servants' trade union can be cancelled in certain cases by the District Court on the application of the Attorney-General.

The registration of trade unions is compulsory and any union which does not apply for registration in due time or which, if the registration is refused, tries to function, is deemed to be an unlawful association.

There are no restrictions of the freedom of members of organisations to hold meetings without previous authorisation and without the presence of Government representatives. In the case of a public meeting previous permission of the police is required in regard to the arrangements connected with the conduct of the meeting.

No modifications have been made to national law or practice with a view to giving effect to provisions of the Convention which conflict with existing law. The Convention was examined some time ago and it was then decided not to ratify it in view of the present stage of development of trade unionism in the country. It is likely that the question will be examined again, and the I.L.O. will be notified of any action taken, if found necessary.

### Chile.

Labour Code (L.S. 1931—Chile 1), Book III, sections 365 to 449.

Decree No. 261 of 25 February 1948 to confirm the regulations concerning occupational unions (agricultural regulations).

Act No. 5839 of 30 September 1948 respecting the permanent defence of democracy.

Decree No. 1030 of 26 December 1949 to consolidate the regulations concerning industrial organisations (L.S. 1949—Chil. 1), as amended by Decree No. 591 of 19 July 1950, Decree No. 4161 of 20 September 1950 and Decree No. 16 of 4 January 1955.

Penal Code.

The fundamental enactments governing freedom of association are those listed above. The Government has provided a copy of the form for visits to trade unions on which inspection

reports are drawn up and a copy of Decrees Nos. 591, 4161 and 16.

The formalities required for the establishment of employers' and workers' organisations appear in Part I of Book III of the Labour Code and in Decree No. 1030.

In order to become a member of a workers' organisation it is necessary to be a wage earner in the undertaking or on the agricultural estate, in the case of a workers' union (*sindicato industrial*), which is formed of workers in one and the same undertaking, or an agricultural union, which is formed of workers on one and the same agricultural estate; or to carry on the relevant profession, trade or occupation or similar or related occupations (whether of an intellectual or manual character) in the case of a trade union (*sindicato profesional*), which is constituted by workers in one and the same occupation or similar or related occupations.

In order to establish an employers' or workers' organisation, the employers or workers must request a labour inspector to attend the constituent meeting to ensure that the law and regulations are complied with. Sections 365, paragraph 1, 366, 367, 372, 373 and 374 of the Labour Code lay down the substantive requirements. However, further substantive conditions are prescribed in section 387 for works unions, in section 410 for trade unions and in sections 419 and 425 for agricultural unions. In section 367, for instance, it is laid down that "unions constituted in accordance with the provisions of this Part shall be institutions for the mutual co-operation of the different factors of production, and consequently organisations whose operations are prejudicial to discipline and order in industry shall be deemed to be contrary to the spirit and provisions of the law". Section 374 stipulates: "a union shall not pursue any object other than those specified in this Part and in its rules, nor take any action tending to restrict individual liberty or the right to work and to engage in industry as guaranteed by the Constitution and the law."

As regards formal conditions it is necessary for a labour inspector to be present at the constituent meeting in order that he may, in his capacity as recording officer, certify that the law and regulations have been complied with. A record of the proceedings of the constituent meeting is made, a provisional committee of management is elected, and notice in writing of the formation of the union is sent to the Labour Inspection Office and, in the case of a works union, the management of the undertaking. The rules must be submitted to a general meeting for adoption and the committee of management must make application for a decree of incorporation. If this formality has not been initiated within a period of 60 days or if the committee of management does not submit all the necessary documents, the right of application is deemed to be forfeited. An application is forwarded to the President of the Republic through the intermediary of the Labour Inspection Office, requesting approval of the rules and the granting of incorporation. The Labour Inspection Office must then apply to the appropriate authorities for information as to the character and previous references of the persons forming the committee of management in order to determine whether they fulfil the require-

ments of the Labour Code and the Permanent Defence of Democracy Act. The Labour Inspection Office then forwards the application, together with its recommendations, to higher authority. After studying the documents, the Office of the Director-General of Labour must then indicate any necessary modifications to the rules and any omissions that must be rectified in the application. Once these defects have been remedied, the persons concerned must arrange to file with the public record office the document recording the formation of the union, the adoption of the rules and the power of attorney granted to the person charged with expediting the application for legal incorporation and approval of the rules. When this action has been taken the documents are returned to the Office of the Director-General of Labour, which submits them to the Ministry of Labour so that the latter may declare the union duly constituted and forward the file to the Ministry of Justice for a decision by the President of the Republic regarding approval of legal incorporation.

Agricultural unions must comply with the formalities laid down in Decree No. 261 of 26 February 1948 (sections 1 to 6): the labour inspectors are required to encourage the formation of agricultural unions. The inspectors must ensure that the legal requirements are complied with at the constituent meeting and that the records thereof are properly drawn up, giving a certificate to this effect in writing. The labour inspector certifies that the estate on which the union is being formed has more than 20 wage earners over 18 years of age with more than one year's service in the undertaking, that they represent at least 40 per cent. of the wage-earning workers on the estate in question and that at least ten of them are able to read and write. The labour inspector serves a copy of the document on the employer or his representative in order that the wage earners taking part in the constituent meeting may enjoy freedom from dismissal for a period of 60 days. Legal incorporation cannot be obtained unless all these requirements are satisfied.

Both employers and workers may constitute civil associations under Part XXXIII, Book I of the Civil Code, if such associations are not conducted for profit-making purposes.

Intervention by the labour authorities is limited to ascertaining that the legal requirements have been met in the drafting of the rules, in order that the latter should not contain clauses contrary to law and order and public policy. The only restrictions on the election of representatives are those contained in the Permanent Defence of Democracy Act, section 36 of which stipulates: "If a person has been convicted or proved guilty of a crime or offence, or has been excluded from the electoral or municipal registers, or belongs to any of the associations, entities, parties, factions or movements referred to in Title I, sections 1 and 2 of this law, he shall not be a director of a trade union ... an employees' representative, or a member of a delegation representing wage earning or salaried employees in collective labour disputes, or hold any office representing employers or wage earning or salaried employees in official, governmental or semi-governmental organisations." Persons are excluded from the electoral registers on the ground of their membership of the Communist party or of other associations opposed to the

democratic régime. Similarly, the associations to which reference is made at the beginning of this section are the Communist party and the said associations.

In theory there are no restrictions on the administration of workers' or employers' organisations: however, the labour authorities are empowered to inspect investments of funds (auditing, management of funds); the Office of the Director-General of Labour may, when it considers such action necessary, appoint an official of the Ministry or an Inland Revenue official to replace the president or treasurer of an occupational organisation (section 37 of the Permanent Defence of Democracy Act).

The programmes and activities of employers' and workers' organisations are laid down in the Labour Code, and the organisations must conform to these provisions.

According to Decree No. 1030, unions may not dissolve themselves of their own accord. They may, however, be dissolved against the will of the members by the authority which originally recognised them if they are found to be contrary to public policy, law or good behaviour, if they do not fulfil the objects for which they were formed or if they fail to comply with instructions given by the Office of the Director-General of Labour. Members may nevertheless request cancellation of incorporation. Where the rules contain no provision as to the manner of dissolution, an absolute majority of the total membership of the union, at a general meeting attended by a labour inspector, is required. In the case of an agricultural union, a proposal for dissolution must be passed on by a labour court. The grounds on which dissolution may be ordered are: (1) violations of the law, regulations or the rules of the union; (2) a deadlock in the union's work owing to deliberate non-attendance by more than 55 per cent. of the workers in the union or violation of the rules governing conciliation and arbitration; (3) the closure of the undertaking or the fact that it gives permanent employment to less than 25 wage earners during a given year; (4) suspension of union operations for more than a year; (5) a resolution by 55 per cent. of the membership; (6) the fact that the membership of the union has fallen below 20.

Any member of the union, the labour inspector or the employer may make application for the dissolution of the union; the court procedure is a summary one and the judge must hand down his decision within ten days. While the case is *sub judice* the judge may order the agricultural union concerned to suspend operations.

Works unions and trade unions may appeal through administrative channels against dissolution action, whereas agricultural unions have the right to present their defence before the labour judges.

According to section 423 of the Labour Code agricultural unions may establish co-operative societies, union stores or canteens and any co-operative, relief, educational and welfare services. "The formation of federations or confederations of works unions shall not be permitted for purposes other than education, relief, provident institutions and the establishment of canteens and co-operative societies" (section 386). "Trade unions formed for the same

occupation or trade may form federations or confederations for the study, promotion and legitimate defence of their own interests. These federations or confederations must obtain legal incorporation in the manner and under the conditions laid down for the trade unions which constitute them, and possess the same rights as the latter ; nevertheless they are not entitled to represent the affiliated unions until they have obtained such incorporation" (section 414).

Before organisations can secure recognition as such they must possess corporate status (Decree No. 1030, Industrial Organisations Regulations).

Measures of a general character which may apply to workers' and employers' organisations are set forth in paragraph 10 of Title VI of Book 2 of the Penal Code (articles 292 to 295 : "On Unlawful Associations"), and in the provisions of Act No. 5839 of 30 September 1948 : Act regarding the Permanent Defence of Democracy.

Article 292 of the Penal Code states : "The mere fact of organising any association for the purpose of subverting social order or public policy or of causing harm to persons or property shall constitute an offence."

The relevant sections of the Permanent Defence of Democracy Act are the following :

*Section 1.* The existence, organisation, activity and propaganda by speech, writing or any other means, of the Communist Party and in general of any association, entity, party, faction or movement which seeks to establish in the Republic a system opposed to democracy or which commits any act prejudicial to the national sovereignty, are prohibited.

Only those systems which, by doctrine or action, seek to establish a totalitarian or tyrannical government that would suppress the inalienable liberties and rights of minorities and, in general, of the individual, shall be considered as systems opposed to democracy.

The mere fact of forming the unlawful associations referred to in the preceding paragraphs constitutes an offence.

Whether they are members of associations or not, persons violating any of the prohibitions contained in this section shall be liable to the penalties prescribed in section 2 of this Act.

*Section 2.* An offence against the internal security of the State, punishable by the maximum degree of minor imprisonment, penal servitude, forced residence or deportation and a fine of 5,000 to 50,000 pesos, is committed by persons who :

(4) form associations for the purpose of preparing or committing any of the offences against the internal security of the State referred to in this Act, whatever may be the period of existence of such associations or the number of their members ;

(5) maintain relations with foreign persons or associations, for the purpose of receiving instructions or assistance of whatever nature, with a view to committing any of the punishable acts referred to in this section ;

(6) give financial support to any foreign person or association with a view to the commission in Chile of offences considered prejudicial to the internal security of the State ;

(7) enrol as members of, or belong to, any of the associations referred to in the preceding paragraphs or any of the other associations, entities, movements, factions or parties referred to in this Act, or engage in activities characteristic of them or assist them to prepare or commit acts punishable under this Act ;

(11) knowingly lease or rent or in any way provide houses, premises or buildings for meetings held with the object of committing or planning acts against the internal security of the State or the established constitutional or legal system ; or lease or rent or in any way provide houses, premises or buildings for the

associations, entities, movements, factions or parties referred to in this section or in other provisions of this Act.

Such premises or buildings may be closed by order of the court for the duration of the proceedings ;

(12) assist in or contribute to, financing the organisation, development or exercise of activities punishable under this Act.

If such assistance is rendered by any legal person, the persons affording it shall be personally liable.

*Section 6.* It shall not be lawful to confer on any person affiliated to any of the organisations, entities, factions, movements or parties referred to in sections 1 and 2 or in the other provisions of this Act, or on any person who engages in or promotes any of the activities prohibited thereby any nomination, appointment or contract, whether remunerated or not, for a post or position in the service of the Government, municipalities, government organs, governmental, semi-governmental or autonomously administered governmental institutions or services. Posts or positions held by such persons shall be declared vacant.

The provisions of the preceding paragraph shall also apply to the posts of advisers and directors of governmental, semi-governmental and municipal institutions or services and of other government organs, whether autonomously or independently administered or not, which come within the same category.

If an adviser or director as aforesaid or if a person by obtaining the nomination, appointment or contract as mentioned above contravenes the provisions of this section he shall be liable to the penalties prescribed in section 3 of this Act, reduced by two degrees.

If the head of a service who is responsible for declaring, or obtaining the declaration, of vacancy of the posts, positions or employment referred to in the preceding paragraphs, fails to do so within a time limit of five days reckoned from the first day in which he is in a position to do so, he shall be liable to the penalties prescribed in the preceding paragraph, and shall be liable also to the loss of his own position or post.

The only restrictions that may be imposed on the right of assembly are those laid down in article 44 (13) of the Political Constitution which states :

*Article 44.* Only by virtue of a law is it possible :

(13) to restrain personal liberty and freedom of the press, or suspend or restrict exercise of the right of assembly, when supreme need for the defence of the State, preservation of the constitutional régime, or internal peace may so demand, and only for periods not to exceed six months. If such laws prescribe penalties, infliction thereof shall always be made by the established tribunals. Aside from the cases prescribed in this number, no law shall be enacted to suspend or restrict the liberties or rights that the Constitution ensures.

No amendments have been made to the legislation to give effect to the Convention.

### *Costa Rica.*

Political Constitution of 7 November 1949 (L.S. 1949—C.R. 3).

Labour Code (L.S. 1943—C.R. 1). (Part V, Chapter II.)

According to article 60 of the Constitution both employers and workers have the power to form unions freely, for the sole purpose of obtaining and preserving economic, social or occupational advantages. This point is implemented in sections 271 and 273 of the Labour Code, which provide that no previous authorisation is required for the formation of industrial associations and that no person may be compelled to become a member of an association or to refrain from doing so.

The Code defines employers' and workers' organisations or "industrial associations" as

being any permanent associations of employees or employers or persons carrying on an occupation or trade on their own account, constituted exclusively for the study, advancement and defence of their common economic and social interests (section 269).

The Constitution, in article 25, guarantees the general right of freedom of association.

According to section 274 of the Labour Code an industrial association will not be deemed to be legally constituted with full enjoyment of its status as a body corporate unless an application is forwarded to the Ministry of Labour, accompanied by copies of the Memorandum of Association and of the Rules. The Director of the Industrial Associations Office must satisfy himself within 15 days that the documents submitted are in accordance with statutory provisions. If so, he then reports favourably to the Ministry of Labour in order that the latter may order registration of the association in the appropriate public register; this formality of registration may not be refused in such a case. If the documents are not in order any errors existing must be pointed out to the persons concerned so that they may either rectify them or lodge an appeal with the Minister of Labour, who must hand down his decision within ten days. As for the substantive requirements the Act requires a minimum membership of 20 for a workers' organisation, and a minimum membership of five for an employers' organisation (section 273).

Section 276 of the Code sets forth the powers that are vested exclusively in the general meeting, among which are those of appointing committees of management, approving amendments to the rules and collective agreements, declaring strikes, approving investments of funds, etc.

Pursuant to section 281 the Ministry of Labour may, on its own authority, order the winding-up of industrial associations which in its opinion fail to satisfy the legal requirements for their formation, viz. minimum membership and committees of management composed of Costa Rican citizens who have attained their majority (sections 273 (2) and 275 (e)). Employers' and workers' organisations may appeal against an administrative dissolution order in accordance with article 48 of the Political Constitution which provides a remedy of judicial protection against arbitrary acts of Government against any violation of constitutional rights.

Section 288 of the Code recognises the right to form federations and confederations. Affiliation to international organisations is not covered by regulation, but this right is exercised in practice. Federations and confederations are governed by the same provisions that apply to employers' and workers' organisations.

Industrial associations entered in the register possess corporate status.

Article 26 of the Constitution guarantees to all inhabitants the right of assembly; meetings in public places are subject to regulation by law.

The Government has recommended the Legislative Assembly to ratify the Convention.

The report submitted on the subject states that it is necessary to amend the provision in the Labour Code enabling industrial organisations to be wound up by administrative action and recommends the insertion of a clause concerning the right to affiliate to international organisations.

### *Dominican Republic.*

Constitution, 1955 Revision.

Trujillo Labour Code (L.S. 1951—Dom. 1).

Act No. 1443 of 14 June 1947, respecting Communist, Anarchist and other anti-Constitutional associations.

Regulation No. 7676 respecting the application of the Labour Code (sections 69 and 70).

The Government reproduces the information given in its previous report.<sup>1</sup> It adds that the formal and substantive conditions for the formation of employers' and workers' organisations are laid down in sections 347 and 348 of the Code, which provides that the record of the constituent general meeting must contain the approval of the rules and the appointment of the members of the first committee of management and the first commissioners.

An application for registration must be addressed to the Secretary of State, together with copies of the rules, the minutes of the constituent general meeting and a list of founder members, the above documents to be signed by 20 worker members or three employer members. Workers' and employers' organisations must conform to the law, particularly article 4 of the Constitution, sections 293-361 of the Trujillo Labour Code and the Prohibition of Communist Associations Act, No. 1443 of 14 June 1947.

Since the promulgation of the Labour Code in 1951 no modifications have been made in either legislation or practice on the subject of industrial organisation.

The Convention was ratified by the National Congress on 21 July 1956; the Government is of the opinion that the provisions of the Convention are covered by national legislation and practice.

### *Ecuador.*

Constitution of 31 December 1946.

Labour Code (L.S. 1954—Ec. 1B).

Legislative Decree of 7 November 1955.

Civil Code.

Workers and employers are free to form and join associations provided that such associations pursue specified aims and are constituted in accordance with law (sections 366, 367 and 368 of the Labour Code).

The State guarantees freedom of association for employers and workers, and no person may be compelled to join an occupational organisation (article 185 (g) of the Constitution). It is a condition for the formation of these organisations that they must pursue the aims laid down in sections 360 and 368 of the Labour Code, to wit: vocational qualification, culture and education of a general character, formation of co-operatives and savings banks and the economic and social betterment of members and the defence of their interests.

In order to obtain legal personality the association must have had its rules approved by the Ministry of Social Welfare and Labour. Sections 362 and 363 list the formal requirements for the grant of such approval. It is compulsory to submit the rules to the Ministry for scrutiny and approval, but apart from this workers have the right to draw up their constitution and rules, elect their representatives

<sup>1</sup> See Report III, Part II, International Labour Conference, 1953, op. cit., p. 10.



in full freedom, organise their activities and formulate their programmes without any intervention by the public authorities (section 362 of the Labour Code).

Workers' organisations may not go into voluntary liquidation without the consent of the authority which granted them recognition. They may, on the other hand, be compulsorily dissolved if they come to jeopardise the security or the interests of the State, or no longer fulfil the purpose for which they were set up (article 594 of the Civil Code).

The law recognises the existence of federations and confederations, which may be local, provincial, regional or national. These may freely affiliate to international workers' organisations. Federations and confederations are governed by the same provisions as the basic organisations composing them, as regards their establishment, operations and dissolution. Workers' organisations cannot obtain legal personality and be recognised by the State unless their rules have been approved by the Ministry of Social Welfare and Labour and satisfy the substantive and formal conditions listed above.

The following general measures are applicable to organisations of employers and workers :

(a) the guarantees laid down in paragraphs 12 and 13 of article 187 of the Constitution, viz. the freedom to present petitions in writing, individual or collective, with the right to obtain a decision from the authorities, and the freedom of unarmed assembly and association, for purposes that are not prohibited by law ;

(b) paragraph (g) of article 185 which prescribes : "Both employers and workers are guaranteed the right to form unions for purposes of professional advancement. No one may be compelled to join a union. Public servants, as such, may not form unions" ;

(c) the provisions of the Civil Code on the subject of "Legal Persons" ;

(d) the guarantee contained in the Legislative Decree of 7 November 1955, according to which, subject to the provisions of section 107 of the Labour Code, employers may not dismiss any of their workers from the time that the latter inform the Labour Inspector that they have convened a general meeting for the purpose of forming a union or other type of occupational association until such time as the first committee of management of the organisation has been constituted.

No modifications have been made in the national legislation. Ratification of the Convention is hampered by the incompatibility of Article 4 of the Convention and article 594 of the Civil Code which provides for the compulsory dissolution of the organisations.<sup>1</sup>

### Egypt.

Constitution, 1956.

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

<sup>1</sup> In a subsequent letter the Government indicates, however, that the Chamber of Deputies is now considering a Bill the purpose of which is to remove the contradiction between article 594 of the Civil Code and Article 4 of the Convention, and thereby enable the Convention to be ratified.

Act No. 143 of 16 March 1955 amending the Legislative Decree 319/1952.

Workers and employers may establish and join organisations of their own choosing without previous authorisation. Established civil servants, salaried employees of the State, provincial councils, municipal boards and village councils and employees of the Ministry of War and Police are not covered by the provisions of Legislative Decree No. 319/1952. They are, however, entitled to form associations of their own, for the promotion of their conditions and rights. Signing officials representing employers in the exercise of the employer's authority are not covered by Legislative Decree No. 319/1952 (section 1, paragraph 2). No other restrictions exist on the freedom of association and protection of the right to organise, subject only to the rules prescribed by the mentioned law concerning the formation of the trades. Act No. 143/1955 ensures the liberty of workers to join any workers' organisations, by adding an additional paragraph to section 5 of Legislative Decree No. 319/1952. It gives the member of the staff union the right to join any occupational or industrial trade union at his preference. Section 55 of the recently proclaimed Constitution of the Egyptian Republic declares that the right to form trade unions is guaranteed ; such unions shall be separate legal entities in the manner prescribed by law. No substantive conditions are required, but formal conditions are laid down by sections 13 to 16 of Legislative Decree No. 319/1952.

Workers' and employers' organisations are entitled to draw up their conditions and rules, elect their representatives in full freedom and organise their administration and activities and formulate their programmes with the exception mentioned in section 18 of Legislative Decree No. 319/1952. Employers' and workers' organisations are not liable to dissolution or suspension by administrative authority. Conflicts relating to dissolution and suspension are judged by the judicial authority (section 25 of Legislative Decree No. 319/1952).

Unions legally formed, of the same occupation or trade or for trades allied in the manufacture of the same products, have the right to combine and establish a federation to protect the common interests of the federation formed according to the provisions of the unions and may form a general confederation to supervise the affairs of the said federation and to direct them in a uniform manner to protect their common interests.

The legal personality of workers' and employers' organisations is *ipso jure* acquired at the time of depositing the documents required according to section 13 of Legislative Decree No. 319/1952 and subject to the measures prescribed in sections 14 and 15 of the said decree.

Sections 46 and 47 of the Constitution assure the freedom of association and meeting in conformity with laws concerned.

The report states that the Convention is in conformity with Egyptian laws and practice ; its principles are already covered by the national law and no difficulties exist to prevent or delay the application of the provisions of the Convention in Egypt. The Convention is being considered by the Egyptian Government and ratification is expected to follow soon.

*Greece.*

Constitution of 1952 (section 11).

Associations Act, No. 281 of 1914 (with the exception of sections 1-11, 24-28, 31 and 34-38, repealed by section 12 of the Act to promulgate the Civil Code, No. 2783).

Act No. 2151 of 1920 respecting trade unions (*L.S.* 1920—Gr. 1).

Royal Decree of 15 May 1920 respecting trade unions. Act No. 148 of 1945 respecting "the attendance of a magistrate at trade union elections".

Act No. 1803 of 1951 respecting the protection of trade union leaders (*L.S.* 1951—Gr. 2).

Civil Code (sections 61 to 107).

In the words of section 11 of the Greek Constitution, "Greeks possess the right of association, conforming with the laws of the State, and in no case can the laws subject this right to previous permission on the part of the Government"; section 11 further provides that "an association cannot be dissolved for infractions of the provisions of the laws except by judicial decision".

The right of association may in certain respects be restricted by law in the case of civil servants and persons employed by public statutory corporations.

Any act to compel a citizen to join or refrain from joining an association would be unconstitutional. Applying as they do to all citizens, the above constitutional provisions guarantee freedom of association for employers as well as workers.

Act No. 281 and sections 78 to 83 of the Civil Code lay down that any association whose purposes are not contrary to law or public policy acquires corporate status upon registration in the register of associations kept by the court of summary jurisdiction in the place where it has its headquarters. In order to obtain registration, an application to that effect must be submitted to the court of summary jurisdiction, and must be accompanied by the rules of the association. These rules must set forth the association's aims and objects, its designation and address, the conditions of admission and expulsion, the method of administering its funds, the representatives of the association in legal proceedings and otherwise, and the conditions for the amendment of the rules and for the dissolution of the association. When the conditions laid down by law have been fulfilled, the court of summary jurisdiction grants the request, orders the publication of a summary of the rules in the press and causes the entry to be made in the register of associations.

Under sections 24, 30 and 32 of Act No. 281 the Ministry of Labour may carry out, either on its own authority or at the request of one-twentieth of the membership of the association, an administrative and financial inspection to discover whether any offences punishable under the criminal law have been committed. The Government states that this right is only exercised in exceptional circumstances and is used only in those cases in which apparently justifiable allegations render this procedure necessary. It further states that such inspection is a corrective and never a preventive measure.

In accordance with the provisions of the Civil Code (sections 103 to 105) an association may be dissolved only in the following circumstances : (a) by a resolution of a general meeting of

members of the association ; (b) in cases provided for in the rules of the association itself ; (c) by a judicial decree issued on an application by the officers of the association or one-fifth of the association's membership.

Section 43 of Act No. 281 of 1914 provides that associations may form federations or confederations. Such federations and confederations have the same rights and obligations as ordinary associations. In the event of war, mobilisation or any other circumstance in which the nation is in danger, the Constitution contains the following provisions in section 91 : " In time of war or of mobilisation because of external dangers or serious disorders or manifest menace to public order and the security of the country originating from internal danger, the King may, on the proposal of the Ministerial Council, by Royal Decree, suspend in the whole State or any part thereof sections 5, 6, 8, 10, 11, 12, 14, 20, 95 and 97 of the Constitution, or any of them, and putting into force the law on state of siege applicable on each occasion, set up exceptional tribunals." In this way, it may happen that the legislative provisions on employers' and workers' organisations are suspended ; however, such suspension may only take place in accordance with the procedure outlined above and then only in the cases mentioned in the Constitution.

Similarly, Act No. 509 of 1947 respecting Measures for the Safety of the State, the Régime and Social Order and the Protection of Civic Liberties—the Act by which the Greek Communist Party was dissolved, together with the organisations taking part in the armed offensive against the Government—makes it possible to dissolve any association that is implicated in anarchistic or anti-Greek activities.

Like any other natural or corporate person, associations are required to observe laws of general application and to conform to moral standards. The Government adds, however, that such laws cannot prevent or restrict the activities of trade unions, when such activities are limited to the pursuit of the objects set forth in their rules.

The Government states that the Greek General Confederation of Labour has submitted a request to the Government for the ratification of the Convention. While stating that this possibility is under consideration, the Government points out that it does not contemplate ratifying this Convention without also ratifying Convention No. 98.

*Haiti.*

Constitution of 25 November 1950.

Act of 19 July 1947 respecting the organisation of trade unions, as amended by the Act of 2 March 1948 (*L.S.* 1947—Haiti 1 ; *L.S.* 1948—Hai. 3).

The Government states that effect is given to Articles 1 to 3 and 5 to 10 of the Convention by the provisions of the above Act. Section 16 of the Act is at variance with Article 4 of the Convention, but amendment of this section is under consideration.

Section 4 of the Act of 19 July 1947 provides that "all the workers or employers in a given occupation or in similar or allied occupations, in one or more undertakings, may combine freely for the defence of their common interests without prior authorisation". Any



employer who suspends or dismisses a worker for the purpose of preventing him from joining a union or taking part in the formation of a union, is liable to a fine (section 25).

Workers' unions may not be established with less than 15 members and employers' organisations may not be established with a membership of less than five, all of whom must belong to the same branch of industry, etc. (sections 6 and 7). No union is deemed to have been "lawfully constituted" unless it is registered with the Labour Office within 90 working days of its constitution. A copy of the rules drawn up in the form prescribed by law, and a copy of the memorandum of association must be submitted "for examination" (section 8).

The constitutions and rules of employers' and workers' organisations must indicate certain purely formal particulars laid down in section 12 of the Act. Members of the management committee must be Haitian citizens, able to read and write and must have carried on the occupation or belonged to the undertaking for at least one year (section 13). Employers' and workers' organisations are legally represented by a board of management (section 14). They are required to report to the Department of Labour on the activities of the organisation, to maintain registers of membership, account books and minutes of proceedings, to inform the Department of Labour annually of their membership figures, and to maintain a permanent representative for relations with the employers and the Labour Office (section 15).

"The Secretary of State for Labour may suspend the operation of a union for a period not exceeding one month if it appears from a report duly drawn up by the inspectors of the Department of Labour that the union is committing offences against persons or property." Such suspension may not be ordered during a labour dispute (section 16). The Government reports that the amendment of this provision, which is incompatible with Article 4 of the Convention, is contemplated. A two-thirds majority of members at a general meeting is required for voluntary dissolution (section 17).

Sections 21 to 23 guarantee the right to form federations and confederations, which are governed by regulations similar to those for primary organisations (as to constitutions and rules, registration, etc.).

Employers' and workers' organisations registered in accordance with the law possess legal personality (section 9).

Trade unions and federations are forbidden to declare strikes contrary to the provisions of the Labour Disputes Act of 23 October 1947, as amended on 2 March 1948 (section 24). Employers' and workers' organisations not complying with the provisions of the Act of 19 July 1947 are liable to fines in respect of each offence. The competent authority is the Justice of the Peace (section 17).

#### *Honduras.*

Legislative Decree No. 50 of 16 February 1955 : Charter of Labour Guarantees (*L.S.* 1955—Hon. 1).

Legislative Decree No. 101 of 6 June 1955 : Act respecting employers' and workers' associations (*L.S.* 1955—Hon. 2B).

Section 5 of the Charter of Labour Guarantees proclaims the right of employers and workers,

without distinction and without the need for authorisation, to form whatever organisations they may deem necessary with the object of defending and furthering their respective social, economic, cultural and moral interests, together with the right to become members of the appropriate organisation. A minimum membership of more than 30 is required for the establishment of craft unions, works unions or industrial unions, and a minimum membership of more than ten for local unions; employers' organisations may not be formed with a membership of less than five. A local union, i.e. a union of workers in one and the same locality, may be set up only when there are not sufficient workers in a given district to form a craft or works union. Two-thirds of the members must be Honduras nationals, and the members must be over 18 years of age or, provided they have the authorisation of their parents or guardians, over 14 years of age. A record of the constituent meeting, setting forth the names of the provisional management committee, must be drawn up and the committee must take the necessary steps to obtain legal personality. Persons establishing an occupational association may request the advice of the Department of Labour. Employers' and workers' organisations are deemed to be legally established and to have legal personality as from the date on which they are registered at the Department of Labour. To secure registration they have to submit an application in writing accompanied by the record of the constituent meeting and the rules. Organisations are required, if called upon to do so, to produce at any time to the Department of Labour the original minutes of their general meetings and meetings of the management committee. The Department of Labour must effect registration within 30 days from the submission of the documents, unless the constitution or rules are contrary to law. The particulars recorded in the register are the name and address of the organisation, the number of the entry, the date and any remarks that may be called for.

Employers' and workers' organisations have the right to draw up their own constitutions and administrative rules, to elect their representatives, to organise their administration and to formulate their programme of activities.

Employers' and workers' organisations may be dissolved (by decree of a court of law) only when they engage in activities foreign to their lawful aims. The Department of Labour may cancel the registration only when the organisation goes into liquidation or amalgamates with another in accordance with its constitution, or in execution of an absolute order by the competent court for its dissolution.

All organisations are permitted to unite in federations and the federations in confederations. Federations and confederations are entitled to legal personality upon approval of their rules by the Department of Labour. The provisions that apply to recognition of the legal personality of federations and confederations are the same as those mentioned above for primary organisations. Any organisation may withdraw at any time from the federation or confederation to which it is affiliated. No organisation, federation or confederation may become affiliated to an international organisation without previously consulting the Department of Labour. It is

compulsory for employers' and workers' organisations to secure legal personality since only in this way are they deemed to be legally established as from the date of registration with the Department of Labour. The acts of unregistered organisations are null and void.

Freedom of association for any lawful purpose is guaranteed in Honduras, and the only associations deemed unlawful in the Penal Code are those which are contrary to public policy and those formed to commit offences punishable under that Code.

Since the relevant legislation in Honduras is subsequent to the Convention, from which it has taken over a number of provisions, there has been no necessity to effect any modifications. Honduras legislation gives practical effect to the Convention, and the ratification formalities have been initiated.<sup>1</sup>

### *India.*

Constitution.  
Trade Unions Act, 1926.

Section 19 (1) (c) of the Constitution of India guarantees freedom of association to all citizens. In section 19 (4), however, it preserves power for the legislature to impose reasonable restrictions on the exercise of this right in the interests of public order or morality. The Indian Trade Unions Act, 1926, prescribes the conditions which should be fulfilled by a trade union (this term covers organisations of employers also) seeking registration.

Employers and workers have full freedom to organise themselves into unions and federations without previous authorisation. If, however, an organisation wants to be registered and thereby acquire corporate personality and immunity from civil and criminal liability, it has to comply with the requirements of the Indian Trade Unions Act, 1926. No substantive or formal conditions need be fulfilled by workers' and employers' organisations when they are being established, unless they seek registration.

Employers' and workers' organisations are entitled 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 without interference from the public authorities. In the case of registered bodies section 6 of the Trade Unions Act lays down the provisions to be contained in the rules of these bodies. Section 22 of the Act provides that not less than half the total number of officers of a union shall be persons actually engaged or employed in an industry with which the union is connected. Section 15 of the Act specifies the objects on which the general funds of a union may be spent.

In the case of unions of government servants, office-bearers of a recognised union must be members of that union. This restriction does not, however, apply to associations of peons, jamadars, etc., which may be in need of guidance and assistance by educated persons. Civil servants' unions cannot engage in activities of a political nature. The prior permission of the Government has also to be obtained before

the publication of any periodical, magazine or bulletin is undertaken.

Employers' and workers' organisations are not liable to dissolution or suspension by any administrative authority. In the case of registered unions registration may be cancelled or withdrawn under conditions specified in section 10 of the Trade Unions Act. Section 11 of the Act provides for an appeal against the decision of the Registrar of Trade Unions.

There are no laws or regulations restricting the right of employers' and workers' organisations to form federations or to affiliate to similar international organisations. Registered federations are, however, subject to the same regulations as apply to registered unions. In the case of a union of civil servants seeking recognition, prior permission of the Government has to be obtained before the union seeks affiliation to any other union or federation. In the case of defence installations a union seeking affiliation to non-Indian federations is generally not accorded recognition.

The acquisition of legal personality by an association is entirely optional. Associations can be formed and continue to function without their being registered. Several of the all-India bodies of employers and workers are not formally registered but they have been recognised as the spokesmen of the parties concerned for purposes of consultation on labour matters or for representation on tripartite bodies. Registration under the Trade Unions Act, however, confers legal personality on the associations. The conditions to be fulfilled by a registered union are laid down in sections 6, 12, 15, 16, 20, 22, 28 and 31 of the Act.

As stated earlier, the right of association guaranteed by the Constitution of India is subject to such restrictions as may be imposed in the interests of public order or morality. Penal or coercive measures can also be taken by the central and state governments under the Indian Penal Code, the Criminal Procedure Code and the Preventive Detention Act, 1950, against persons trying to disturb law and order. These measures are applicable to all citizens and are not intended, nor have they been used in practice, to interfere with the normal functioning of trade unions.

No modifications have been made in legislation or practice with a view to giving effect to the provisions of the Convention.

The Government of India have not been able to ratify the Convention for the following reasons :

(1) The Government are not sure whether the provisions of the Indian Trade Unions Act, which have to be complied with by registered trade unions, will be construed to be contrary to paragraph 2 of Article 8 of the Convention. Registration is, as pointed out earlier, purely optional, but unless a union is registered, it cannot acquire legal personality, a right guaranteed under Article 7 of the Convention.

(2) In India civil servants are free to organise themselves. But if such unions seek recognition from the Government they have to abide by the conditions laid down for recognition. Further, government servants are bound by the Service Rules and they cannot act in contravention of these Rules even in their capacity as members or office-bearers of an association. In the Government's opinion it is

<sup>1</sup> Ratification has been communicated to the International Labour Office and was registered on 27 January 1956.

not clear whether these restrictions would be interpreted to go against the provisions of the Convention.

(3) India's Second Five-Year Plan contains several recommendations which aim at strengthening the trade union movement. These include reduction in the number of outsiders on the executives of trade unions, prescription of a minimum percentage membership for registration, prescription of a minimum membership fee, provision for statutory inspection of unions, and the laying down of conditions for the recognition of unions for purposes of collective bargaining. These recommendations, if implemented, might be deemed to go against the principles enumerated in the Convention. The matter was considered by the tripartite Committee on Conventions set up by the Government of India to advise them on the action that could be taken on the I.L.O. Conventions and Recommendations. The Committee agreed with the view taken by the Government that consideration of ratification of the Convention should be postponed.

"Trade unions" is a concurrent subject under the Constitution of India and both the central and state governments can take action in respect of the matters covered by the Convention. The Indian Trade Unions Act, 1926, was enacted by the central Government, and the state governments have framed rules under the Act and administer the Act.

#### *Iran.*

Regulations of 3 March 1946 concerning the formation of industrial associations.  
Labour Act, 1949.

Decree of 9 November 1955 to promulgate the Regulations respecting the establishment of occupational associations and occupational federations.

Effect is given to Article 1 of the Convention by section 12 of the Labour Act, in the following terms: "Employers as well as workers belonging to the same trade or occupation or the same undertaking may establish industrial associations for the defence of their occupational interests." The same section makes employers' and workers' organisations subject to the registration formalities in accordance with special regulations.

The Government states that workers' and employers' organisations are entitled 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.

Employers' and workers' organisations are not liable to dissolution or suspension by administrative authority.

According to section 12 of the Labour Act industrial associations in the same trade or occupation may form federations or confederations which are subject to the legal provisions relating to industrial associations and which enjoy the same rights and privileges.

The acquisition of legal personality is not subject to any conditions incompatible with the provisions of Articles 2 to 4 of the Convention.

The general legislation concerning associations and meetings, the laws concerning the safety of the state or a state of siege, and the penal codes do not restrict the free exercise of trade unions rights.

No modifications have been made in the legislation with a view to giving effect to the Convention. According to the Government the provisions of the Convention are in accordance with the national legislation and there are thus no difficulties likely to prevent or delay the ratification of the Convention.

#### *Iraq.*

The Government states that the Council of Ministers has decided not to ratify this Convention, in view of the present state of industrial organisation in the country, and the fact that the legislation is not in accordance with the Convention.

#### *Israel.*

Ottoman Act of Association, No. 121 of 1909.

Press Ordinance, No. 3 of 1933.

Criminal Code Ordinance, No. 74 of 1936.

Defence (Emergency) Regulations, 1945.

The provisions of the Convention are given effect to by applying the general Act of Association, 1909, under which any two or more persons may establish an association if its objects are not contrary to the law of the country. As no law makes trade union objects contrary to the law of the country, the establishment of workers' and employers' organisations is lawful under the Act of Association.

No previous authorisation is needed in establishing or joining an organisation. Admission to an organisation is subject to its rules. The Act of 1909 prohibits admission to membership of persons under 20 years of age and of persons convicted of felonies. In fact, these limitations are obsolete and membership of all trade unions is open to persons of 18 years of age and upwards. Workers under 18 years belong to "working youth organisations" affiliated to the adults' organisations, and they automatically become members at the age of 18 of the adults' union which sponsored the youth organisation to which they belonged.

The authorities must be notified of the fact of establishment of an organisation, its objects, name and headquarters and the names of the members of the executive committee and also of changes in the objects or in the membership of the executive committee. The founders must publish a notice in the press announcing the establishment of the organisation.

Organisations are entitled to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes. They are not liable to suspension or dissolution by administrative authority.

There are no legal limitations on the rights to form and join federations and confederations and to join international organisations. These rights are freely and habitually exercised.

The Act of Association makes it an offence not to inform the authorities of the establishment of an organisation. There are no express provisions as to the acquisition of legal personality by organisations. However, section 8 of the Act contains a provision that any society in respect of which notice has been given as above may be a party to any legal proceedings.

Under the Criminal Code Ordinance, 1936, any association is unlawful which, by its constitution or propaganda or otherwise, advocates, incites and encourages the overthrow of the Constitution of Israel by revolution or sabotage or the overthrow by force or violence of the established Government of Israel or of the government of any other civilised country or of organised governments in general. Under the Press Ordinance, 1933, publication or printing of newspapers, including trade union newspapers, requires a permit from the Ministry of the Interior. If anything published is likely to endanger the peace the Ministry can seize copies of the paper and suspend it, but these powers have never been used in the case of any trade union publication. The Government does not subsidise the ordinary activities of organisations but does subsidise the sick funds of workers' organisations and operations in which the State has joint interest, e.g. vocational training. The Emergency Regulations, 1945, have never been applied to labour relations, according to the Government, except in military zones with respect to prior notification of conferences to be held in public halls.

A recommendation to ratify the Convention is at present before the Government.

### Italy.

Constitution of the Italian Republic (sections 18, 39 and 40).

Legislative Decree No. 205 of 24 April 1945 to prohibit persons responsible for civil and military security from joining trade union organisations.

Civil Code (sections 36 and 2067 to 2081).

Under section 18 of the Constitution "citizens shall have the right to associate freely, without prior permission, for purposes not prohibited to private individuals by penal law". Section 39, which refers more particularly to workers' unions, states that "the right to organise is free". This means that citizens have the right to establish as many associations as they wish, even within a single occupation, without prior permission from the public authorities. The establishment of industrial associations must always be privately sponsored; any publicity, any meeting and, in general, any action to recruit supporters is legally permitted. On the other hand, the authorities are not permitted to oppose the establishment of a workers' union or to prohibit a union from being set up for a given category of workers, except in certain quite exceptional cases (the armed forces, for example). Workers are free to join the unions of their choice or not to belong to any union at all.

Trade union organisations are independent of the State and of each other. In consequence any interference on the part of an organisation or any action calculated to make an organisation dependent upon another is illegal.

The trade unions are free to organise their activities, prepare their constitutions and rules, formulate their programmes and elect their representatives. Provided that they confine their activities to fields appropriate to trade union action they may not be suspended or dissolved by the public authorities.

Trade unions have the right to establish local, national and international federations and confederations.

Registration is not compulsory, but it is necessary before legal personality can be acquired. On the other hand, the Trade Unions Act, which is to lay down the procedure to be followed for the registration of trade unions, has not as yet been promulgated, with the result that the unions have at present no possibility of registering. For the time being, therefore, they are *de facto* organisations without legal personality, legal personality under the Constitution being granted only to registered associations.

Section 17 of the Constitution guarantees all citizens the right of assembly without previous permission. Notice of any meeting held in a public place, however, must be given to the public authorities, which may prohibit it only on valid grounds of public safety.

No legislative measures have been taken and no amendments have been made to national law with a view to giving effect to the Convention. The provisions of the Convention have nevertheless been taken as a basis for an Industrial Relations Bill. The Government is waiting for this legislation to be passed before ratifying the Convention, so that full effect can be given to its provisions as soon as the instrument of ratification has been deposited.

### Japan.

Constitution, November 1946.

Labour Relations Adjustment Law (No. 25/1946).

National Public Service Law (No. 120/1947).

Public Corporation and National Enterprise Labour Relations Law (No. 257/1948).

Trade Union Law (No. 174/1949).

Local Public Service Law (No. 261/1950).

Local Public Enterprise Labour Relations Law (No. 289/1952).

Subversive Acts Prevention Law, 1952.

The Constitution guarantees general freedom of association and also protects the right to organise. The Government comments on the national legislation, as follows: If Part I of the Convention provides simply for "freedom of association" this Convention is completely in force in Japan because all persons in that country are guaranteed the right to organise freely and to decide and carry out free activities and management of the organisation. But if Part I of the Convention means to guarantee "the right to organise" to which a positive protection should be given by the State and no request is made for any qualification against the exercise of such a right some difference might be found between the Convention and the national legislation; most of the provisions of the Convention are nevertheless enforced by law.

Workers and employers, without distinction whatsoever, are generally entitled to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation. Workers representing the interests of employers may not join a workers' organisation. Membership of organisations formed by national and local regular government employees, the employees of public corporations and national enterprises (listed in the report), the employees of local public enterprises (also listed) and workers engaged in local public service is restricted to the categories in question.

In order to gain the protection afforded by legislation, trade unions formed under the Trade Union Law and the Public Corporation and National Enterprise Labour Relations Law are required, as a substantive condition, to be organisations or federations thereof formed by the workers for the main purpose of maintaining and improving conditions of work and raising the economic status of the workers, and, as a formal condition, to include certain items in their constitutions for the purpose of maintaining their democratic nature. Organisations of persons engaged in regular national or local government service are required, in order to be able to negotiate with the authorities concerned, to register with the National Personnel Authority and to include certain items in their constitutions.

Provided that the conditions mentioned in the two preceding paragraphs are fulfilled, workers' and employers' organisations are entitled to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes—with the additional proviso that organisations of government employees or of employees of public corporations and national enterprises may elect as their representatives only persons who are employees in the respective categories.

Workers' and employers' organisations are not dissolved or suspended by administrative authority.

Workers' and employers' organisations generally have the right to establish federations and confederations, having the same guarantees as their constituent organisations, and to join international workers' or employers' organisations. Where a trade union establishes a federation with another trade union, the federation is dealt with as the "trade union" covered by the Trade Union Law. If an organisation of regular national government employees federates with a similar organisation, the federation is dealt with as the organisation of employees under the National Public Service Law. A similar proviso affects local government employees' federations. Trade unions of public corporation or national enterprise employees may federate with similar trade unions; the same rule operates in the case of trade unions of local public enterprise employees.

Acquisition of legal personality by a workers' organisation is optional. To acquire legal personality an organisation of workers in private enterprises or of employees of local public enterprises must fulfil the conditions mentioned earlier in this report and then becomes recognised by the Labour Relations Commission. In the same way trade unions of public corporation and national enterprise employees become recognised by the Minister of Labour, organisations of employees of the national public service become recognised by the National Personnel Authority and organisations of employees of the local public services become recognised by the Personnel Commission of the local public body. Employers' organisations can only acquire legal personality "relating to public interests under the Civil Code".

Article 21 of the Constitution guarantees freedom of assembly and association for the people in general. The Subversive Acts Preven-

tion Law, 1952, determines the measures necessary for dealing with organisations, in the general sense, which use subversive force; it is stipulated that this Act may not be used to restrict or interfere with the fair activities of trade unions and other organisations. Some local public bodies enact public order regulations which regulate meetings and labour demonstrations on public highways from the point of view of public safety. The criminal laws contain no provisions specifically applicable to workers' or employers' organisations solely.

No modifications have been made in national law or practice with a view to giving effect to all or any of the provisions of the Convention, which has not been ratified by the Government because on certain points there may be some discrepancies between the Convention and national legislation, especially with regard to public servants and others assimilated thereto. No modifications are likely for the time being. If the Convention were to be interpreted as not dealing with the position of public servants and similar categories, the possibility of ratification would increase considerably.

#### *Jordan.*

There exists no national legislation covering matters dealt with in the Convention.

#### *Luxembourg.*

Constitution of Luxembourg (sections 11 (5) and 26).  
Act of 11 May 1936 to guarantee freedom of association (L.S. 1936—Lux. 2).

The Convention was approved by the Council of State on 27 June 1956; its approval by the Chamber of Deputies should not therefore give rise to any difficulties and the instrument of ratification will be deposited early in 1957.

The Convention merely confirms the principles already embodied in sections 11 (5) and 26 of the Constitution and the Freedom of Association Act of 11 May 1936. No new legislation will accordingly be necessary before the Convention can be ratified.

#### *New Zealand.*

Trade Unions Act, 1908.  
Incorporated Societies Act, 1908.  
Crimes Act, 1908.  
Friendly Societies Act, 1909.  
Regulations 1950/107 pursuant with Police Force Act, 1947.  
Industrial Conciliation and Arbitration Act, 1954 (L.S. 1954—N.Z. 1).

The Government refers to the information contained in its 1952 report<sup>1</sup>, and adds the information which is summarised below.

Any group of persons may form themselves into a voluntary society for any lawful purpose. There is no law by which they could be prevented from so doing, and there is no law which would enable the Government directly or indirectly to limit or control the membership of such a society; or to cause persons to join it or to refrain joining it; or to determine or influence its objects or rules; or to require or obtain

<sup>1</sup> See Report III, Part II, International Labour Conference, 1953, op. cit., p. 13.

information as to its proceedings or membership ; or to cause it to be discriminated against or placed under penalty of any sort or disbanded.

The Government cannot exercise intervention or discrimination in regard to the membership of industrial unions of employers and workers except by general legislation, mentioned hereunder. As has already been indicated, any group of persons may form themselves into a voluntary society for any lawful purpose. Furthermore, such voluntary society, provided it conforms with the requirements of the particular statute under which it desires to obtain registration, may secure legal status.

However, while registration under the Industrial Conciliation and Arbitration Act, 1954, is voluntary, it is necessary to note that when an industrial union of workers registered under that Act obtains an award of the Court of Arbitration (and the Court would not normally make an award until satisfied that the union membership comprised a majority of the workers in the industry in the district) the terms of the award become binding on all members employed or subsequently employed in the industry in the district. The Act requires that every award shall contain a provision requiring all workers bound by it to become members of the industrial union concerned, except workers who were employed in the industry but were not members of the union when workers in the industry were first bound by an award. Every industrial agreement made pursuant to the Act is of the same effect. The position is, therefore, that once an industry becomes bound by an award (and this happens when a union of workers has voluntarily registered under the Act, has applied for an award, has satisfied the Court that it represents adequately the majority of the workers concerned, and has obtained an award) any person entering employment in that industry must become a member of the particular industrial union concerned. A person who objects to joining a union on religious grounds may, however, be exempted from union membership if he satisfies a Conscientious Objection Committee that his grounds of objection are genuine.

Compulsory membership of a particular industrial union does not apply to employers even though all employers in the industry and district concerned are bound by an award in respect of that industry and district.

Combinations of workers and employers can secure legal entity under three statutes, viz : Trade Unions Act, 1908, Incorporated Societies Act, 1908, Industrial Conciliation and Arbitration Act, 1954.

Before registration may be effected such combination must possess the minimum membership laid down by the particular Act concerned (from three to 15).

The constitutions and rules of such organisations are not subject to control by the public authorities other than such control as is necessary to ensure that they comply with statutory requirements.

While the matters which must be included in the rules of an organisation under the different Acts under which they register are formal, as is seen from the various sections thereof cited in the report, in the case of industrial unions registering under the Industrial Conciliation and Arbitration Act, 1954, the following shall be deemed to be a rule of every union of workers,

whether registered before or after the commencement of this Act, namely :

If the members of the union or of any section thereof are concerned in any dispute and there is a proposal that there shall be a strike, no such strike shall take place until the question whether the strike shall take place has been submitted to a secret ballot of those members of the union who would become parties to the strike if the proposal were carried out. The secret ballot shall be held in the manner prescribed by regulations made under the Industrial Conciliation and Arbitration Act, 1954, or, if there are no such regulations, then either in the manner prescribed by the rules of the union or, where there are no such rules, in such manner as shall ensure the secrecy of the ballot.

The Act contains a similar provision respecting lockouts.

The circumstances under which workers' and employers' organisations are liable to be dissolved or suspended by administrative authority, and the procedure to be followed are detailed in sections 85, 86, 197 and 198 of the Industrial Conciliation and Arbitration Act, 1954.

Voluntary cancellation of registration on application by the organisation concerned is covered by section 85.

Section 86 applies when the Registrar has reasonable cause to believe that a union is defunct.

Under section 197, when a union or association of workers has been convicted of having engaged in an unlawful strike, the Court may order that the registration of the union or association shall be suspended for a period not exceeding two years. The union may not during such period be party to any proceeding under the Act or to an industrial agreement ; the operation of an award or agreement applying to persons who are members of such a union is also suspended. During any such period of suspension no new union or association of workers shall be registered in the same industrial district in respect of the same industry. The union or association against which any such order of suspension is made may appeal to the Court of Arbitration in the same manner as from the judgment or conviction in respect of which the order is made.

Under section 198 the Minister may cancel the registration of any union of employers or of workers which has brought about, or any member or members of which has brought about, wholly or in part, the discontinuance of employment. Upon the cancellation of the registration in respect of any locality of any union registered in respect of any industry all awards and industrial agreements shall be deemed to be cancelled in so far as they relate to that union and to that locality or any part thereof ; and thereafter, until the Minister consents thereto, no other union of employers or workers, as the case may be, shall be registered in respect of that industry and in respect of that locality or any part thereof. Under section 198 there is no procedure for affording the union affected an opportunity of showing cause against the proposed action, but it must be remembered that industrial organisations are well aware of the provisions of this section before embarking on a course of action which makes them liable to have these provisions invoked against them, and that in effect the cancellation of registration of the union in the circumstances is a withdrawal of privileges granted under the Industrial Conciliation and Arbitration Act, 1954, and does not prevent the union carrying on its legitimate activities either



without any form of incorporation, or as a legal entity pursuant to the Trade Unions Act, 1908, or the Incorporated Societies Act, 1908.

The above procedures provide for the withdrawal of privileges, rather than dissolution.

The right to establish and join federations and confederations is not impeded in any way by New Zealand law; in fact, it is expressly facilitated by sections 87 and 88 of the Industrial Conciliation and Arbitration Act, 1954. Any union may be affiliated to any organisation whether or not the latter is registered under this Act.

There is no legal prohibition of membership of any entity even if unregistered, so long as the broad conception of industrial matters is not infringed. (Cf. sections 60, 61, 62 and 65 of the Industrial Conciliation and Arbitration Act, 1954, which deal with the registration of New Zealand and multi-district unions and require the concurrence of the Minister in such registration. See also section 58 of the Act, commonly known as the "anti-multiplicity section", the purpose of which is to avoid confusion and prevent undue jurisdictional conflict between unions.) In fact most industrial unions maintain membership of the New Zealand Federation of Labour, which is regarded as the central organisation of workers in New Zealand. Similarly a number of industrial unions are associated in a Transport Workers' Federation.

Further, no restrictions are placed on affiliation with international organisations of workers and employers. The New Zealand Federation of Labour, which is the most representative national workers' organisation, is, for example, affiliated to the International Confederation of Free Trade Unions. It is not, however, registered under the Industrial Conciliation and Arbitration Act, 1954.

In the opinion of the New Zealand Government, New Zealand law and practice are in general conformity with the Convention, although as has been indicated, there are certain provisions, for example, the compulsory unionism requirements, which may not be in strict accord with the Convention. The Government is however satisfied that the country as a whole would be averse to the removal of such provisions from the statute, and no change in legislation to enable complete conformity with the Convention requirements is therefore contemplated.

#### *Poland.*

The Government states that the Central Council of Trade Unions and the various authorities concerned have considered the possibility of ratifying the Convention and measures have been taken to submit the text to the Council of State in the near future with a view to ratification.

The Government emphasises that there is no legal obstacle to ratification.

#### *Portugal.*

Legislative Decree No. 23049 of 23 September 1933, to lay down the principles to which employers' associations (corporative associations of employers) must conform. (L.S. 1933—Por. 6A).

Legislative Decree No. 23050 of 23 September 1933, to reorganise the national trade unions. (L.S. 1933—Por. 6B).

The principle of freedom of association as defined in the Convention is not applied in

Portugal. The existence of a variety of trade unions is one thing; freedom of association is another. In Portugal, freedom of association is the right of every worker or employer to join or not to join the union or association for his occupation.

Workers' and employers' associations have the right to set up representative organisations without prior authorisation provided such organisations do not already exist. Organisations may be set up at the district or the national level.

The rules must be approved by the competent authority.

The organisations may draw up their constitutions and rules, and their leaders are elected by the members, who freely administer their organisations. Nevertheless, there is an administrative inspection service (inspection of corporative bodies) which audits the books. The organisations may formulate their programmes and are at times assisted in this regard by specialists in matters of social action.

Sections 10, 20 and 21 of Legislative Decree No. 23050 lay down the conditions under which national trade unions may be dissolved. These provisions also apply to employers' associations under Legislative Decree No. 24715 of 3 December 1934. The competent authorities may dissolve and withdraw approval of the rules of any association or union which deviates from the purposes for which it was established, fails to comply with its rules, or fails to furnish the Portuguese Government or public bodies with information which it has been requested to give concerning matters within its competence. Approval of the rules may also be withdrawn when the union or association fails to fulfil properly the duties imposed upon it, promotes or assists strikes, or contravenes the provisions of corporative legislation.

Employers' associations and trade unions may establish federations. Subject to authorisation from the competent authorities they may join international organisations.

Corporative organisations have legal personality (sections 13 and 14 of Legislative Decree No. 23050).

Decree No. 23870 of 18 May 1934 prohibits strikes and lockouts and lays down penalties for such offences. The wrongful occupation of premises, sabotage, or failure to abide by collective agreements also render an offender liable to a fine.

It is not possible to ratify the Convention.

#### *Spain.*

Act of 6 December 1940 to lay down basic rules for trade union organisation.

Regulations of 22 March 1947.

The right of Spanish workers and employers to organise in occupational associations is given fundamental recognition in the Act of 6 December 1940, rules for the implementation of which, together with the method of free election to representative office, are laid down in the Regulations of 22 March 1947.

On these unions devolves the task of representing not only the workers but also the employers within their particular territorial or industrial field.

The trade union bodies at the various levels are formed in such a way as to reflect the economic and social circumstances in each sector.



There are more than 200,000 elective offices, and more than 10 million workers cast their votes in elections to these offices without distinction whatsoever.

Other elected officials are the members of the boards of directors of workers' mutual societies and the members of works committees, the establishment of which is compulsory in concerns having more than 500 employees.

Section 4 of the Act of 6 December 1940 guarantees without any distinction or discrimination whatsoever the right of employers and workers to form occupational organisations.

A condition for the organisation and existence of such organisations is that there must be industrial and labour interests in the territory in which they are established and in which they carry on their activities in the occupational field. Workers and employers are organised in the trade unions in "social" and "economic" sections respectively.

Trade unions draw up their own constitutions and rules; they possess corporate status and are entered in an official register (section 5 of the Act of 6 December 1940 to lay down basic rules for trade union organisation).

There is nothing in the law concerning suspension or dissolution of the trade unions by administrative authority, or any other type of dissolution.

The unions of workers and employers are organised in provincial federations and national confederations, and their respective leaders are selected on a hierarchical basis.

The only condition imposed on trade unions for the acquisition of legal personality is registration in the official register.

The Government states that there are no penal provisions which may be used against occupational organisations except those laid down in the provisions of the 1944 Penal Code.

As the Convention was adopted while Spain was not a Member of the I.L.O., no measures have been taken to modify the existing legislation.

#### *Sudan.*

Transitional Constitution of the Republic of the Sudan.  
Trade Unions Ordinance, 1948.

Under article 5 (2) of the Constitution all persons have the right of free association and combination subject to the law.

In the Trade Unions Ordinance, 1948, a trade union is defined as any combination, whether temporary or permanent, the principal purposes of which are, under its constitution, the realisation of its objects and the regulation of the relations between workmen and employers, or between workmen and workmen, or between employers and employers, and notwithstanding that such combination might but for this Ordinance have been unlawful by reason of any of its purposes being in restraint of trade.

Workers and employers are entitled to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation. Members of the armed services and police, prison officers and wardens of the Government do not have this right.

Every trade union must apply for registration within two months of its formation. Application

is to be made by ten or more members to the Trade Union Registrar, by forwarding the rules duly signed. The Registrar must publish the application. After three months he must consider any objections brought to his notice. If there are no valid objections to the application and the Registrar is satisfied that the applicants have been authorised to apply for registration, the Registrar must register the union. He must refuse registration if the name of the union is the same as one already registered or if the name contains words which are misleading or refer to persons, practices or institutions or is otherwise unsuitable or if a union is already registered which is sufficiently representative of the interests in respect of which the application to register is made. Any person aggrieved by a refusal to register may appeal to a judge of the High Court for a final order. On registration a certificate is issued which is conclusive evidence that the requirements of the Trade Union Ordinance with respect to registration have been complied with.

Organisations are free to draw up their constitutions and rules, provided that these conform to the law of the land, to elect their representatives, to organise their administration and activities and to formulate their programme in order to achieve maximum benefit for their members.

The Registrar may cancel the registration of an organisation on proof that it was obtained by fraud or mistake, that the objects of the organisation are unlawful or that it has voluntarily violated a provision of the Ordinance or that it has ceased to exist. The Registrar must give the organisation two months' notice of his intention. From the time of cancellation of registration a trade union ceases to enjoy the privileges of a registered trade union. An appeal lies to the High Court against cancellation of registration.

Registered trade unions may amalgamate with the consent of two-thirds of the members of each trade union and they may join federations whose objects are the promotion of the interests of trade unions or trade unionists. Affiliated trade unions have the right to dissolve these federations. Registered trade unions whose members include employees of public services shall not federate or take joint action with a political organisation.

Trade unions have legal personality; federations and confederations have not, but will have it when new legislation, now under consideration, is promulgated.

In conformity with section 228 of the Penal Code it is a punishable offence for three or more employees engaged in work connected with public health or safety or with a service of public utility to begin a strike without giving 15 days' notice, with the intention or effect of interfering with the performance of any general service connected with public health, safety or utility to such extent as to cause injury or damage or grave inconvenience to the community.

#### *Switzerland.*

Federal Constitution.

Federal Factory Act, 1914.

Federal Act of 30 June 1927 respecting the conditions of service of federal employees (*L.S.* 1927—Switz. 2).

Federal Resolution of 23 June 1943 respecting the declaration of collective contracts of employment as generally binding (*L.S.* 1943—Switz. 2).

Federal Act of 1949 respecting the Federal Conciliation Board in collective industrial disputes (*L.S.* 1949—Switz. 1).

Civil Code.

Penal Code.

The Government refers to its previous report for details of the extent to which the Convention is applied in Switzerland.<sup>1</sup> It stresses, however, that all workers and employers without distinction have the right to establish the organisations of their choice, without previous authorisation, provided that the exercise of this right is compatible with section 56 of the Constitution, which reads: "Citizens shall 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 measures necessary for the elimination of abuses shall be regulated by cantonal law."

The substantive and formal requirements for the constitution of industrial associations are to be found in Title II, Chapter II, of the Civil Code, and especially in sections 60-63. These sections provide for an association to acquire legal personality as soon as it has stated in its constitution that it intends to be organised on a corporate basis. The constitution must be prepared in writing and contain the necessary clauses on the purposes, resources and organisation of the association. Once its constitution has been adopted and its officers have been appointed, the association may have its name entered in the commercial register. The constitution of the association may not run counter to any explicit provision of the law.

Employers' and workers' organisations have the right to draw up their constitutions and rules, elect their representatives in full freedom, organise their administration and activities and formulate their programmes.

Employers' and workers' organisations are not subject to dissolution or suspension by administrative decision; only a magistrate is empowered to order the dissolution of an association, and then only if the purposes of the association are unlawful or contrary to public morals (section 78 of the Civil Code).

Federations and confederations of employers' and workers' organisations may be set up on the same legal basis as primary associations, and enjoy the same constitutional and legal guarantees.

The rules governing the acquisition of legal personality by employers' and workers' organisations are contained in sections 60 to 63 of the Civil Code.

Among the general provisions which might possibly apply to industrial associations, the report mentions, in addition to the Constitution and the Civil Code, the provisions of Title IX of the Penal Code and some of the provisions of Title XIII, which are respectively concerned with crimes and offences against public communications and crimes and offences against the State and the national system of defence.

The Swiss Confederation and several of the cantons have issued legislation prohibiting public employees from resorting to strikes or from belonging to an association which provides for or utilises strikes by public employees or which

otherwise pursues objectives or uses means which are unlawful or dangerous to the State (section 13 of the Act of 30 June 1927 respecting the conditions of service of federal employees).

The report states that, in application of section 30 of the Federal Factory Act, the cantons have set up conciliation boards for use in the event of collective disputes. The Confederation has taken similar action to resolve disputes that extend beyond the limits of a single canton. The report also mentions a federal resolution of 23 June 1943 whereby collective contracts of employment may be declared generally binding.

The Government draws attention to the fact that Parliament is now discussing a federal Bill on collective agreements and the extension of their scope by administrative decision (mentioned in its previous report). It adds that the Labour Bill, also mentioned in its previous report, is to be given a second reading.

The Government also refers to its request to the I.L.O. for information on the scope of certain provisions of the Convention.

In conclusion the Government states that any action in connection with the Convention could be taken only by the federal authorities.

### *Turkey.*

Constitution of 20 April 1924.

Labour Act (*L.S.* 1936—Tur. 2) amended by Act No. 5518, 1950 (*L.S.* 1952—Tur. 1B), Decree No. 3/14984 of 29 April 1952 and Act No. 6298, 1954 (*L.S.* 1954—Tur. 1).

Public Assemblies Act, 1909.

Civil Code, Act No. 743, 1926.

Associations Act, No. 3512, 1938, amended by Act No. 4919, 1946 and Act No. 5927, 1952.

Trade Unions Act, No. 5018, 1947 (*L.S.* 1947—Tur. 1).

Act No. 5844, 1951, amending the Penal Code.

Journalists Act, No. 5953, 1952.

Maritime Labour Act, No. 6379, 1954.

Article 70 of the Constitution declares the right to associate to be part of the rights and liberties of the Turkish people. Although article 79 states that the limits imposed on freedom of association shall be determined by law, article 103 lays down that no law may contain provisions in derogation of constitutional rights. Neither the Constitution nor the law contains any provisions making distinction on the grounds of race, religion or sex. The legislation includes no provision making distinction on the ground of nationality. The only distinctions made by law are the following. Persons forming or joining organisations must be entitled to civil rights and must have attained the age of 18 years. (This provision, contained in the Associations Act, applies also to employers' associations and trade unions because section 1 of the Trade Unions Act provides that "in cases where this Act is not explicit the provisions of the Associations Act ... shall apply".) No person who is not a worker or an employer as defined in section 1 of the Labour Act may become a member of a workers' or employers' trade union. In this Act "worker" is defined as "any person doing manual work or work which is partly manual and partly non-manual under a contract of service in an undertaking belonging to another person"; "employer" as "any person who in his undertaking employs another person under a contract of service for manual work or work which is partly manual and

<sup>1</sup> See Report III, Part II, International Labour Conference, 1953, op. cit., pp. 14-15.

partly non-manual". But a person satisfying that definition can join a union whether or not the kind of undertaking in which he is employed is covered by the Labour Act. Hence, agricultural workers, whose occupation is not covered by the Labour Act, form trade unions under the Trade Unions Act. Similarly, seafarers form trade unions under that Act, although their occupation is governed by the Maritime Labour Law. Purely intellectual workers may form organisations under the Associations Act and the Civil Code, but not trade unions under the Trade Unions Act—but journalists in private employment may form trade unions by virtue of the Journalists Act. Section 12 of the Associations Act provides that those in receipt of salaries or wages paid by the State, local administrations and municipalities or institutions attached to the State may not form associations relating to the nature and title of the occupation in which they are employed. This section is deemed to apply only to purely intellectual workers, that is public employees whose status depends on public law and not on contract of employment. Owners of small businesses (handicrafts, etc.) and persons employed by them cannot form "trade unions", but may form associations under the Constitution and special laws to protect their interests.

Membership of any one trade union is limited to the same branch of activity or to types of work belonging to the same branch. But two or more trade unions can be formed in a single branch and an employee who is employed on different types of work may join one or more trade unions corresponding to the said types of work.

Organisation is voluntary. No person is obliged to join or to refrain from joining a trade union or to withdraw or to refrain from withdrawing from a trade union. No contract or rules of employment may contain any clause to the contrary.

Freedom of association is not subject to prior authorisation. Both associations under the Associations Act and trade unions are bodies corporate.

The main statute of every association or trade union must include certain particulars (name, headquarters, particulars of founding members, objects and accounting rules of the organisation, powers and duties of general meetings, etc.). On the first working day after its formation the organisation must submit to the highest administrative authority of the locality in which it is organised a declaration with two copies of its statute attached. (In the case of a trade union the governor of the province in which it is formed must send a copy of these documents to the Ministry of Labour.) Within a further two weeks the organisation must publish in the press its name, headquarters, area of activities, statute and the full names, professions or occupations and domicile of the members of its executive. It is then free to carry on its activities.

All organisations must maintain a register of members, showing their dates of joining and the dues to be paid, a register of decisions taken by the executive committee, a register of correspondence, a register of income and expenditure and a balance sheet and final accounts.

The Civil Code and the Associations Act provide for the various organs of an organisation and their functions. For example there must be a committee of management, which must

submit annual accounts to a general meeting; members must be convened to general meetings, which must be advertised in the press, and the Government must be notified of them; only items on the agenda may be discussed by the general meeting, but an item must be included if required by a vote of one-twentieth of those present; a decision to dissolve the association requires a two-thirds vote of the members and the Government must be informed. A trade union must not employ its funds for objects not mentioned in the Trade Unions Act or in its rules. Having complied with these requirements, the organisation is free to draw up its constitution and rules, to elect its representatives in full freedom, to organise its administration and activities and to formulate its programmes.

Employers' or workers' organisations may not be suspended or dissolved by public administrative authorities. If it contravenes the Trade Unions Act or the Associations Act, an organisation may be suspended or dissolved only by order of the court. Legislation provides for the automatic dissolution of any association which is insolvent or when the administration cannot be constituted in conformity with its rules.

Federations or confederations are subject to the Associations Act and to the Trade Union Act in the same way as their constituent organisations. The right to federate is subject to the consent of two-thirds of the members of each constituent union. No single union may contribute more than T£120 a year to a federation (this sum is the same as the maximum contribution which may be paid annually by an individual member to his organisation). In practice the funds of federations are increased by the fact that members of unions may pay additional dues to the federation.

Employers' or workers' organisations or federations or confederations may affiliate to a corresponding international organisation with the consent of the Council of Ministers.

Associations formed under the Associations Act by section 1 acquire the status of corporate bodies by "announcing in their rules their desire to form associations", but the Act does not contain express provision making corporate status compulsory. Section 4 of the Trade Unions Act bestows corporate status on employers' associations and trade unions registered under that Act.

Trade unions may not, as such, engage in politics or political activities or act as an instrument for the activities of any political organisation.

Trade unions are liable to supervision by the Ministry of Labour. They are also liable to inspection and investigation in accordance with sections 28 to 32 of the Associations Act (transactions, registers and accounts may be inspected at any time by the local government; police may enter premises at any time upon an order signed by the highest local administrative authority; implementation of a decision of dissolution is carried out under government supervision; labour inspectors may attend meetings). The Government states that in practice inspection is carried out only where there has been complaint of irregularities and that labour inspectors attend general meetings usually only when requested by the union itself. Private meetings are not subject to prior authorisation.

Under the Public Assemblies Act, 1909, an organisation wishing to hold a public meeting does not require prior authorisation but must give notice of the date, time and place of the meeting. In an emergency, under the Constitution the Council of Ministers may proclaim partial or general martial law not exceeding one month on condition that this measure is submitted without delay to the Grand National Assembly for approval. Martial law implies temporary restriction or suspension, *inter alia*, of the right of assembling and associating.

By virtue of the 1951 amendment to the Penal Code, persons professing subversive political opinions forfeit the right of association.

The legislation governing the formation of associations or trade unions applies equally to workplaces operated by the armed forces and the police, provided that employees in such undertakings fall within the definition of the term "employee". But the members of the armed forces and the police are not covered by the Acts mentioned.

The Government states that the most important change which has been made in legislation has been the repeal of the provision of the Associations Act which prohibited the formation of associations based on class of working people. This amendment made possible the introduction of the Trade Unions Act, 1947.

Other amendments to the Associations Act have exempted federations of associations from the obligation to register and to obtain an authorisation before commencing activities.

As to discrepancies which are apparent between the Convention and national legislation, the Government refers to the facts, mentioned above, that participation in federations (or confederations) requires the consent of two-thirds of the members of each constituent organisation, that no member may contribute more than T£120 a year to his organisation and that no organisation may contribute more than T£120 a year to its federation.

The Government intends to adopt measures as soon as possible to give full effect to some of the provisions of the Convention not yet covered by national legislation.

#### Ukraine.

Constitution.

Labour Code.

The report states that the right of association is guaranteed in the Ukraine, *inter alia*, by the Constitution and the Labour Code. Section 106 of the Constitution accords workers the right to join together in social organisations, including trade unions. Every worker, without distinction as to sex (section 102 of the Constitution), race or nationality (section 103), is free to join a union.

Part XV of the Labour Code provides for trade unions to be established and organised in full freedom. Such unions are not subject to any form of registration by the government authorities.

The Soviet trade unions, according to their rules, are voluntary associations of manual and non-manual workers of all occupations, without distinction as to race, nationality, sex or religious conviction.

The trade union movement is also open to the students of technical and vocational schools and higher educational establishments.

Section 106 of the Constitution accords the heads of undertakings, like all other citizens, the right to constitute associations. The present régime, however, makes it unnecessary to found any special organisations to defend the interests of the heads of undertakings. Where such persons establish organisations, they generally do so for the exchange of technical information and in order to benefit from each other's experience.

The workers' trade union organisations are free to draft their constitutions and rules, organise their activities, formulate their programmes and elect their representatives without any intervention or supervision on the part of government authorities. The right of free election of trade union officers is guaranteed by section 105 of the Constitution, which also safeguards the freedom of speech, the freedom of the press, the right of assembly and the right to organise public demonstrations.

There are no legislative provisions to permit the dissolution or suspension of trade unions by administrative authority.

The managements of industrial, agricultural and other undertakings are not permitted to interfere in the work of the trade unions or in the execution of the decisions of trade union bodies.

The Constitution does not prohibit the trade unions from forming federations or from joining international trade union organisations.

Under the present system there is in practice one trade union for each industry. Similarly, all the workers in a given undertaking, whether manual or non-manual, belong to the same union. There are at present in the Ukraine 43 trade unions, covering the workers of all industries. Within these unions there are various levels of authority (republic, region, district, etc.), each with a council or committee elected by the appropriate congress.

These councils and committees have legal personality, which is implicitly recognised by the Labour Code, section 154 of which empowers the trade unions to own and control property, conclude agreements and engage in business transactions. In this connection the higher trade union bodies are liable in respect of the obligations of the bodies at lower levels only if they (the higher bodies) have themselves assumed such responsibility.

In conclusion the Government states that the legislation in force establishes more favourable conditions than those laid down in the Convention and that there is therefore no need to amend existing legislation or enact new legislation as a result of the ratification of the Convention by the Praesidium of the Supreme Soviet of the Ukrainian S.S.R.<sup>1</sup>

#### Union of South Africa.

Industrial Conciliation Act, No. 36 of 1937 (*L.S.* 1937—S.A. 3).

Suppression of Communism Act, No. 44 of 1950, as amended by Act No. 50 of 1951.

<sup>1</sup> This ratification was registered on 14 September 1956.

Native Labour (Settlement of Disputes) Act, No. 48 of 1953.

Riotous Assemblies Act, No. 17 of 1956.

Employers and workers have always been free to form organisations and no special provisions exist in this respect. Subsequent recognition for purposes of statutory collective bargaining can only be granted to those organisations which comply with the conditions prescribed by the Industrial Conciliation Act of 1937. This Act deals with the status of trade unions and employers' organisations. It is to be replaced by a new Industrial Conciliation Act which has been adopted by Parliament but not yet promulgated.<sup>1</sup> The Government states that the information given in the report is valid both for the Act of 1937 and the new Act.

The Government states that workers and employers, without distinction whatsoever, are entitled to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation. The establishment of such organisations is not regulated by law.

Workers' and employers' organisations are entitled 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. It is pointed out, however, that any organisation of workers or employers which wishes to obtain registration under the Industrial Conciliation Act and thus obtain the corporate status and other rights provided for in that Act must comply with the requirements of the Act in regard to constitution, etc.

No power of dissolution or suspension is exercised by administrative authority.

No control whatsoever is exercised over federations and confederations or over the international affiliations of employers' and workers' organisations.

Employers' and workers' organisations automatically become corporate bodies upon registration under the Industrial Conciliation Act and lose that status if registration is cancelled.

In exercising their rights registered employers' and workers' organisations must comply with the relevant provisions of the Industrial Conciliation Act and they are also subject, in company with unregistered organisations, to any appropriate provisions of the Suppression of Communism Act, as amended, and of the Riotous Assemblies Act of 1956. The latter Act is a consolidating measure and contains no new provisions.

No modifications have been made in national legislation or practice with a view to giving effect to all or some of the provisions of the Convention. Although workers and employers have full freedom to organise their own organisations, the Government does not consider itself free to ratify the Convention because the right of such organisations to statutory recognition is limited by the provisions of the Industrial Conciliation Act and the rather complex pattern of industrial relations in South Africa does not permit at present of any change in this position. It is not intended for the moment to adopt any measures to give effect to those provisions of the Convention not yet covered by national legislation or practice.

<sup>1</sup> The new Act was assented to on 7 May 1956.

## U.S.S.R.

Constitution of the U.S.S.R.

Constitutions and Labour Codes of the Soviet Socialist Republics.

Penal Code of the R.S.F.S.R.

The Government states that freedom of association is guaranteed by law, and more particularly by section 126 of the Soviet Constitution, and by the Constitutions and Labour Codes of the Union republics. It is, furthermore, respected in practice. Social organisations including professional organisations, can be freely established without previous authorisation (section 152 of the Labour Code of the R.S.F.S.R. and the corresponding sections of the labour codes of the union republics). All workers are at liberty to join them, without distinction as to race, nationality, sex or religious conviction. No form of registration is required.

No limitation is placed by law on the right of association of heads of undertakings. Since there is no private enterprise in the Soviet system, there can be no associations of employers within the meaning of the term in other countries. On the other hand, the heads of socialist undertakings have formed a number of associations for the purpose of exchanging scientific and technical experience, discussing administrative and managerial problems, the organisation of work, etc.

The trade unions are free to draft their constitutions and rules without the intervention of the government authorities. They are also free to formulate their programmes of work and elect their administrative organs and representatives without government control.

The law prohibits any interference in the work of trade union organisations. Section 161 of the Labour Code of the R.S.F.S.R. and the corresponding sections of the labour codes of the other union republics lay down that the managements of undertakings must not interfere in the work of trade union bodies. Infringements of trade union rights involve criminal liability. Section 167 of the Labour Code of the R.S.F.S.R. states that any breach of the rules contained in Chapter XV of the Labour Code (which refers to the trade unions) is punishable under section 135 of the Penal Code issued in 1926.

There are no statutory provisions relating to the suspension or dissolution of trade union organisations. Such matters are wholly within the competence of the organisations themselves and the public authorities have no power to take any decision to dissolve or suspend a union.

The trade unions are free to set up federations and to join international trade union organisations.

There is no obstacle in law to the constitution of federations uniting workers of different types or occupations. In practice, however, each union corresponds to a given industry. Similarly, within a given undertaking, the workers, whether manual or non-manual, belong to a given union. Each union has various levels of authority (city, district, area, territory and republic). The highest authority, covering all the unions, is the Congress of Trade Unions, which meets at least once every four years. Its secretariat is constituted by the Central Council of Trade Unions, which is elected by secret ballot during the regular congresses.

The organisations grouping the trade unions enjoy the same rights and guarantees in respect of their establishment, operation and dissolution as the trade unions themselves.

The acquisition of legal personality by professional organisations is a matter for the trade unions themselves, which decide what bodies are to enjoy such personality.

The freedom of the trade union press and the right of assembly are guaranteed by section 125 of the Constitution, which applies to all citizens ; the same section also makes provision for freedom of speech, freedom of the press and the right to hold meetings and organise public demonstrations and street processions.

The Government states that Soviet law and practice afford the trade unions more favourable conditions of existence, operation and independence than those prescribed by the Convention. It adds that the provisions laid down in the Convention were put into effect in the Soviet Union long before their adoption by the I.L.O. It therefore considers that there is no need for any amendment to its legislation, which meets and even surpasses the standards set by the Convention.<sup>1</sup>

In conclusion the Government states that, as a result of the structure and philosophy of the régime, the workers, and hence the unions, play an active part in all aspects of the country's economic, social and cultural life. Evidence of this participation can be seen in their association in the drafting and subsequent enforcement of labour legislation.

The enforcement of the provisions relating to the matters covered in the Convention is the responsibility of the federal authorities of the U.S.S.R. and the authorities of the constituent republics, each within their respective fields of competence.

#### *United States.*

Constitution (1st, 5th and 14th Amendments).

In addition to the information given in its present report, the Government refers to the report it submitted in 1953.

In its 1953 report the Government indicated that the Constitution of the United States does not specifically mention "freedom of association" among the rights guaranteed against governmental interference. However, the First and Fifth Amendments, in part, lay pertinent restraints upon federal action, in the following words :

*Amendment I* : "Congress shall make no law ... abridging the freedom of speech ..., or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

*Amendment V* : "No person shall be ... deprived of life, liberty or property, without due process of law ; ..."

The present report adds the following information :

The right to form and join voluntary associations, and the right of such associations to exist, are protected by the right of liberty of contract as guaranteed against infringement by the federal Government and the governments of the

several states by the due process clauses of the Fifth and Fourteenth Amendments, subject to the limitations that the purposes of such associations and the means used for securing them are lawful, and to the constituent state sovereign policy power and its federal equivalent. The courts have recognised that the right to form a labour union is a fundamental right existing prior to and independent of statute and is constitutionally protected. The rights to organise a union and to solicit union memberships are protected as constituting exercise of the rights of freedom of speech and of assembly and of life, liberty, due process of law to acquire and protect property. The right to quit work in concert, as well as to picket peacefully, is protected as an exercise of the rights of free speech and assembly.

According to the earlier report the administration of the internal affairs of worker and employer organisations may be regulated by the federal Government and the governments of the several states within their respective jurisdictions. Such regulations, however, cannot contravene the freedoms protected by the First, Fifth and Fourteenth Amendments of the United States Constitution.

Workers and employers have the right to draw up the constitution and rules governing their respective organisations. Usually such organisations are unincorporated (voluntary) associations having no legal existence or rights apart from the individual members and their rights unless such status has been conferred by statute. The constitution and rules of an unincorporated association are merely contractual matters between the members. If such an organisation wishes to incorporate it must comply with the statute law of the state of incorporation and its charter and by-laws must conform to the applicable legislation.

While worker and employer organisations have the right to elect their representatives in full freedom in accordance with the organisation's constitution and rules, certain classes of individuals, such as felons, aliens, government officials, may be prohibited by law from being eligible to serve in that capacity.

Any intrusion by the federal or state governments into the organisation's meetings and deliberations held to administer their affairs or formulate their programmes would be a violation of rights guaranteed by the First and Fourteenth Amendments.

The guarantees of the First, Fifth and Fourteenth Amendments of the United States Constitution which protect the establishment, joining and administration of an organisation's affairs, also protect the organisation from arbitrary dissolution or suspension of its activities.

When workers' and employers' organisations are organised as unincorporated associations, they are not legal entities and have no rights separate and apart from the right of the individual members. Unincorporated associations, in some states, have been recognised as legal entities for certain purposes which may or may not include the recognition of the organisations, having the rights covered in Article 5 of the Convention. If such organisations are incorporated as legal entities having rights their activities are subject to state legislation governing corporations. The internal affairs of federal-

<sup>1</sup> The ratification of this Convention was registered on 10 August 1956.



tions and confederations are protected from governmental intervention in the same manner as the other organisations.

Because of the nature of the protection afforded by the United States Constitution to the freedoms outlined in articles 2, 3 and 4, acquisition of legal personality by workers' or employers' organisations could not be made subject to conditions which would restrict such freedoms.

Further, it has been held by the Supreme Court of one of the states that a state statute making incorporation a prerequisite to the functioning of a labour organisation was in violation of the Fourteenth Amendment of the United States Constitution.

The present report reaffirms that the Government may not, by legislation, compel labour unions to function only in a form prescribed by the law, i.e. it may not compel them to abandon the form of a voluntary association.

The 1953 report stated that the nature of the protection afforded by the First, Fifth and Fourteenth Amendments from governmental interference, whether by the Federal Government or the governments of the several states, precludes the law of the land from impairing or being applied so as to impair the guarantees outlined in the Convention.

The present report points out that membership in a voluntary association cannot be the basis for a denial of civil rights and the rights of citizenship unless such membership and activities in connection therewith constitute a clear and present danger.

In its 1953 report the Government stated that, in its opinion, the nature, mission and discipline of the armed forces are incompatible with the functioning of the types of organisations to be protected by the Convention; members of the armed forces do not have the unlimited right to establish or join organisations of their own choosing without previous authorisation, the First, Fifth and Fourteenth Amendments of the Constitution not being applicable.

The question of permitting the members of the various police forces of state and local governments to establish and join organisations is left to the determination of the several states and various local governmental agencies, the Fourteenth Amendment not being applicable. The practice in this regard is not uniform, some local governments allowing organisation, others limited organisation, and some prohibiting such organisation entirely under penalty of discharge from the service.

The Government considers that the First, Fifth and Fourteenth Amendments of the United States Constitution fulfil the obligation laid down in Article 11 of the Convention regarding the requirement of "all necessary and appropriate measures to insure that workers and employers may exercise freely the right to organise".

The courts of the United States and of the several states are the authorities, within their proper respective jurisdictions, which supervise the application of the First, Fifth and Fourteenth Amendments of the United States Constitution. Organisations of workers and employers are not called upon to co-operate in this application, though they may, if not parties before the court, be allowed to appear as *amicus curiae*.

No modifications have been made in national law or practice with a view to giving effect to all or any of the provisions of the Convention.

The Convention is regarded by the Government as appropriate under the constitutional system for federal action.

The Convention was submitted to the Senate for its advice and consent to ratification on 27 August 1949, and copies were sent to the Governors of the several states. The present report adds that the Government at that time understood the Convention to place upon ratifying governments the obligation to protect workers and employers from government interference only.

#### *Viet-Nam.*

Ordinance No. 10 of 6 August 1950 regulating the constitution of associations.

Ordinance No. 23 of 16 November 1952 regulating the constitution of unions.

Order No. 811 of 31 December 1952 regulating the application of Ordinance No. 23.

Ordinance No. 37 of 8 November 1954 amending Ordinance No. 23.

Workers and employers, without distinction whatsoever, have the right to form and join organisations of their own choosing without previous authorisation, on condition that five copies of the constitution and rules are deposited according to law within one month of the formation of the organisation, and an acknowledgement of receipt thereof is obtained from the administrative authorities. Minors under 18 years may not belong to a union; a person between 18 and 21 years may join if there is no opposition from his father, mother or guardian; a married woman may belong to a union if there is no opposition from her husband. The deposit must be made by a founder or person responsible for administration of the organisation. To be competent to take part in such administration a person must (1) be a citizen of Viet-Nam or a native of the French Union, (2) be a member of the union, (3) have followed for at least three years, in Viet-Nam, the trade catered for by the union, or a related trade, (4) be in full possession of his civic and political rights, (5) not be subject to a criminal sentence which has not expired or been the subject of an amnesty.

If the territorial scope of a proposed union is limited to the administrative region in which it has its headquarters and its headquarters and its founders and managers conform to the above requirements and its constitution and rules comply with the law, the head of the regional administration signs the acknowledgement of the deposit of the constitution and rules. Where the scope of the union covers more than one administrative region the acknowledgement is signed by the Minister of the Interior. If any of the provisions mentioned in this paragraph are not satisfied the acknowledgement will not be given until there is compliance. The acknowledgement results in the organisation's having legal personality.

An occupational organisation may be formed only by persons engaged in the same occupation or trade or in related trades engaged in the same production process. A person must have followed his trade for at least 12 months in order to have the right to join the appropriate union



and this right continues for 12 months after he leaves the trade; he may remain a member permanently after leaving a trade which he has followed for at least three years. A member is free to withdraw from membership at any time.

Exclusive objects of occupational organisations are the study and defence of the occupational, industrial, commercial, agricultural or liberal professional interests in question and their representation before the public authorities. Political or religious objects are prohibited.

The constitution and rules must contain provisions dealing with certain matters—especially the name and headquarters, objects and territorial scope of the union, provisions concerning joining and leaving the union and contributions, organisation and powers of the executive committee, particulars of the founders and executive members, convocation and holding of general meetings, mandate of executive members (not more than two years, but renewable) and certain other matters. Subject to the foregoing, organisations have the right to draw up their constitutions and rules, to elect their representatives freely, to organise their administra-

tion and activities and to formulate their programmes.

In the event of contravention of legal provisions organisations can be dissolved, but only by the competent court. Since the promulgation of the trade union legislation in 1952 there has been no case of dissolution by a court of law.

Organisations are free to form federations and confederations, enjoying the same guarantees as the constituent organisations, and to affiliate to international organisations.

Trade unions and employers' associations automatically acquire corporate status when they deposit their rules and receive acknowledgement of such deposit.

The Government considers that the only conflict between the Convention and national legislation arises from the formality of deposit of the constitution and rules and of obtaining an acknowledgement that the deposit has been duly made. But, in the present circumstances the local administrative authorities must assist the trade unions in establishing their rules in the manner prescribed by the legislation in order to avoid a subsequent and retroactive annulment by the courts.

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## Communication of Copies of the Reports to Representative Organisations

*(Article 23, paragraph 2, of the Constitution)*

The Governments of the following States have indicated that copies of the reports supplied have been communicated to the representative organisations of employers and workers :

Argentina	Greece	New Zealand
Austria	Guatemala	Norway
Belgium	Haiti	Pakistan
Canada	Honduras	Philippines
Ceylon	Iceland	Portugal
Chile	India	Sudan
Costa Rica	Iran	Sweden
Cuba	Ireland	Switzerland
Denmark	Israel	Tunisia
Dominican Republic	Italy	Turkey
Egypt	Japan	Union of South Africa
Finland	Luxembourg	United Kingdom
France	Mexico	United States
Federal Republic of Germany		Viet-Nam

The Governments of Bulgaria, Poland and Spain stated, in regard to the reports which they have supplied, that these reports have been submitted to the central councils of trade unions of their respective countries.

The Governments of Byelorussia, Ukraine and U.S.S.R. stated that copies of the reports which they have supplied have been communicated to the central councils 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**

**FORTIETH SESSION**  
**GENEVA, 1957**

**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, 1957**

**Price : 10 cents ; 6d.**



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## Introduction

Article 19 of the Constitution of the International Labour Organisation prescribes, in paragraphs 5, 6 and 7, that Members shall bring the Conventions and Recommendations adopted by the 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. The present summary contains information relating to the submission to the competent authorities of the Convention and Recommendations adopted by the Conference at its 38th Session, held in Geneva from 1 to 23 June 1955.

As the closing date of the 38th Session of the Conference was 23 June 1955, the period of one year provided for the submission to the competent authorities expired on 23 June 1956, and the period of 18 months on 23 December 1956.

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, 36th and 37th 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, 4 to 25 June 1953 and 2 to 24 June 1954. 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 39th 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 1 to 13 April 1957, the communications received from the governments, as stated in its report.

### *List of Texts Adopted by the Conference at Its 31st to 38th Sessions*

#### *31st Session (1948).*

- Freedom of Association and Protection of the Right to Organise Convention (No. 87).
- Employment Service Convention (No. 88).
- Night Work (Women) Convention (Revised) (No. 89).
- Night Work of Young Persons (Industry) Convention (Revised) (No. 90).
- Employment Service Recommendation (No. 83).

#### *32nd Session (1949).*

- Paid Vacations (Seafarers) Convention (Revised) (No. 91).
- Accommodation of Crews Convention (Revised) (No. 92).
- Wages, Hours of Work and Manning (Sea) Convention (Revised) (No. 93).
- Labour Clauses (Public Contracts) Convention (No. 94).
- Protection of Wages Convention (No. 95).
- Fee-Charging Employment Agencies Convention (Revised) (No. 96).
- Migration for Employment Convention (Revised) (No. 97).
- Right to Organise and Collective Bargaining Convention (No. 98).
- Labour Clauses (Public Contracts) Recommendation (No. 84).
- Protection of Wages Recommendation (No. 85).
- Migration for Employment Recommendation (Revised) (No. 86).
- Vocational Guidance Recommendation (No. 87).

#### *33rd Session (1950).*

- Vocational Training (Adults) Recommendation (No. 88).

*34th Session (1951).*

Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99).  
Equal Remuneration Convention (No. 100).  
Minimum Wage Fixing Machinery (Agriculture) Recommendation (No. 89).  
Equal Remuneration Recommendation (No. 90).  
Collective Agreements Recommendation (No. 91).  
Voluntary Conciliation and Arbitration Recommendation (No. 92).

*35th Session (1952).*

Holidays with Pay (Agriculture) Convention (No. 101).  
Social Security (Minimum Standards) Convention (No. 102).  
Maternity Protection Convention (Revised) (No. 103).  
Holidays with Pay (Agriculture) Recommendation (No. 93).

Co-operation at the Level of the Undertaking Recommendation (No. 94).  
Maternity Protection Recommendation (No. 95).

*36th Session (1953).*

Minimum Age (Coal Mines) Recommendation (No. 96).  
Protection of Workers' Health Recommendation (No. 97).

*37th Session (1954).*

Holidays with Pay Recommendation (No. 98).

*38th Session (1955).*

Abolition of Penal Sanctions (Indigenous Workers) Convention (No. 104).  
Vocational Rehabilitation (Disabled) Recommendation (No. 99).  
Protection of Migrant Workers (Underdeveloped Countries) Recommendation (No. 100).

Summary of Information relating to the Submission to the Competent Authorities of the Convention and Recommendations Adopted by the International Labour Conference at Its 38th Session (Geneva, 1955) and Supplementary Information relating to the Texts Adopted by the Conference at Its 31st, 32nd, 33rd, 34th, 35th, 36th and 37th Sessions (San Francisco, 1948 ; Geneva, 1949, 1950, 1951, 1952, 1953 and 1954)

*Albania*

Convention No. 104 and Recommendations Nos. 98, 99 and 100 have been submitted for consideration to the Council of Ministers, which, in turn, will shortly submit them to the Praesidium of the People's Assembly, which is the competent authority for the purposes of article 19 of the Constitution of the I.L.O.

As regards Recommendation No. 98, the Government states that both wage and salary earners have 12 days' paid holiday, excluding public holidays ; juvenile workers have 24 days' paid holiday, excluding public holidays. Wage and salary earners in occupations prejudicial to health, and teachers, artists, scientific workers, etc., have additional paid holidays varying from six to 36 days, excluding public holidays.

The classes of workers entitled to additional paid holidays have been determined by decision of the Council of Ministers on the recommendation of the Central Council of Trade Unions.

The Government states that neither Convention No. 104 nor Recommendation No. 100 is applicable in the case of Albania.

*Australia*

All the instruments adopted by the Conference at its 35th, 36th and 37th Sessions, which were submitted to the House of Representatives and the Senate on 29 October 1952, 2 December 1953, and 9 November 1954, respectively, have been the subject of a statement by the Government to Parliament setting out the opinions of the federal authorities and the authorities of the various states in respect of each of these instruments. The conclusions contained in this statement show that, with the exception of Convention No. 102, whose ratification is still under consideration, none of the eight instruments will be ratified or accepted by Australia, in view of the absence of agreement by all the states and the fact that the situation in the country varies considerably from that envisaged by several of the instruments, and in spite of the fact that, in certain cases, the provisions of the Conventions and Recommendations are substantially applied.

*Austria*

The National Council (Parliament) adopted unanimously on 27 February 1957 the report submitted by the Council of Ministers, which contained the texts of Convention No. 104 and Recommendations Nos. 99 and 100. Neither the Convention nor Recommendation No. 100 is applicable to Austria. As regards Recom-

mendation No. 99, the report contains a detailed survey of the corresponding provisions of the Austrian legislation, which shows that the Recommendation is substantially applied.

*Bulgaria*

The competent authority for the purposes of article 19 of the Constitution of the I.L.O. is the Praesidium of the National Assembly.

The Council of Ministers on 25 May 1956 submitted to the Praesidium of the National Assembly Convention No. 104 and all the Recommendations adopted by the Conference from its 31st Session onwards. In June 1955 the Council of Ministers submitted to the Praesidium of the National Assembly all the Conventions adopted by the Conference at its first 37 Sessions, proposing that four of these be ratified (Nos. 80, 94, 95 and 100). Their ratification has since been registered by the Director-General of the International Labour Office.

*Byelorussia*

Recommendation No. 98 was submitted by the Council of Ministers to the Praesidium of the Supreme Soviet in May 1956. Convention No. 104 and Recommendations Nos. 99 and 100 were submitted by the Council of Ministers to the Praesidium of the Supreme Soviet on 4 June 1956.

The Government indicates that neither the provisions of Convention No. 104 nor those of Recommendation No. 100 are applicable to Byelorussia. As regards Recommendation No. 99, national legislation contains provisions more favourable than those of the Recommendation.

The Government states finally that the Praesidium of the Supreme Soviet is the competent authority for the purposes of article 19 of the Constitution of the I.L.O.

*Canada*

Convention No. 104 and Recommendations Nos. 99 and 100, together with a report by the Attorney-General, were submitted to the House of Commons and the Senate on 10 and 11 January 1956 respectively. In the Attorney-General's view, Convention No. 104 requires action to be taken at the federal level ; Recommendation No. 99 might be the subject of action by the federal authorities or the provincial authorities, or both ; and Recommendation No. 100 is not applicable to Canada.

The Department of State communicated to the Lieutenant-Governors of the ten Canadian

Provinces on 4 January 1956 the texts of the three above-mentioned instruments, for submission to the respective provincial governments.

#### *Ceylon*

Convention No. 104 and Recommendations Nos. 99 and 100 were submitted for consideration to the House of Representatives and the Senate on 10 and 17 January 1956 respectively. No proposals were made at the time of submission. The Government is studying the instruments in question in order to decide what action should be taken in respect of them.

#### *Cuba*

By Message of 24 November 1955 the Ministry of Foreign Affairs submitted Convention No. 104 and Recommendations Nos. 99 and 100 to the Senate for consideration.

#### *Denmark*

The report of the Danish delegation to the 38th Session of the Conference, in which Convention No. 104 and Recommendations Nos. 99 and 100 are set out, was submitted to Parliament on 12 December 1955. The submission of these instruments to Parliament was accompanied by a statement by the Minister of Social Affairs, indicating that neither Convention No. 104 nor Recommendation No. 100 was applicable to Denmark and that the principles laid down in Parts IV and VI of Recommendation No. 99 were contained in the Bill concerning the co-ordination of measures for the benefit of disabled persons, submitted to Parliament by the Executive on 25 October 1955.

#### *Dominican Republic*

The Government has confirmed, by communication from its Permanent Delegate in Geneva, the information given to the Conference at its 39th Session, to the effect that Convention No. 99, Recommendations Nos. 89, 91 and 92, and all the instruments adopted by the Conference at its 35th and 36th Sessions were submitted to the National Congress for consideration in September 1955.

#### *Ecuador*

Convention No. 104 has been submitted to the National Congress for consideration. Recommendations Nos. 99 and 100 are being studied by the competent government services.

#### *Egypt*

Convention No. 104 and Recommendations Nos. 99 and 100 have been submitted for consideration to the Council of Ministers, in which the power to legislate is vested.

#### *Finland*

The Government on 8 June 1956 submitted to Parliament the instruments adopted by the Conference at its 38th Session. Parliament

has approved the Executive's proposals, namely that Convention No. 104 be not ratified and Recommendation No. 103 not accepted, as inapplicable to Finland. As regards Recommendation No. 99, many provisions of which conform with the spirit of the legislation in force, it is to be taken into account as far as possible in the development of legislation on the professional rehabilitation of the disabled.

#### *Federal Republic of Germany*

The instruments adopted by the Conference at its 38th Session were submitted to both houses of Parliament (*Bundestag* and *Bundesrat*) on 21 December 1956. The Government, in the accompanying statement, makes a detailed analysis of the existing German legislation—which contains the principles of the Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99)—and indicates that the provisions of the latter will be taken into account when new legislation in this field is adopted. As regards Convention No. 104 and Recommendation No. 100, the Government indicates that neither instrument is applicable in the case of Germany, and it has therefore proposed neither to ratify the former nor to accept the latter.

#### *Honduras*

The Ministry of Labour and Social Welfare on 26 January 1957 submitted Convention No. 104 and Recommendations Nos. 99 and 100 to the Military Junta of the Government for consideration.

#### *Iceland*

In December 1955 a report on the 37th and 38th Sessions of the Conference, in which Convention No. 104 and Recommendations Nos. 98, 99 and 100 were set out, was submitted to Parliament (*Althing*). When presenting this report, the Minister of Labour and Social Affairs made no specific proposals; for the time being he has only instituted preparatory investigations to ascertain what number of disabled persons require assistance as regards vocational rehabilitation, so that the State and municipalities may take the necessary measures.

#### *India*

The Government has supplied in a Memorandum detailed information concerning the procedure followed for the submission of the decisions adopted by the Conference to the competent authorities. The Memorandum states that, in accordance with item 13 of List I of the Seventh Schedule of the Constitution of India, the central Government is the competent authority for undertaking the obligations under article 19 of the I.L.O. Constitution. Before initiating action in labour matters, however, the Union Government has to consult the state governments and obtain the consent of at least the majority of the states for the action proposed. While the Union Government can pass laws covering

the entire country, the actual enforcement of labour laws rests largely with the state governments.

The Memorandum further states that the texts of all the instruments adopted at any given session of the Conference are printed as appendices to the report of the Indian Government delegation to the particular session of the Conference. This report is placed before the Parliament of India as soon as possible. Simultaneously, copies of the Conventions and Recommendations are circulated to the state governments, the employing Ministries of the Government of India, and the all-India organisations of workers and employers, inviting their views regarding the desirability and practicability of giving effect to these instruments either in total or in part. The texts of these instruments are also placed for consideration before the tripartite Committee on Conventions, which was set up by the Government of India in 1954 to advise the Government regarding the implementation of international labour standards. A statement of action proposed to be taken is then drawn up, taking into account the various comments received, and placed before the Union Parliament with the prior approval of the Cabinet. Members of Parliament are free to raise a discussion on the proposals contained in the statement. Copies of this statement are thereafter forwarded to the International Labour Office, the state governments, the employers' and workers' organisations, etc. Follow-up action by way of ratification of Conventions, etc., is then taken. The procedure detailed above takes time and the Government of India has to utilise the exceptional period of 18 months foreseen by the I.L.O. Constitution.

The instruments adopted by the Conference at its 38th Session were first placed before Parliament in December 1955 (*Lok Sabha*—1 December, and *Rajya Sabha*—2 December) as appendices to the Indian Government Delegation's report. On 5 and 12 December 1956 a statement for Parliament, together with the text of the instruments, was placed on the tables of the *Lok Sabha* and *Rajya Sabha*. Following the observations presented by the various bodies consulted, the Government proposes that no action be taken with regard to Convention No. 104 in view of the fact that India has neither any dependent territory nor any dependent population at home.

With regard to the Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99), it is stated that no statutory provision exists in India for vocational rehabilitation of the disabled. Special efforts are, however, being made by the central and state governments as well as by a number of private organisations to provide rehabilitation services to the physically handicapped. It is not considered practicable, however, at this stage, to ensure that vocational guidance, vocational training and placement facilities be made available to all disabled persons as contemplated in the Recommendation, and while accepting the standards laid down therein the Government does not propose to take any further action on the subject.

No specific action is required to be taken with a view to implementing the provisions of the Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100) in view of the fact that migration of Indian nationals to foreign countries for unskilled work is totally prohibited and that of skilled workers is only permitted should it comply with the prescribed procedure that lays down specific guarantees concerning the conditions of employment. Furthermore, migration within the country generally takes the form of exodus from the rural areas to the urban centres and no special measures have been taken to assist such movement since it has been going on on a country-wide basis and is not restricted to any particular area or region. However, there are two specific types of migratory movement which have been proceeding on an organised basis. In the first case, protection of the migrant workers is provided on an extensive scale as envisaged by the Recommendation and, with regard to the second case, the tripartite committee set up by the Government in 1954 has made a number of recommendations—many of which have already been implemented—that ensure adequate protection.

#### Iran

Convention No. 104 was submitted to the Senate for consideration on 19 October 1955. The Government has not requested its ratification. On the recommendation of a committee on which various ministries were represented, a Superior Council for Technical and Professional Training has been set up, which in turn has charged the General Employment Administration with the creation of a special service to ensure application of the provisions of the Vocational Rehabilitation (Disabled) Recommendation 1955 (No. 99). The said Administration has taken measures to prepare statistics on the number and classification of disabled persons, and to ensure the co-ordination of the activities of the various government agencies. All these activities, which are directed by the Ministry of Labour, are intended to lead to the preparation of legislation to give effect to the Recommendation.

As regards the Protection of Migrant Workers (Underdeveloped Countries) Recommendation 1955 (No. 100), the Government states that protection of foreign workers is ensured by the Act on the employment of foreign workers. However, and notwithstanding that Iran is not a country of immigration, the Ministries of the Interior, Labour and External Affairs are at present carrying out an investigation to ascertain whether legislative provisions should be drafted, prior to the submission of the instrument for consideration by the competent authority.

#### Ireland

In accordance with provisions of article 19 of the Constitution of the I.L.O., the Department of Industry and Commerce submitted Convention No. 104 and Recommendations Nos. 99 and 100 to the Government on 21 March 1956 and to Parliament (*Oireachtas*) on 9 April 1956.

*Italy*

The texts of Convention No. 104 and Recommendations Nos. 99 and 100 have been transmitted to the administrative services concerned and to the employers' and workers' organisations, thus initiating the relevant procedure.

*Japan*

Japanese translations of Convention No. 104 and Recommendations Nos. 99 and 100 were submitted to the Diet on 20 March 1956.

*Mexico*

The Ministry of Labour and Social Welfare is preparing a report in which the Senate will be requested to approve Convention No. 104 and a further report which will examine the provisions of Recommendations Nos. 99 and 100.

*New Zealand*

The instruments adopted by the Conference at its 38th Session were submitted to the House of Representatives on 17 April 1956. The Government ratified Convention No. 104 on 28 June 1956, and extended its provisions to the Cook Islands (including Niue) and the Tokelau Islands. Recommendation No. 99 has also been accepted by New Zealand, whose legislation and practice are in conformity with the provisions thereof. Recommendation No. 100 is applicable neither in New Zealand nor in its non-metropolitan territories.

*Norway*

The Government submitted Convention No. 104 and Recommendations Nos. 99 and 100 to Parliament (*Storting*) on 9 March 1956. The first and the last of these instruments are not applicable in the case of Norway; as regards Recommendation No. 99, on the Government's recommendation Parliament has approved the principles contained therein, to which it adheres.

*Philippines*

The Department of Labour has presented to the President of the Republic for consideration Convention No. 104 and Recommendations Nos. 99 and 100, together with a Message to Congress requesting the enactment of appropriate legislation to carry the provisions of these instruments into effect.

*Sweden*

By Message of 16 December 1955, the Government presented to Parliament (*Riksdag*) the decisions adopted by the Conference at its 38th Session. In accordance with a suggestion made by the Ministry of Social Affairs, Recommendation No. 99 will be studied by an *ad hoc* committee set up by the Government in January 1956. Convention No. 104 and Recommendation No. 100 are not applicable in the case of Sweden.

*Switzerland*

The Federal Council on 21 December 1956 approved its report to the Federal Assembly on the 38th Session of the Conference, in which the texts of Convention No. 104 and Recommendations Nos. 99 and 100 are set out.

The Federal Council points out that Convention No. 104 and Recommendation No. 100 are inapplicable to Switzerland. As regards Recommendation No. 99, however, the Government states that, although the necessary legislation is lacking in part, the provisions of this instrument are partially applied as a result of private initiative on the cantonal and local levels. Further, it is hoped to give full effect to these provisions by the institution of a federal disablement insurance scheme, which is now being studied by the Department of the Interior and a committee of experts.

*Syria*

Conventions No. 89 and 104 have been ratified and Recommendation No. 97 accepted. The Chamber of Deputies is at present considering the ratification of Conventions Nos. 79, 94, 95, 96, 98 and 100.

*Thailand*

Recommendations Nos. 96 and 97 were submitted to the National Assembly on 13 January 1955. The Assembly adopted a resolution postponing consideration of these instruments until the promulgation of the new Labour Act. The instruments adopted by the Conference at its 37th and 38th Sessions will be submitted only when this Act has been promulgated. Subsequent information indicates that the Labour Act came into force on 1 January 1957.

*Turkey*

Convention No. 104 and Recommendations Nos. 99 and 100 were submitted to the Grand National Assembly of Turkey in the course of the budget debate of 1956.

*Ukraine*

Convention No. 104 and Recommendations Nos. 99 and 100 were submitted on 18 May 1956 by the Council of Ministers to the Praesidium of the Supreme Soviet, which is the competent authority for the purposes of article 19 of the Constitution of the I.L.O. The first and last of these instruments are not applicable in the case of Ukraine. As regards Recommendation No. 99, the Government states that the provisions of national legislation contain even more favourable principles.

*Union of South Africa*

Convention No. 104 and Recommendations Nos. 99 and 100 were submitted to the Executive Council. On 4 October 1956 the Executive Council decided that ratification of Convention No. 104 was not possible, since national and provincial legislation in force provides for penal sanctions for breach of contract and elimination of such sanctions is not at present contem-



plated. A similar decision has been reached in respect of Recommendations Nos. 99 and 100, the provisions of which are not in full conformity with the legislation. Convention No. 104 and Recommendations Nos. 99 and 100 were submitted to the House of Assembly and the Senate on 29 February 1956.

#### *U.S.S.R.*

Recommendation No. 98 was submitted in May 1956 by the Council of Ministers to the Praesidium of the Supreme Soviet, which is the competent authority for the purposes of article 19 of the Constitution of the I.L.O.

Further, Convention No. 104 and Recommendations Nos. 99 and 100, adopted by the Conference at its 38th Session, were submitted to the Praesidium of the Supreme Soviet on 1 June 1956. Neither the provisions of Convention No. 104 nor those of Recommendation No. 100 can find application in the Soviet Union; as regards the provisions of Recommendation No. 99, they are stated to be applied in this country and, in certain cases, to be less favourable than the provisions of national legislation in force.

#### *United Kingdom*

In November 1956 the Government presented a White Paper to Parliament, indicating that it was not possible to accept in full the provisions of the Holidays with Pay Recommendation 1954 (No. 98), mainly because it would necessitate intervention by the Government which would be contrary to the traditional

principles whereby industrial relations in the United Kingdom are determined exclusively by direct negotiation between employers' and workers' organisations. It is pointed out, however, that the principle of paid holidays is widely recognised in the United Kingdom and that the provisions of the Recommendation are therefore implemented to a considerable extent.

#### *United States*

Conventions No. 99, 100, 101 and 103 and Recommendations Nos. 89, 90, 93, 94, 95, 96, 97 and 98 have been submitted for consideration to the Governors of the 48 states, with a view to their examining the possibilities of recommending the adoption of appropriate legislation to their respective legislatures.

#### *Uruguay*

Recommendations Nos. 99 and 100 were submitted to Parliament by Message of 13 March 1956 from the National Council of Government. Convention No. 104 will be submitted to Parliament for consideration, with a recommendation for its ratification.

#### *Yugoslavia*

The instruments adopted by the Conference at its 38th Session were submitted to the competent authorities on 31 December 1956. The Yugoslav National I.L.O. Committee at the same time requested ratification of Convention No. 104 and acceptance of Recommendations Nos. 99 and 100.

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# **INTERNATIONAL LABOUR CONFERENCE**

**FORTIETH SESSION**  
**GENEVA, 1957**

**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, 1957**

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# **INTERNATIONAL LABOUR CONFERENCE**

**FORTIETH SESSION**

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**INTERNATIONAL LABOUR OFFICE**

**GENEVA, 1957**



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## PART ONE

### 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 27th Session in Geneva from 1 to 13 April 1957. The Committee has pleasure in presenting its report to the Governing Body.

2. Since the Committee's last meeting, Professor Tomaso PERASSI and Miss G. J. STEMBERG have ceased to be members of it. The Committee expressed its thanks to both these former members of the Committee for their valued collaboration in the past and its regrets that it will no longer have their able assistance in its work.

3. Two new members of the Committee have been appointed by the Governing Body during the past year, and the Committee welcomed them to its present meeting. They are Mr. Choucri CARDAHI and Mr. Isidoro RUIZ MORENO, Jr. Mr. Choucri CARDAHI is a former Minister of Justice and honorary First President of the Supreme Court of Appeal of Lebanon and is now Professor of Law at the University of Beirut. Mr. RUIZ MORENO is Professor of International Public Law at the University of Buenos Aires.

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. Choucri CARDAHI (Lebanon),

Former Minister of Justice; Honorary First President of the Supreme Court of Appeal of Lebanon; Professor of Law at the University of Beirut; Corresponding Member of the Institute of France (Academy of Moral and Political Sciences);

Mr. E. GARCÍA SAYÁN (Peru),

Former Professor of Civil Law at the University of Lima; former Minister of External Relations;

Mr. Paul M. HERZOG (United States),

Associate Dean, Graduate School of Public Administration, Harvard University; Chairman of the National Labor Relations Board (Washington), 1945-53; 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. 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. Isidoro RUIZ MORENO, Jr. (Argentina),

Professor of International Public Law at the University of Buenos Aires; Legal Adviser of the Ministry of Foreign Affairs of the Argentine Republic; Member of the National Section of the Court of International Arbitration; Member of the Argentinian Institute of International Law; Member of the Brazilian Society of International Law and of the Institute of International Law of Chile.

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; Associate Member of the Institute of International Law; Member of the Permanent Court of Arbitration.

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. The Committee was gratified that all members of the Committee were able to attend the present session. This has rarely occurred in the past and the presence of all the members of the Committee on the present occasion has greatly facilitated the organisation of the work of the Committee.

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 task assigned to the Committee, in accordance with its terms of reference, was 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 in 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.

The conclusions reached by the Committee in regard to each of these matters are dealt with in detail in the various Parts of this report.

8. The volume of work coming before the Committee has continued, as in past years, to increase and has caused the Committee some concern as to its ability, in the time available and with the resources at its disposal, to perform satisfactorily the tasks assigned to it by the Governing Body. To do so it has required even more than in the past to make use of the preliminary work so ably performed by the members of the staff of the International Labour Office specially concerned with the work of the Committee. The Committee therefore emphasises that the thanks which are expressed in the final paragraph of this Part of the report represent no formal compliment, but are the unanimous and sincere views of the Committee. The increase in the volume of work results in part from the increasing extent to which the Members of the Organisation have fulfilled their obligations to supply the reports and information called for under the Constitution. It results also from the addition

in recent years to the membership of the Organisation, the adoption and coming into force of additional Conventions, the registration of new ratifications and of further declarations concerning application of Conventions in non-metropolitan territories.

9. During the year 1956, 123 new ratifications were registered, bringing the total number of ratifications at the end of 1956 to 1,650, and by the time the Committee met the number had risen to 1,669. The number of new declarations affecting non-metropolitan territories which were communicated during the year 1956 was 20, of which all but one provided for application without modification of the Convention to the territory in question. 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 was about 4,500.

10. As the year 1957 is the 30th anniversary of the establishment of the Committee, it seems an appropriate opportunity to survey rapidly the developments in its work which have taken place over that period. Between 1927 and 1957 the number of Members has increased from 55 to 77 and the number of ratifications of international labour Conventions from 229 to 1,669. This increase represents a striking development both in labour legislation and in the obligations voluntarily assumed by the countries throughout the world. The increase has been accompanied by a much wider geographical distribution of the ratifications. Thus, while in 1927 nine-tenths of the ratifications came from European States, now nearly one-half of the ratifications come from non-European States. Among these States are many in the earlier stages of economic and industrial development. It is a matter of interest and of encouragement that such States have been able parallel with that development to adopt progressively social legislation in conformity with the standards determined by the International Labour Conference.

11. The increase in ratifications has meant for the Committee a corresponding increase in the number of reports which it is called upon to examine. Thus, while in 1927 the Committee had before it 180 reports on the application of ratified Conventions supplied by 26 States, the reports which came before the present session of the Committee number 1,234 so far as concerns ratified Conventions and were supplied by 58 States. Moreover, while in 1927 the information relating to the application of the Conventions in non-metropolitan territories was given in brief form in the reports of the Members themselves, now separate reports for each Convention and for each territory have to be supplied. The number of these reports on non-metropolitan territories, often very detailed, has reached the total of 3,070 at the present session of the Committee. In addition, as a result of the new provisions in article 19 of the revised Constitution of the International Labour Organisation, reports are now requested from Members in regard to certain unratified Conventions and certain Recommendations and 170 reports were received this year in this connection. Lastly, information is now asked for from all Members regarding the submission of Conventions and Recommendations to the competent authorities and the information in regard to this matter also comes each year before the Committee.

12. Taking into account all these different factors, the result is that in 30 years the number of reports

submitted to the Committee for examination has risen from 180 to the figure of 4,500 already referred to in paragraph 9 of this report.

13. The reason which led to the decision in 1927 to establish the Committee of Experts was to assist the Governing Body and the International Labour Conference to judge the extent of application of ratified Conventions, a task which was becoming more and more difficult for the Conference itself unaided to accomplish by reason of the number, length, technical character and complexity of the annual reports. Since that time, these reasons have been reinforced by the developments above referred to.

14. In surveying developments of the past 30 years, the Committee believes that it would serve a useful purpose to refer at this time to the spirit in which it has always regarded its task and the principles which it considers essential in order that it may accomplish it.

15. In the first place the Committee, which is composed of members appointed in their personal capacity by the Governing Body, has always believed that its functions consist in pointing out in a spirit of complete independence and entire objectivity the extent to which it appears to the Committee that the position in each State is in conformity with the terms of the Conventions and the obligations which that State has undertaken in virtue of the Constitution of the International Labour Organisation. The members of the Committee have always attached the greatest importance to avoiding all political considerations in the technical and juridical examination of the matters entrusted to it. They have continually borne in mind the fact that they are appointed in their personal capacity and that they must endeavour to accomplish their task in complete independence as regards all member States. Thus, impartiality and objectivity are the fundamental rules of conduct which the Committee has set itself in performing its work, and the conclusions it reaches represent, traditionally, unanimous agreement amongst all its members.

16. In the second place, the Committee must base its work essentially on the particulars contained in the reports and information which member States are required to supply in accordance with the Constitution of the International Labour Organisation. It is therefore essential that these reports should be complete, that they should be in conformity with the forms of report adopted for this purpose by the Governing Body and that they should supply any supplementary information which the Committee of Experts and the Conference Committee may from time to time request. It would indeed be impossible for the Committee to conduct its work without the collaboration and goodwill of the member States and it has been happy to note that in the great majority of cases this collaboration and goodwill have been freely accorded, as is evidenced by the increasing extent to which governments are fulfilling their obligations to supply reports and information called for.

17. It would clearly be difficult, and undoubtedly inappropriate, for the Committee to attempt to offer an over-all assessment of the effectiveness of its work during the 30 years of its existence. It might, however, usefully be emphasised that, although the size of its report and the number of observations which it makes each year necessarily increase with the number of ratifications registered and the number of reports which it examines, it would still be correct to state as the

Committee did in its very first report that "the number of points upon which the Committee has made observations is in reality very small compared with the total number of questions which might have been raised by the application of the Conventions" and that in the cases where observations have been made, it frequently occurs that they relate only to one of the points concerned with the application of a particular Convention and that point sometimes one of detail. These remarks have found confirmation in the study made by the Office in 1954 and appended to the Committee's report for that year. That study also enabled the Committee to conclude that in the majority of cases where observations had been called for, they had resulted in prompt action by the governments concerned to bring their legislation into conformity with the ratified Conventions.

18. It is the firm belief of the Committee that the task assigned to it is an important one, both in the advancement of social progress and in ensuring international confidence, and that it has the unreserved collaboration of the great majority of governments in its efforts to perform that task. This belief has been reinforced by the wholehearted support which the Conference Committee on the Application of Conventions and Recommendations has, over the years, given to the work of the Committee of Experts. Because the success of its own efforts is so closely dependent on this support, the Committee is especially happy to have this opportunity of thanking the Conference Committee and indeed the Conference itself for their help and encouragement.

### III. Reports Submitted by Governments on Ratified Conventions

#### (a) *Supply of Annual Reports*

19. The reports which came before the Committee this year related to the period 1 July 1955 to 30 June 1956. In addition, the Committee also had before it a number of reports for the preceding year which arrived too late for examination by it or by the Conference Committee on the Application of Conventions and Recommendations. For the period 1955-56 the governments were called upon to supply a total number of 1,333 reports in respect of the application of 85 Conventions then in force for 64 States.

20. Up to the date of the present session of the Committee, the Office had received 1,234 reports, i.e. 92.5 per cent. A list showing the reports received, classified according to countries and Conventions, is given in Part Two (Appendix I) of this report. There is also given in Part Two (Appendix II) 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 by the date of the session of the International Labour Conference. A similar table has been attached to the Committee's report for a number of years, but this year, for the first time, the table also shows the number and percentage of reports which were received by the date by which the governments were requested to supply them. This last item of information has been added to the table in accordance with a request made by a member of the 1956 Conference Committee on the Application of Conventions and Recommendations.

21. It will be noted from the table that not only is the number of reports received this year the highest

on record, but also the percentage of the reports due which were received by the time the Committee met is the highest recorded in the post-war period and has been exceeded on only one occasion in the past and then only by a fractional amount. The Committee was pleased to note this continuing growth in the extent of recognition by member States of the obligations which they have undertaken in view of their membership of the Organisation. It is still, however, a matter of regret that only about one-quarter of the reports were received by the date requested. The Committee would again urge governments to make every endeavour to supply these reports in good time. This is a matter which each year, with the increasing number of reports, becomes of more importance in order to enable the preparatory work to be done and the reports to be sent to the members of the Committee for preliminary examination by them in advance of the session of the Committee.

22. Of the 64 countries which were called upon to supply reports, 49 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: Bolivia, Hungary, Liberia, Luxembourg, Peru, Venezuela.

23. First reports due since ratification of the relevant Conventions were received from Australia (No. 85); Austria (No. 101); Belgium (Nos. 73, 101); Bulgaria (No. 73); Burma (Nos. 26, 52); Canada (No. 73); Ceylon (No. 99); Cuba (Nos. 27, 32, 59, 60, 63, 67, 77, 78, 79, 81, 99, 100, 101, 103); Denmark (No. 21); Egypt (No. 98); Ecuador (Nos. 26, 29, 45, 95); France (Nos. 73, 82, 84, 85, 97, 99, 101); the Federal Republic of Germany (Nos. 17, 45, 63, 88, 96, 99); Guatemala (Nos. 79, 81, 86, 87, 88, 89, 90, 95, 96, 97, 98); Haiti (Nos. 12, 17, 19, 24, 25); India (Nos. 5, 29); Italy (No. 73); Japan (Nos. 8, 22); Netherlands (Nos. 89, 90, 99); New Zealand (No. 82); Norway (Nos. 73, 101, 102); Poland (Nos. 73, 74, 95, 96, 100); Portugal (No. 73); El Salvador (No. 12); Sweden (No. 102); United Kingdom (Nos. 82, 85, 102); Uruguay (Nos. 42, 43, 45, 52, 58, 59, 60, 62, 63, 67, 73, 77, 78, 79, 87, 89, 90, 94, 95, 97, 98, 99, 101, 103); Viet-Nam (Nos. 14, 27, 29, 45, 52); and Yugoslavia (No. 102). On the other hand, five countries which were due to supply first reports on certain Conventions have failed to do so, i.e. Argentina (Nos. 20, 73); Bolivia (Nos. 26, 42, 96); Egypt (Nos. 52, 88); Guatemala (Nos. 77, 78, 94); Israel (No. 97).

24. The governments are requested to supply these first reports after ratification of a Convention in a specially detailed form and the Committee devotes particular attention to such first reports with a view to ensuring complete conformity between the terms of national legislation and the ratified Convention. The Committee would emphasise that the remarks it has made above (paragraph 21) regarding the necessity for governments to supply reports on ratified Conventions by the date requested are of special importance in relation to the first report supplied after ratification of a Convention. This year the Committee adopted a procedure similar to that followed in examining first reports, in regard to certain reports which, although in fact not first reports, appeared to it to merit the application of such a procedure. The reports in question were those from Albania and China, which have resumed reporting on a certain number of Conventions for the first time since before or shortly after the Second World War,

and Rumania and Spain, which rejoined the International Labour Organisation in 1956.

25. Voluntary reports (reports on Conventions which are not in force for the country concerned) were submitted by Belgium (Conventions Nos. 54, 57), New Zealand (Nos. 47, 61) and Uruguay (Nos. 54, 93, 96).

26. The Committee has, for many years, drawn attention to the difficulties it has experienced in assessing the extent of the practical application of ratified Conventions, a point which is of no less importance than the question of conformity of national legislation with ratified Conventions. In this regard it has had to rely mainly on the information given by governments in reply to the questions in the forms of annual report regarding the authorities entrusted with the application of legislation, the methods by which application is supervised and enforced, legal decisions given relating to matters dealt with in the Convention, activities of inspection services, statistical data, etc. The Committee, however, has for a number of years also emphasised the assistance which observations from the organisations of employers and workers can afford the Committee in judging the extent of practical application.

27. 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. The governments are also requested to state in their annual reports on ratified Conventions whether they have received any observations from employers' and workers' organisations in their countries on the practical application of the Conventions. For a number of years few, if any, such observations were supplied by such organisations or, if they were supplied, no information in regard to them was passed on by governments to the International Labour Office. In recent years, however, an increasing number of comments from these organisations have been received and this year they include observations, which in many cases have been of interest and help to the Committee, from Austria, Belgium, Finland, the Federal Republic of Germany, Greece and Spain.

28. The Committee noted with interest the response to the new question<sup>1</sup> which appeared for the first time in the forms circulated in respect of the current reporting period: some ten reports state specifically that changes have been made in the national legislation in order to secure conformity with the terms of a ratified Convention. Such information is of particular value since it provides an authoritative indication of modifications introduced for the express purpose of giving effect to Conventions and the Committee hopes that governments will continue to include all relevant information of a similar nature in future reports.

#### (b) *Examination of Reports by the Committee*

29. In making its detailed examination of the reports submitted by governments on ratified Conventions, the Committee has continued, as in previous years, the practice under which such reports as were received by the Office in sufficient time were allocated

<sup>1</sup> "Please give any available information concerning the extent to which these laws and regulations have been enacted or modified to permit of, or as a result of, ratification."

to individual members of the Committee for preliminary examination and circulated to them in advance of the session. 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 will be found in Part Two of this report.

30. A considerable number of these observations relate to requests for additional information. The Committee considers that some of these requests relate to points of relative detail and that the bulk of its report might be reduced if such points were omitted from the report. It accordingly proposes next year in such cases, unless special circumstances call for a different course of action, not to include such detailed requests in its report, which would refer to them only briefly, and to ask the Office to convey the full text of the Committee's queries to the governments for reply in their next reports.

#### IV. Application of Conventions in Non-Metropolitan Territories

31. In conformity with its terms of reference, the Committee was also called upon to examine the information and reports on the measures taken by States Members in accordance with article 35 of the Constitution.

##### *Measures Taken in Accordance with Article 35*

32. As regards the measures taken in accordance with article 35, the Committee notes with interest that, since its last session, 22 declarations of application or acceptance of Conventions on behalf of non-metropolitan territories have been communicated to the Director-General of the International Labour Office and registered. The Committee wishes to emphasise in this connection that, under article 35, paragraph 2, of the Constitution, Members are obliged to communicate declarations "as soon as possible" after each ratification. As regards territories falling within paragraph 4 of article 35, the Committee would be glad if all States which are responsible for the international relations of such territories would follow the practice, already adopted by certain States, of informing the Office whether they have communicated to the competent authorities of these territories copies of ratified Conventions with a view to "the enactment of legislation or other action".

##### *Reports Examined*

33. As in previous years, and in accordance with its terms of reference, the Committee was called upon to examine again this year the reports furnished by member States—

- (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 State responsible for the international relations of such territory.

34. As regards reports received, the Committee had before it 3,070 reports out of a total of 3,786 reports requested, the proportion of all reports received thus representing 81 per cent. The Committee notes with satisfaction that the number of member States

responsible for the international relations of non-metropolitan territories which have supplied all the reports requested has again increased this year. Statistics of reports requested and received will be found in the table appended to section VII in Part Two of this report. The Committee hopes that in future all governments will find it possible to supply, in respect of every territory, reports on the application of all Conventions which they have ratified.

35. The Committee had before it this year, for the first time, reports on the application of the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82). However, in view of the late arrival of a large number of reports, the very detailed information contained in them and the numerous documents to which they referred, the Committee was not in a position to undertake the examination of these reports this year, but it will study them with the greatest care at its next session.

##### *Presentation of Reports*

36. The Committee has been pleased to note that in a fairly large number of territories the improvement in the presentation of reports previously noted has continued. It seems, however, that in certain cases further efforts might be made and, although the Committee is aware of the heavy task which the preparation of a large number of reports frequently represents for local or territorial administrations, it hopes that all reports will in future be drawn up in accordance with the report forms approved by the Governing Body. The Committee would be glad in particular if, in accordance with its repeated requests to this effect, the reports would contain, as far as possible, all available information on the practical application of Conventions, and particularly on the number of persons protected by the laws and regulations giving effect to Conventions.

##### *Labour Inspection*

37. The Committee had before it first reports on the application of the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85) in 48 territories for whose international relations Australia, France, Italy and the United Kingdom are responsible. The Committee learned with interest from these reports—many of them quite detailed in character—that inspection services exist in practically all the territories concerned and that in some cases the application of a wide range of protective legislation is supervised by these services. Although the late arrival of certain reports prevented them from being examined in as exhaustive a manner as might have been desirable, the Committee was none the less able to gain a good general idea of the legislative framework of labour inspection, and this picture will no doubt gain further in clarity when the additional information requested by the Committee in Part Two of this report becomes available.

38. In so far as the practical working of inspection is concerned, the Committee would also need fuller details, in many cases, before attempting any overall appraisal of the position. As specified in the Convention itself, the effectiveness of supervision depends, in the first place, on the training of the inspection staff. While the training of full-time labour inspectors is usually described in the reports, little information is given on the training received by those officials for whom the supervision of the application

of labour legislation constitutes only one aspect of their duties, e.g. labour officers, police officers, etc. Since these subsidiary labour inspectors are not likely to perform their supervisory tasks adequately unless they are suitably trained for them, the Committee would welcome any additional information which could be made available on this point.

39. Another practical problem concerns the frequency with which conditions of employment are inspected in each territory. The periodicity of these visits depends obviously on the strength of the inspectorate and on its distribution in relation to the geographical location of workplaces, i.e. on the density of the inspection network. Some reports refer to difficulties yet to be overcome in this connection, and the Committee hopes that the governments' future reports will indicate fully the extent to which labour inspectorates are able to cope with their vital task.

40. One especially encouraging conclusion which emerged from the Committee's survey concerns the application of the Convention in territories where it had been declared applicable with certain modifications at the time of ratification. In almost every case rapid strides are being made towards the full implementation of the Convention, i.e. towards its application without modification. This advance exemplifies by itself the development of labour inspection in many territories during the past half-decade and it is equally interesting to note that not infrequently the new enactments reproduce, or follow closely, the basic provisions of the Convention.

#### *Population of Non-Metropolitan Territories*

41. In accordance with the wish expressed by the Conference Committee, the Committee has included in the table of reports received the population figures of each territory mentioned, which have been supplied by the Office on the basis of the latest information available. In this connection, the Committee considers that, in certain cases, the number of inhabitants of a country certainly constitutes an important factor influencing the degree of economic and social development of the territory, and that the small number of inhabitants or a low population density may also in certain cases explain why full effect cannot be given to certain Conventions requiring the creation of highly organised administrative or technical services.<sup>1</sup> The Committee wishes to emphasise, however, that certain fundamental provisions (e.g. those relating to conditions of work of women and children or the right of association of workers and employers, to mention only two) must be applied in all cases, even if the number of inhabitants of a country is small or its population density low.

#### *Chart of Application*

42. In accordance with the wish expressed by the Conference Committee, the Committee this year appends to its report a new, up-to-date chart on the application of Conventions in non-metropolitan territories, taking into account the information supplied by governments during the past two years. The preparation of this chart has been based on the same methods as were adopted by the Committee in 1955. Following the suggestion made by certain members of the Conference Committee in 1955, the Committee studied the possibility of simplifying the chart, with

a view to facilitating reference thereto. It has, however, reached the conclusion that, given the necessarily rigid framework within which a chart of this nature depicts the situation, any further simplification might lead to ambiguity. Already, for example, the sign used to indicate that effect is not given to a Convention may cover very different situations and frequently should not be interpreted as a criticism of a government for not applying a Convention. As the Committee pointed out in 1955, the same sign is used for cases where a Convention is inapplicable for geographic reasons<sup>2</sup>, for cases where the work or undertakings to which a particular Convention relates do not exist in the territory<sup>3</sup>, for cases where because of the small number of inhabitants or the low population density of the territory it is not possible to create the administrative bodies provided for by a Convention, and for cases where the degree of economic and social development of a territory does not as yet permit even the partial application of a Convention.

#### *Communication to Local Organisations*

43. The Committee considers it necessary to draw attention once more to the suggestion made by it in recent years that all governments should attempt to communicate to local or territorial workers' and employers' organisations copies of the reports on the application of Conventions in the territories. As the Committee has already made clear, where such organisations do not exist it might be useful to adopt the practice followed in certain territories, whereby the reports are communicated to the local joint or tripartite bodies which are consulted by the administration on all, or particular, questions relating to labour legislation.

### **V. Submission to Competent Authorities of Conventions and Recommendations Adopted by the International Labour Conference**

#### *Introduction*

44. In accordance with its terms of reference and its practice in previous years, the Committee has examined the information supplied by the governments of Members pursuant to article 19 of the Constitution of the I.L.O., namely—

- (a) information on action taken to submit to the competent authorities, within the constitutional time limits of 12 or 18 months, the Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104), the Vocational Rehabilitation (Disabled) Recommendation, 1955 (No. 99), and the Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (No. 100), all of which were adopted by the Conference at its 38th Session (Geneva, 1955);
- (b) additional information on action taken to submit to the competent authorities the Conventions and Recommendations adopted by the Conference in the course of its 31st (1948) to 37th (1954) Sessions (Conventions Nos. 87 to 103 and Recommendations Nos. 83 to 98) by Members which had not previously fulfilled their obligations in this regard;

<sup>1</sup> The Employment Service Convention, 1948 (No. 88) may be quoted as an example.

<sup>2</sup> Territories not having access to the sea (marked in the chart with an asterisk).

<sup>3</sup> Underground work, work in automatic sheet-glass works, etc.



- (c) replies to the observations and requests for information made by the Committee of Experts in 1956.

### 38th Session

45. The Committee notes with satisfaction that the governments of the following 24 countries have submitted the three instruments in question to the competent authorities: Argentina, Austria, Bulgaria, Byelorussia, Canada, Ceylon, Cuba, Denmark, Egypt, Finland, the Federal Republic of Germany, Iceland, India, Ireland, Japan, New Zealand, Norway, Sweden, Switzerland, Turkey, Ukraine, the Union of South Africa, the U.S.S.R., Yugoslavia. The government of one country, Yugoslavia, complied with the constitutional requirements slightly after the expiry of the prescribed term, but the remaining 23 governments observed the time limits of 12 or 18 months laid down in the Constitution.

46. In Ecuador, Iran, Syria and Uruguay, although submission to the competent authorities has been within the prescribed time, it has related only to some of the instruments adopted at the 38th Session.

47. The Committee has also had before it information from certain countries where the procedure for the submission of the Convention and the Recommendations has been initiated, or where the instruments adopted by the Conference at its 38th Session are shortly to be submitted to the competent authorities. The former include Italy, Mexico and the Philippines; the latter, Albania and Uruguay (although it is to be noted that Uruguay has already fulfilled its obligations as regards Recommendations Nos. 99 and 100 and only the submission of Convention No. 104 remains outstanding).

### 31st to 37th Sessions

48. The Committee notes the statements made to the Conference Committee in 1956 on behalf of Argentina, Bulgaria and Portugal, to the effect that all the Conventions and Recommendations adopted by the Conference at its 31st to 37th Sessions had been submitted to the competent authorities. In addition, since the Committee's last session, some of these instruments have been submitted to the competent authorities in the following countries: Afghanistan (C.95), Byelorussia (C.87, 90, 98, 100, 103; R.98), Costa Rica (C.87, 89, 90, 91, 92, 98), the Dominican Republic (C.99, 101, 102, 103; R.89, 91 to 97), Egypt (C.101), the Federal Republic of Germany (C. 87, 98), Haiti (C.90, 98), Iceland (R.98), Israel (R. 93 to 98), Japan (C.96), Mexico (C.90), Poland (C.87, 91, 98), Syria (C.94, 95, 96, 98, 100; R.97), Thailand (R.96, 97), Ukraine (C.87, 90, 98, 100, 103; R.98), the U.S.S.R. (C.87, 90, 98, 100, 103; R. 98), the United Kingdom (R.98), and Viet-Nam (R.98). The Committee notes with satisfaction that, in several cases, the submission relates to Conventions which the respective governments propose to ratify or have already ratified.

### General Review

49. The Committee has set out in Part Two of its report the individual observations which it has found necessary to make on the information supplied by governments. Looking at the position as a whole, the Committee observes, with regret, that the number of Members which this year have complied with the obligation imposed on them by article 19 of the Constitution is less than last year. In its report for 1956,

the Committee noted that 37 States had complied almost completely with the requirements laid down in article 19. This year that number is only 34, namely 22 States which have fully met their obligation under article 19, and 12 which have done so with the exception of the instruments adopted at the 38th Session. The Committee trusts that this position is due only to temporary delay in the submission procedure in certain countries, and hopes that the encouraging tendency which it had observed with satisfaction in previous years will not fail to reassert itself. The Committee appeals to all Members which have in the past observed the obligations imposed on them by article 19 not to relax their efforts in this respect. Further, the Committee makes an urgent appeal to those Members<sup>1</sup> which have persistently ignored their obligations under article 19. The fact that a certain number of States do not fulfil their obligations on an equal footing with other Members would in the long run prejudice the proper functioning of the system established by the Constitution of the I.L.O. In this connection, the Committee can only associate itself with the view expressed by the Conference Committee in 1956<sup>2</sup>, that "the Office might in certain appropriate cases provide assistance in order to enable some States to discharge more adequately the [constitutional] obligation to bring Conventions and Recommendations before the competent authorities".

### *Submission of Conventions and Recommendations Adopted Before a State's Entry or Re-entry into the Organisation*

50. The Committee notes with satisfaction the suggestion made by the 1956 Conference Committee on the Application of Conventions and Recommendations in 1956 that every new Member might study the possibility of submitting to the competent authorities not only the Conventions and Recommendations adopted subsequent to its entry (or re-entry) into the Organisation but also those adopted prior thereto. The Committee associates itself with this suggestion, and considers it appropriate to mention the case of Honduras: although this country re-entered the Organisation only on 1 January 1956, it has nevertheless undertaken the submission to the competent authority of the instruments adopted at the 38th Session of the Conference—instruments which it was, strictly speaking, under no obligation to submit under article 19 of the Constitution. The suggestion of the Conference Committee appears to be in complete accord with the spirit of article 19 of the Constitution. Its purpose is to give an opportunity to the Parliaments of countries which have not been Members of the Organisation continuously since its foundation—and, through the Parliaments, to public opinion in the countries concerned—to be informed of the decisions taken by the Conference at a time when the countries were not Members of the Organisation, and to determine their policy in relation to these decisions.

### *Table of "Competent Authorities" (Article 19 of the Constitution of the I.L.O.) and of Authorities Empowered to Legislate under National Constitutions*

51. At the 38th Session of the International Labour Conference, the Committee on the Application of Conventions and Recommendations suggested that

<sup>1</sup> Albania, China, Ethiopia, Indonesia, Lebanon, Liberia, Libya, Panama, Peru, El Salvador and Venezuela.

<sup>2</sup> I.L.O.: *Report of the Committee on the Application of Conventions and Recommendations*, International Labour Conference, 39th Session, Geneva, 1956 (Geneva, 1956), p. 8, para. 48.



the Committee of Experts might consider the preparation of a table to indicate for each Member the authority considered to be the competent authority for the purposes of article 19 of the Constitution. The necessary information has been collected by the Office; it has been carefully examined by the Committee and is set out in the "Table of 'Competent Authorities' (Article 19 of the Constitution of the I.L.O.) and Authorities Empowered to Legislate under National Constitutions" (Appendix III of section IX).

52. The Committee, while recognising the usefulness of such a table, is bound to point out its defects. The constitutional systems of member States vary considerably, and to assess them correctly it is necessary to take into account not only their written constitutions, but also their constitutional customs and practices. As a result, it is often difficult to show within a tabular framework the salient features of a particular constitution. The table is the result of a first effort, and the Committee does not suggest that it exhausts the possibilities of the subject. The Committee would therefore be grateful if governments would indicate any changes or additions which, in their opinion, might usefully be made. Further, it should not be forgotten that constitutional rules and practices undergo constant evolution, and that such evolution may at times be rapid. The information contained in the table can therefore never be regarded as lasting truths. The Committee will have to review the constitutional position of Members from year to year to confirm the correctness of its earlier findings.

53. In order to show clearly the identity or, as the case may be, the difference between the authorities considered as the competent authorities by the various Members and the legislative authorities under the provisions of their respective constitutions or fundamental laws, the Committee felt that it might be useful to include data on both in the table. It should be noted that the references to the authorities considered as the competent authorities by the various governments are based on statements made by the governments, either in official communications to the I.L.O. or at sessions of the Committee on the Application of Conventions and Recommendations of the International Labour Conference.

54. A study of the table (which relates to the 69 States which were Members of the Organisation in June 1955 and were therefore obliged to supply to this session of the Committee information on the submission of the instruments adopted by the Conference at its 38th Session) leads to the following conclusions:

- (a) 55 Members normally consider as the competent authority the authority which, under the provisions of the Constitution or fundamental laws, is empowered to legislate.
- (b) 4 States belonging to the above group (Argentina, Colombia, Egypt, Viet-Nam) have indicated that, owing to special circumstances (recent change of government, etc.) legislative powers have provisionally been transferred to the Executive<sup>1</sup>, the President of the Republic<sup>2</sup> or the Council of Ministers<sup>3</sup>; however, the Constitutions of these countries provide for

the functioning of legislative bodies, to which instruments adopted by the Conference will be submitted as soon as the temporary difficulties mentioned above have been overcome.

- (c) In 7 countries (Albania, Bulgaria, Byelorussia, Hungary, Poland, Ukraine, the U.S.S.R.) Conventions and Recommendations are submitted to a body which, although not the parliament, consists of members of parliament and is a subordinate body thereof.
- (d) 6 countries (Czechoslovakia, Ethiopia, Lebanon, Liberia, Mexico, Venezuela) have not yet given precise information on the subject.
- (e) 1 country (Afghanistan) has indicated that the Council of Ministers is the competent authority, but that the National Assembly is the body having the power to legislate.

#### *The Nature of the "Competent Authority"*

55. The Committee considers it essential to reiterate in the present context what has been said on previous occasions both by the Conference and by the Governing Body, namely that "the intention of the authors of the Constitution was that the competent authority should normally be the legislature" and that "the authority competent to legislate for the purpose of giving effect to Conventions and Recommendations should always have an opportunity of discussing them".<sup>4</sup> The Conference Delegation on Constitutional Questions stated later that it did not "consider it necessary to clarify the obligation imposed by article 19 (5) of the Constitution", as it did not consider that "any doubt in regard to the matter exists" namely that the authority to which Conventions and Recommendations must be submitted "shall be the national parliament or other competent legislative authority in each country".<sup>5</sup>

56. It should be pointed out here that the purpose of submission is to permit the competent authority in each country to decide what measures to take on the national level with a view to giving effect to a Convention or Recommendation; this competent authority will, in fact, be the authority empowered to legislate and not the authority in which is vested the power to decide on the ratification of Conventions (these two authorities not always being the same). Further, as Recommendations cannot be ratified, it is clear that the "competent authority" with regard to them can only be the authority possessing the necessary powers to give effect to their provisions in municipal law.

#### *Conventions and Recommendations Calling for Executive Action Only*

57. Although this principle appears to admit of no doubt, there are cases where some uncertainty may exist. This is so particularly where the application of a Convention or Recommendation does not call for legislative action. It might be argued in these cases that, since article 19 of the Constitution requires Members to submit Conventions and Recommendations

<sup>1</sup> Argentina, Colombia.

<sup>2</sup> Viet-Nam.

<sup>3</sup> Egypt.

<sup>4</sup> I.L.O.: *Constitutional Questions. Part I—Reports of the Conference Delegation on Constitutional Questions*, Report II (I), International Labour Conference, 29th Session, Montreal, 1946 (Montreal, 1946), Chapter V, p. 36, para. 43.

<sup>5</sup> Ibid., p. 42, para. 49. Cf. also I.L.O.: *Future Policy, Programme and Status of the International Labour Organisation*, Report I, International Labour Conference, 26th Session, Montreal, 1944, Appendix, p. 181, para. 16.

tions to the "authorities within whose competence the matter lies, for the enactment of legislation or other action", Conventions and Recommendations only requiring executive action might be submitted, not to parliament, but to the executive. This view might be tenable in strict law. In this connection, the Committee refers to the opinion which it expressed in 1953, and which is reproduced in the "Memorandum concerning the Obligation to Submit Conventions and Recommendations to the Competent Authorities"<sup>1</sup> approved by the Governing Body. From this it appears that the power to legislate may in certain cases be conferred on a body other than parliament, either because the national constitution does not provide for the separation of powers, or because the executive is entitled to legislate on certain matters, or as a result of a general or special delegation of powers by parliament. Yet, to rest content with a strict interpretation of article 19 would be to ignore one of its chief aims. As the Conference Committee pointed out at the 38th Session (1955), the obligation contained in article 19 "is designed to inform public opinion and to bring before the legislatures of the States Members the decisions taken by the International Labour Conference in the form of Conventions and Recommendations".<sup>2</sup> Elsewhere<sup>3</sup>, the opinion has been expressed that the principal objective which the authors of the constitution had in mind was that "all Conventions should be made an issue before public opinion by submission to a body of a parliamentary character. It would therefore seem that, at any rate in cases in which the exercise of the executive powers by means of which the Convention can be implemented is subject to some kind of parliamentary control, it would be more in accordance with the spirit of the Constitution of the Organisation to afford an opportunity for the consideration of the Convention in question to a parliament body." The remarks made in the above quotation concerning Conventions clearly apply, *mutatis mutandis*, to Recommendations. To conclude, the Committee considers that it would accord with the spirit of the Constitution to submit Conventions and Recommendations to the most representative legislative body in all cases.

#### *Form of Submission to the Competent Authority*

58. The Committee deems it appropriate to place on record once more that Members should not limit themselves to submitting the texts of Conventions and Recommendations to the competent authorities for information only. It reiterates the view expressed by the Conference Committee in 1951, that article 19 of the Constitution provides that Conventions "must be brought before the authorities within whose competence the matter lies, for the enactment of legislation or other action. It would seem clear that the purpose of this provision is to obtain a decision on the part of the legislator".<sup>4</sup> Indeed, the submission of Conventions and Recommendations to the competent authorities ought as a rule to be accompanied by proposals regarding the attitude which the government con-

siders should be adopted in their regard. The Committee has observed that some countries appear to have encountered difficulties in this connection, particularly as regards Conventions and Recommendations which, in the government's opinion, cannot be ratified or accepted. On this point, the Committee considers it appropriate to reiterate that a clear distinction ought to be drawn between "submission" and "ratification". The former constitutes an obligation of a general character established by the Constitution of the I.L.O. It does not, however, imply the obligation to propose that a Convention be ratified or a Recommendation accepted. Accordingly, governments have complete freedom as to the nature of the proposals to be made when submitting Conventions and Recommendations to the competent authorities. Nevertheless, as the Committee has pointed out on several occasions, "Conventions and Recommendations must be submitted to the competent authorities *in all cases* and not only when the ratification of a Convention appears possible or when it is deemed advisable to give effect to the provisions of a Recommendation".<sup>5</sup>

## **VI. Reports Submitted by Governments on Unratified Conventions and on Recommendations**

### *(a) Supply of Reports*

59. This year is the eighth 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 Labour Inspection Convention, 1947 (No. 81), the Labour Inspection Recommendation, 1947 (No. 81), the Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82) and the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).

60. This is the second time that the Committee had to examine reports, under article 19 of the Constitution, on the above Conventions which, by their very nature, sustain the whole range of activities of the I.L.O. since they tend to strengthen the tripartite character of the Organisation and to guarantee effective implementation of its standards. It was for this reason that the Governing Body adopted more detailed forms of report than those regularly used for article 19 reports when it requested non-ratifying countries to report again on the effect given to these important instruments. The Committee learned, in this connection, that such reports would also be requested for the second time, in 1958, on the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and ventures to suggest that this might also be done on the basis of a more detailed form of report.

61. The Committee was further informed that the Governing Body, at its 131st Session (March 1956), had asked it to consider, in connection with its review this year of the effect given to the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), in non-ratifying and ratifying countries alike, the advisability of including in the form of annual report on this Convention an additional question relating to the freedom of association of public officials, of employees of public or semi-

<sup>1</sup> I.L.O. (Geneva, 1955).

<sup>2</sup> Idem : *Report of the Committee on the Application of Conventions and Recommendations*, International Labour Conference, 38th Session, Geneva, 1955 (Geneva, 1955), p. 8, para. 42.

<sup>3</sup> Idem : *Future Policy, Programme and Status of the International Labour Organisation*, op. cit., Appendix, pp. 181-182, para. 18.

<sup>4</sup> Idem : *Report of the Committee on the Application of Conventions and Recommendations*, International Labour Conference, 34th Session, Geneva, 1951 (Geneva, 1951), p. 5, para. 30.

<sup>5</sup> *Memorandum concerning the Obligation to Submit Conventions and Recommendations to the Competent Authorities*, op. cit.

public corporations, and of other special categories or workers. The Committee is of the opinion that there would be advantage in introducing an appropriate modification in the report form and in examining also such other changes as might usefully be made in the form.

62. The total number of reports requested this year under article 19 was 261. The total number received by the time the Committee met was 170, i.e. 65 per cent. A table showing in detail the number of reports supplied by the various governments will be found in the Appendix to Part Three of this report.

63. The proportion of reports received, although again showing an improvement on previous years, is still considerably smaller than that of the reports received in regard to ratified Conventions. The Committee would once again remind governments that the obligation to supply such reports on unratified Conventions and on Recommendations, as called for by the Governing Body, is as binding as the obligation to supply reports on ratified Conventions. The Committee has noted that a certain number of States have failed, throughout the eight years on which reports on unratified Conventions and on Recommendations have been requested, to supply any of the reports due. These countries are Albania, China, Ethiopia, Lebanon, Liberia, Panama, Peru, Syria and Venezuela. The Committee hopes that the governments concerned will, in future, supply reports

as requested and will be able to give an assurance to that effect to this year's Conference Committee.

(b) *Examination of Reports by the Committee*

64. 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 Part Three of this report.

65. As last year in accordance with the request of the Conference and the Governing Body, so this year also these general conclusions 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.

\* \* \*

66. The Committee, as already stated, finds itself every year under an increasing debt of gratitude to the members of the staff of the International Labour Office for the devoted services of all those associated with its work. Their knowledge, skill and devotion which were, as always, placed fully at the disposal of the Committee have alone enabled it to complete its task. The Committee is deeply grateful to them.

## PART TWO

### OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

#### VII. Observations and Requests for Supplementary Information concerning Annual Reports on Ratified Conventions (Article 22 of the Constitution)

##### A. GENERAL OBSERVATIONS

*Afghanistan.* The Committee took note of the statement made by the Government in the Conference Committee in 1956 that the employers' and workers' organisations were still in the formative stage and that copies of reports would be communicated to them in conformity with article 23, paragraph 2, of the Constitution of the International Labour Organisation as soon as such organisations had been properly set up.

The Committee hopes that the Government will keep it informed in future reports of any progress made in this connection.

*Albania.* The Committee had reports on two of the four Conventions by which Albania is bound and its observations on these reports will be found below under the Conventions concerned. The Committee regrets, however, that the Government has not supplied reports on the other two Conventions, particularly in view of the fact that no information whatever has been made available on these instruments since 1939.

The Committee hopes that the Government will supply reports on all four Conventions in future.

*Argentina.* Although the Government has reported on all but two of the 35 Conventions in force, the Committee notes with regret that it does not reply to the observations and requests for additional information previously made in certain cases. The Committee has found it necessary, therefore, to refer to these and other points below under the Conventions concerned.

The Committee was, however, glad to learn from a letter received shortly before its session that the Ministry of Labour and Social Welfare is at present studying a number of modifications in the national legislation in order to ensure full harmony with the provisions of several Conventions, and that the Government hopes to supply information during the next session of the Conference on the measures taken in this connection. The Committee trusts that the amendments in question will take full account of the various points raised in the present report.

*Bolivia.* The Committee notes with regret that no reports have been received on the six Conventions by which Bolivia is bound. This is all the more disappointing since three of these reports would have been first reports after ratification and since a number of points had been raised by the Committee in 1956 in regard to the other three Conventions.

The Committee hopes that the Government will supply full reports on all the Conventions in future.

*Bulgaria.* The Committee had before it the Government's reports for the period 1954-55, which had arrived too late for examination at its 1956 Session and had been referred to it for examination by the Conference the same year. It had also before it the reports for the period 1955-56, which, however, were received only a short time before the opening of the session. Since in some cases these reports included new legislation, some of it available only in Bulgarian, the Committee could not always carry out its examination as thoroughly as might have been desirable, and has in such cases had to postpone any final evaluation to its next session. Subject to this reservation, the Committee's findings will be found below under the Conventions concerned.

The Committee was interested to learn in this connection from the letter accompanying the Government's reports for 1955-56 that in certain cases where no reply has been made to the observations, an examination of changes in the Labour Code is now under way and due to be completed shortly. The Committee looks forward to receiving information on these changes in the next reports.

The Committee also hopes that the Government will in future supply its reports by the date requested so as to enable them to be examined with all necessary care.

*Colombia.* At its 1956 Session the Committee had made a general observation concerning the manner in which the Colombian Labour Code of 1950 gives effect to the 24 Conventions ratified by Colombia in 1933. It therefore took note with great interest of the statement made by the Government in the Conference Committee in 1956 that the provisions of ratified Conventions have priority over the provisions of the Labour Code and that in addition the Government was examining the position with a view to eliminating existing discrepancies between this legislation and certain Conventions, so that appropriate amendments could be submitted to the Legislative Assembly at its next meeting.

While welcoming these assurances, the Committee must nevertheless express its disappointment at the Government's failure in its present reports to reply, in the great majority of cases, to the observations and requests for information made in 1956 and renewed mention of these and other points is made below under the Conventions concerned. The Committee finds it necessary to stress once again that the present position is highly unsatisfactory, since discrepancies of long standing continue to exist despite repeated promises for their elimination. The Committee can therefore only once more express the hope that the necessary action will be taken soon.

*Ecuador.* The Committee notes that copies of the Government's reports, the first received from Ecuador, have been communicated only to workers' organisations. The Committee hopes that the Government

will communicate copies of future reports also to the representative organisations of employers as provided for in article 23, paragraph 2, of the Constitution.

*Guatemala.* The Committee notes with regret that only six of the Government's reports were received in time for a full examination, that five further reports only arrived at the beginning of the present session and that three reports are still outstanding. Since all these reports are the first after ratification and since they were already due in 1956, the Committee expresses its regret at this delay which has prevented it again this year from examining the majority of the Government's reports. Its findings concerning the reports examined appear below under the Conventions in question.

The Committee trusts that the Government will supply future reports by the date requested so that the Committee will be in a position to examine them with all necessary care.

*Hungary.* The Committee notes with regret that the reports from this country have not arrived. Since it had had occasion in 1956 to make a number of observations and requests for information, it trusts that the Government will supply its next reports by the date requested and will include therein full information concerning all the points raised in 1956.

*Iraq.* The Committee notes with regret that, contrary to the formal undertaking given to the Conference Committee in 1956, the Government has once again failed, in most cases, to reply to the observations and requests for information made by the Committee at previous sessions. In these circumstances, the Committee can only repeat, under the Conventions concerned, the points already raised in its former reports.

The Committee is also bound to note that the Government has once again found it impossible 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.

*Liberia.* The Committee much regrets to note that the Government's report on the Forced Labour Convention, 1930 (No. 29), the only instrument by which Liberia is bound, has not been received. Since the Committee had raised many important points in 1955 and 1956, to which reference is again made below under Convention No. 29, the Committee finds the Government's failure to report this year especially disappointing and firmly trusts that a full report including all the particulars requested will be received in due course and in any case by the date required.

*Luxembourg.* The Committee notes with regret that the 27 reports from Luxembourg have not yet arrived. Since this country has in the past complied scrupulously with its reporting obligation, the Committee expresses the hope that the Government will supply its next reports by the date requested.

*Nicaragua.* While appreciating the Government's action in supplying reports once again this year, the Committee notes with regret that no reference is made in these reports to the points raised by the Committee in 1956 in a general observation and in a number of individual observations on certain Conventions.

In view of the importance of many of the points raised, the Committee trusts that the Government's next reports will take full account of these points which are repeated below under the Conventions concerned.

*Peru.* The Committee notes the absence of any reports from this country with particular regret because this follows upon the late arrival of the reports in 1956 and upon similar serious delays in previous years. Unless the Government's future reports are received by the date requested, the Committee will continue to be prevented from examining them with all necessary care and from learning what progress may have been made in eliminating the divergencies regarding certain Conventions which are referred to below under the instruments concerned.

*El Salvador.* The Government's first report on the only Convention ratified does not indicate whether a copy thereof has been communicated to the representative organisations of employers and workers. The Committee hopes that the Government's next report will be sent to these organisations as provided for under article 23, paragraph 2 of the Constitution.

*Venezuela.* Since the 17 reports due have not been received and since Venezuela's notice of withdrawal from the I.L.O. is shortly to become effective, the Committee wishes to refer to article 1, paragraph 5 of the Constitution which provides that "when a Member has ratified any international labour Convention . . . withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto".

The Committee expresses the earnest hope that the Government will supply annual reports in future.

#### B. INDIVIDUAL OBSERVATIONS AND REQUESTS FOR SUPPLEMENTARY INFORMATION

##### *Convention No. 1 : Hours of Work (Industry), 1919.*

Number of reports requested :	24.
Number of reports received :	21.
Reports not received :	3.

(Luxembourg, Peru, Venezuela.)

*Belgium* (ratification : 6.9.1926). The Committee refers to the observation which it made in 1956 in connection with the Royal Order of 27 June 1955, respecting the postal administration, which had been reproduced in the Government's report. It notes that, in the opinion of the Government, the Convention is not applicable to the postal administration, since this administration is not specifically mentioned in Article 1 of this Convention, and since it is included in the scope of the Hours of Work (Commerce and Offices) Convention, 1930 (No. 30). The Committee points out in this connection that all construction, maintenance and repair work in connection with postal installations is covered by Convention No. 1 (Article 1, paragraph 1 (c)), although the postal service itself would normally be outside this scope. The Committee also points out that in the case of any overlapping in the scope of two Conventions, their provisions are held to apply cumulatively (except in any case where a provision in one of the Conventions ceases to be applicable when the second Convention is in force); thus, in cases where a given group of workers is covered by similar regulations in two different Conventions, the said Conventions must be applied independently and fully to these workers by any country having ratified either of these instruments.

The Committee also notes the Government's comments on the meaning attached by the Committee to the expression "persons employed in a confidential capacity" (Article 2, paragraph (a) of the Convention). The Government considers that a person may be

employed in a confidential capacity—and hence be excluded from the scope of the Convention—and yet participate in the execution of the work. The Government representative at the Conference Committee in 1956 having referred to a reply made by the Office to a request from the Swiss Government on this question, the Committee believes that it may be useful to give the following extract from the opinion given by the Office in this connection: Article 2, paragraph (a), applies “to persons occupying a post involving responsibility in a considerable degree.... On the railways, posts, telegraphs and telephones, only the workers who carry out real functions of direction should be left outside the scope of the Convention and not employees carrying out ordinary office work. On the railways, for example, Article 2 (a) is applicable to foremen and to all who, occupying a managing post, do not take part in the execution of the work.... There is no doubt that a foreman (of a gang) working with his comrades . . . should benefit by the same regulations of hours as the workmen in the same establishment.”<sup>1</sup> It should be noted that this text, with which the Committee is in full agreement, dates back to 1920, and has not been contested for 35 years.

In any case, although there may be marginal cases where it is not clear whether such or such a category of workers should be considered as persons employed in a confidential capacity, it is obvious that some of the postal employees classified in the Royal Order of 27 June 1955 in the category of “confidential work” (e.g. electricians, principal drivers, chief workmen acting as head of a shift) cannot be considered as covered by the exceptions contained in Article 2 (a) of the Convention.

The Committee takes due note of the statement of the Government that there are no provisions in force 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, paragraph 2 thereof.

*Bulgaria* (ratification : 14.2.1922). The Committee takes note of the various ordinances and texts which the Government was good enough to attach to its last reports in conformity with the request made by the Committee in 1955.

As regards Article 4 of the Convention, the Committee notes on the one hand the Government's statement that hours of work in necessarily continuous processes do not exceed eight hours per shift and 48 hours per week and, on the other hand, section 7 of the Ordinance respecting overtime, approved on 3 May 1952, which provides for overtime at the rate of two hours in every 24-hour period throughout the year in this type of process. The Committee notes therefore that weekly hours in such processes may amount to 60 and it would be glad if the Government would take steps to ensure the application of Article 4 of the Convention, which provides for a maximum working week of 56 hours in continuous processes.

The Committee notes that the Ordinance respecting the extended working day in seasonal work, approved on 7 June 1952, authorises a ten-hour working day in certain types of seasonal employment, such as the manufacture of bricks and tiles; this extension of hours would seem to fall under Article 6, paragraph 1 (b) of the Convention (exceptional cases of pressure of work) but the Committee finds that the extra

working time is not paid for at a higher rate and that the total number of additional hours is not prescribed. The Committee would therefore be glad if the Government would take steps to ensure compliance with these two requirements which are laid down in paragraph 2 of Article 6.

*Burma* (ratification : 14.7.1921). The Committee notes that no rules have as yet been issued under the Oilfields (Labour and Welfare) Act, 1951, and that rules under section 57 (1) of the Factories Act have not yet been made. It hopes that the Government will keep it informed of any developments in this connection.

*Canada* (ratification : 21.3.1935). The Committee notes the Government's statement that legislation to implement the Convention was still lacking in a number of areas and in respect to some types of employment in all areas but that in practice hours of work in industrial undertakings were generally considerably less than the 48-hour week set in the Convention. The Committee hopes that the Government will continue to keep it informed in future reports of all new developments in this connection and of all steps taken to co-ordinate the measures envisaged by the provincial legislatures in regard to hours of work.

*Colombia* (ratification : 20.6.1933). The Committee notes that no reply has been given to the observation it made in 1956, which is therefore reproduced below:

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.

The Committee urges the Government once again to supply the information requested as soon as possible.

*Czechoslovakia* (ratification : 24.8.1921). The Committee thanks the Government for the information

<sup>1</sup> *Official Bulletin* (Geneva, I.L.O.), Vol. III, 1921, pp. 391-392.

supplied in reply to the observations made in 1956, and notes with interest that, as from 1 October 1956, the hours of work in all processes have been reduced to 46 per week. The Committee also takes note of the information supplied by the Government respecting the distribution of hours of work permitted under Article 5 of the Convention and notes that higher rates of pay are prescribed for overtime in conformity with Article 6, paragraph 2, of the Convention.

The Committee notes, however, that, as regards Article 6, paragraph 1 (b) of the Convention, the various ministries authorise undertakings to grant overtime according to the needs of the undertaking and within the legal limits of 240 additional hours in the year, fixed by section 6 of the Act of 19 December 1918. In this connection the Committee points out that the Convention provides that exceptions to the established hours of work must be determined by regulations made by public authority and that, consequently, the determination of such exceptions should not be left in the hands of the undertakings immediately concerned. It would therefore be glad if the Government would state what measures are taken to ensure that such additional hours are only authorised in order to "deal with exceptional cases of pressure of work", as prescribed in the Convention.

*Dominican Republic* (ratification: 4.2.1933). The Committee is pleased to note the modifications made in section 137 of the Labour Code by Act No. 4468 of 3 June 1956, by which it is ensured that the normal hours of work shall not exceed eight a day and 48 a week and that only family undertakings in rural districts may be excluded (Article 2 of the Convention).

The Committee also notes the modifications made in section 149 of the Labour Code by which the extension of working hours in undertakings working continuously is only permitted if these undertakings are basic to the national economy and if the processes are seasonal. The Committee regrets to find, however, that this section of the Code still provides for authorisations to work 12 hours a day and 84 hours a week and it points out that this provision contravenes Article 4 of the Convention which fixes a maximum of 56 hours a week on the average in necessarily continuous processes; it is also incompatible with Article 6 of the Convention since authorisations of exceptions covering a period of eight months in a year (section 149) cannot be considered as temporary exceptions for reasons of "exceptional cases of pressure of work". Moreover the extension of hours of work for reasons of manpower shortage (section 149) is not permitted under the terms of the Convention. The Committee therefore expresses the hope that the Government will take the necessary steps to modify section 149 of the Code and bring it into conformity with the Convention.

As regards road transport, the Committee is pleased to note that section 269 of the Labour Code has been deleted so that persons employed on vehicles providing public transport in urban transport undertakings are no longer excluded from the hours of work provisions. On the other hand, the Committee notes that persons employed on transport vehicles in services between communes (section 269 of the Labour Code, as amended) are still excluded from the ordinary working hours; it recalls in this connection the Government's statement in the report for 1952-53 that the workers in question were in practice covered by the eight-hour and 48-hour limits. It hopes there-

fore that the Government will find it possible to ensure that these workers should also benefit from the legislative provisions fixing the maximum hours of work.

The Committee notes the Government's statement that the maximum eight-hour day fixed by section 137 of the Code applies in the case of the necessarily continuous processes listed in section 160 and that it is not therefore necessary to draw up the list prescribed in Article 7, paragraph 1 (a), of the Convention. The Committee points out that the hours of work of employees in these undertakings are affected by section 148 of the Code, which authorises a nine-hour day in undertakings where working is continuous; the Committee would also be glad if the Government would indicate the system of shifts in these undertakings.

As regards Article 6, paragraph 2, of the Convention, the Committee notes that section 139 of the Code fixes the maximum daily hours of persons who work intermittently; it would be glad to know, however, what is the maximum number of additional hours over a given period of time which may be authorised in cases of exceptional pressure of work covered by paragraph 1 (b) of Article 6.

The Committee would like to know whether any use has been made of section 154 of the Code, which provides that the Secretariat of State for Labour may increase provisionally the duration of normal working hours.

*Greece* (ratification: 11.5.1920). It is with regret that the Committee takes note of the Government's statement that it has been decided not to modify the legislation so as to ensure the application of the Convention to certain categories of railway workers who are employed on longer hours than are permitted under the Convention.

In this connection, the Committee recalls that the question of the application of the Convention to Greek railway workers has been before it and before the Conference Committee at each session since 1951. It also recalls the numerous undertakings given by the Government: in 1951 it gave formal assurance that the Government would ensure the full application of the Convention by stages; in 1952 it stated that a decree ensuring this application had been signed by the King and would shortly be published; in 1954 it stated that it hoped soon to implement measures which would ensure the application of the Convention; in 1955 it undertook to ensure the full application of the Convention to all railway workers in three stages of two years; in 1956 it stated that the first stage towards the progressive application of the Convention to those categories of workers who were not yet covered would be taken in the year starting 1 July 1956.

The Committee is disappointed at the attitude now adopted by the Government in spite of all its previous undertakings, and trusts that the Government will reconsider the position and decide to take the necessary action before the next session of the Conference.

*Haiti* (ratification: 31.3.1952). The Committee thanks the Government for the information supplied in reply to certain of the requests made in 1956. It takes due note of the Government's statement that the relevant legislation covers all the industrial undertakings listed in Article 1 of the Convention; it also takes note of the undertaking given by the Government that the Act of 5 May 1948 is to be modified in order to ensure full conformity with Article 2, paragraph (b), of the Convention, which



authorises a limited redistribution of the hours of work, and hopes it will be kept informed of the progress made.

The Committee notes that exceptions to the normal hours of work are authorised by the Department of Labour in certain cases, which are described in general terms in the Government's report, and it notes that there is no legislation on this question. In view of the fact that the Convention authorises exceptions only in certain specific cases and subject to certain conditions and since the report does not show whether these conditions are respected, the Committee would be glad if, in its next report, the Government would—

(a) indicate the regulations, directives or other documents which set out in precisely what cases the competent authority may authorise overtime;

(b) state what measures are taken to ensure that the exceptions permitted in the case of *force majeure*, etc. (Article 3 of the Convention) are authorised "only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking", as required by the Convention;

(c) state in virtue of what provisions working hours in necessarily continuous processes (Article 4) are limited to 56 in the week on the average, as required by the Convention;

(d) state in what cases the permanent exceptions to be determined by public regulations in the case of preparatory, complementary or intermittent work (Article 6, paragraph 1 (a)) are authorised;

(e) state in what cases the temporary exceptions to be determined by public regulations so that establishments may deal with exceptional cases of pressure or work (Article 6, paragraph 1 (b)) are authorised, indicating how the employers' and workers' organisations were consulted in this connection and what is the maximum of additional hours permitted by these regulations (Article 6, paragraph 2);

(f) supply a list of the processes which are classed as being necessarily continuous in character under Article 4, as required by Article 7, paragraph (a);

(g) supply full information on any agreements which in virtue of Article 5 provide that hours of work may be calculated over a longer period of time, as required under Article 7, paragraph (b).

The Committee also notes that according to section 1 of the Act of 5 May 1948 "time spent by the employee in rectifying errors for which he is responsible shall not be counted as overtime". It points out that an extension of the hours of work for such reasons is not permitted under the terms of the Convention.

Finally, the Committee would be glad if the Government would indicate in its next report whether it is considering, in regard to certain of these divergencies, the possibility of modifying its legislation in order to ensure full conformity with all the provisions of the Convention, as it is already proposed to do with regard to Article 2 of the Convention.

See also last paragraph of observation on Convention No. 30.

*India* (ratification: 14.7.1921). The Committee took note with interest of the detailed information supplied by the Government in reply to the observation made in 1956.

As regards section 64, paragraph 2 (d) of the Factories Act, the Committee notes that the rules framed by certain state governments provide that the weekly hours of workers employed in work which is carried

on continuously shall not exceed 56, and that the states which have not yet fixed these maximum hours will be requested to do so. The Committee expresses its satisfaction at the proposed action and would be glad if the Government would indicate in its next report what measures have been taken in this connection.

The Committee also notes with interest the Government's undertaking that the state governments will be instructed to take into account the limit prescribed in Article 10 of the Convention in finalising the rules relating to workers engaged in the loading and unloading of railway wagons (section 64, paragraph 2 (j) of the Act). It hopes the Government will state in its next report what progress has been made in this connection.

The Committee would also be glad if the Government would attach to its next report the texts of the rules framed by the state governments under section 64, paragraph 2, of the Factories Act.

*Israel* (ratification: 26.6.1951). The Committee takes note with interest of the information supplied by the Government in reply to its observation, in which it is stated that not more than eight hours overtime per week is authorised under Article 4 of the Convention and that a compensatory day of rest is granted so that there is no overtime in the average over a given number of weeks.

*New Zealand* (ratification: 29.3.1938). The Committee takes note of the statements made by the Government indicating that the awards and agreements in virtue of which longer hours may be worked are in conformity with the provisions of Article 6 of the Convention and that the penalty rate for overtime is such as to ensure generally that the weekly hours in excess of the 48 hours laid down by the Convention are worked only for reasons covered by the Convention. Whilst the Committee fully appreciates the positive nature of these statements and the advantages conferred on workers as a result of the 40-hour week, it is bound to point out that even in these circumstances there should be measures to ensure that any overtime which brings the total hours to more than 48 a week should only be granted in the cases authorised by the Convention. The Committee finds that such overtime does in fact exist since, if the average hours of work in a given industry exceed 48 per week, as it appears from the report, it is clear that in certain individual cases the weekly hours will be even higher than the average.

As far as Article 6 of the Convention is concerned, the Committee does not deny that awards and agreements which are compulsory for an industry or occupation as a whole have the same force as the regulations required under this Article, but it points out that these awards or agreements cannot ensure the full application of Article 6 unless they contain the minimum requirements specified in this Article. Thus these texts should provide, *inter alia*, that the temporary extension of hours of work beyond 48 per week may only be worked in order to deal with exceptional cases of pressure of work (paragraph 1 (b)) and must fix the maximum number of additional hours permitted (paragraph 2). In this respect the Committee, having considered the Government's statement that the penalty rate for overtime was such as to ensure generally the application of the Convention, refers to the general observation made in 1950 on this question and points out that penalty rates for additional hours do not constitute a sufficient guarantee against the abuse of

overtime and that these rates are only one of the several requirements laid down in Article 6 of the Convention.

The Committee would therefore be grateful if the Government would state, in its next report, whether the collective agreements and awards contain safeguarding provisions respecting overtime which are required under Article 6 of the Convention. If this is not the case, the Committee would be glad to know what measures might be taken in order to ensure compliance with the requirements of Article 6.

*Nicaragua* (ratification: 12.4.1934). The Committee notes that no reply has been given to the observation it made in 1956, which is therefore reproduced below:

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.

The Committee would also be glad if the Government would attach to its next report a copy of Decree No. 85, dealing with conditions of work in mines, which is mentioned in the Government's report.

*Pakistan* (ratification: 14.7.1921). The Committee notes that the railway administrations are still examining the question of the extension of the hours of employment regulations to the running staff on railways, already mentioned in the report for 1954-55. The Committee would be glad to be kept informed of the progress made in this connection.

*Peru* (ratification: 8.11.1945). The Committee notes from the statement made in 1956 by a Government representative before the Conference Committee, that the first draft of the Labour Code had been modified to ensure the full application of the Convention and that it was to be submitted to Congress after July 1956.

In the absence of a report from the Government, indicating what further action might have been taken, the Committee finds it necessary to repeat the observation already made in 1956:

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 organisation 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

The Committee trusts that the Government will soon be able to take the action called for above.

*Portugal* (ratification: 3.7.1928). The Committee has noted the detailed reports supplied in past years by the Government on this Convention. It finds, however, that the complexity of the national system respecting the fixing of hours of work and the application of these standards is such that a general review of the position would appear advisable.

The Committee would therefore be very grateful if the Government would assist it by drawing up its next annual report on the basis of the form of report for this Convention so that the report would contain, under each Article of the Convention, the full reference to each provision of the national legislation or regulations which ensures or affects the application of the Article. It should also contain the text of the relevant provisions of all collective agreements having force of law which may contribute to this application.

*Rumania* (ratification: 13.6.1921). The Committee takes note of the information furnished by the Government in reply to the observation made in 1956. It finds that the information available is still insufficient to permit a proper evaluation of the position in regard to hours of work and it would be glad if the Government would supply information in its next report on each of the points enumerated below:

Article 2 of the Convention. The Committee would like to know whether use is made of the authorisations for a limited redistribution of hours of work contained in paragraphs (b) and (c) of this Article and, if so, the Committee would like to have full information in this connection.

With regard to paragraph (a) of this Article, the Committee would like to have copies of the orders issued by the Ministries under section 49 of the Labour Code, specifying the categories of employees who are not covered by the hours of work provisions.

Article 4. The Committee takes note of the general information supplied by the Government regarding necessarily continuous processes. It hopes that the Government will indicate whether the working hours of the persons affected are limited to a maximum of 56 per week, as prescribed in the Convention, and that it will supply a copy of the text which regulates this type of work. The Committee would also be glad if the Government would communicate the list of the processes which are classed as being necessarily continuous in character, as required under Article 7, paragraph 1 (a) of the Convention.

Article 5. The Committee would be glad if the Government would state whether the averaging of weekly hours of work over a certain period is permitted in Rumania, in virtue of this Article of the Convention. If so, and in accordance with Article 7, paragraph 1 (b) of the Convention, the Committee

would like to have full information as to the working of the agreements in question.

Article 6, paragraph 1 (a). The Committee would be glad to know whether regulations authorising permanent exceptions have been made in virtue of this provision and, if so, it would like to have all the relevant information in this connection, in accordance with Article 7, paragraph 1 (c) of the Convention.

Article 6, paragraph 1 (b). With regard to the temporary exceptions authorised under the Convention, the Committee notes that section 57 of the Labour Code provides for overtime in certain unspecified cases; the Committee would like to know what provisions exist to ensure that these exceptions are only permitted in order "to deal with exceptional cases of pressure of work", as prescribed in this provision of the Convention.

It is also noted from the Government's report that in certain branches where conditions of work are exceptional, the Council of Ministers may authorise overtime in addition to that permitted under the above-mentioned section of the Code; the Committee would like to know in exactly what circumstances these additional hours are permitted.

Finally the Committee would be glad to have full information on all regulations, orders or other texts in virtue of which overtime is authorised, including for example copies of the decisions of the Council of Ministers mentioned in the above paragraph.

Article 6, paragraph 2. It is noted that the maximum number of additional hours fixed by section 57 of the Labour Code may be exceeded subject to the approval of the Council of Ministers; the Committee would like to know what maximum figure, if any, has been fixed for this type of overtime.

The Committee notes the Government's statement regarding the higher rate of pay for overtime; it understands that these rates are fixed by order of the Council of Ministers under section 39 of the Code, and would be glad to have copies of the relevant texts.

In this connection the Committee notes that under sections 28 *et seq.* of the Labour Code a worker, the quality or quantity of whose output falls below a given standard, will receive only part of the wage, or no pay whatever. It would be glad to have information regarding the practical application of these provisions, particularly as regards overtime.

The Committee refers to the observation made in 1956 in which the Government was asked whether the temporary labour service which citizens might be required to perform in the case of labour shortages under section 111 of the Labour Code was liable to affect the maximum daily and weekly hours of work in industrial undertakings, laid down in the Convention. The Committee would be glad if the Government would supply full information on this point.

*Spain* (ratification: 24.5.1928). The Committee took note with interest of the first reports on this Convention, covering the period 1954-56, supplied by the Government since Spain again became a Member of the Organisation.

The Committee would be glad if the Government would supply information in its next report on the various points raised below, and the steps it considers taking to ensure full conformity between the Convention and the national legislation in cases where the Convention does not appear to be applied.

Article 1 of the Convention. The Committee notes that although section 1 of the Act of 9 September

1931 provides that the eight-hour working day is applicable in industrial undertakings, occupations and paid work of all kinds, yet section 2 of the Royal Decree of 3 April 1919 (attached to the Government's report on Convention No. 20) provides that "The duration of the working day (in bakeries) shall be agreed upon by employers and workers, provided that the working day shall in no case include the period of six hours in which all work is prohibited, according to the first paragraph of the preceding section. A contract stipulating a working day so clearly excessive as to be inhuman shall be null and void . . . ." The Committee would therefore be glad if the Government would indicate whether the Act of 1931 is in fact applicable to undertakings where bread, pastry, etc., is made and to all other industrial undertakings.

Article 2. The Committee notes that the Act of 1931 to fix hours of work provides only for the maximum daily hours and not for the maximum weekly hours. The Committee would be glad if the Government would indicate in virtue of what legislative text the weekly hours of work are limited to 48 and, in so far as this limitation is established in virtue of the Act of 13 July 1940 respecting Sunday rest, it would be glad to know what suspension may have been made under section 7 of that Act.

Article 3. The Committee notes that overtime is authorised under section 8 of the Act of 1931 in order to make up for time lost for reasons such as *force majeure*, etc. Article 3 of the Convention, which deals with such exceptions, provides that they should only be permitted so far as may be necessary to avoid serious interference with the ordinary working of the undertaking. It would therefore seem necessary to insert such a safeguard in connection with the overtime authorised under section 8, second paragraph, of the Act.

Article 4. The Committee notes that in virtue of section 49 of the Act of 1931, overtime may be worked up to a maximum of 60 hours in the case of processes in the metallurgical industry, which cannot be interrupted. The Committee points out that the working hours may not exceed 56 in the week in the case of necessarily continuous processes under this Article of the Convention, and it would be glad to be informed of the measures the Government intends to take to rectify this discrepancy.

See also under Article 7 (a).

Article 5. The Committee notes that sections 81, 87 and 88 of the Act of 1931 provide that in the case of shift work for certain railway workers, the average working day may be calculated over a period of up to 30 days. In so far as these provisions fall under Article 5 of the Convention, the redistribution of hours of work in question can only be permitted subject to the agreement of the employers' and workers' organisations.

Article 6, paragraph 2. The Committee notes that in the case of the overtime permitted under section 97 (b) of the Act of 1931, the employers' and workers' organisations do not appear to be consulted and the total number of additional hours is not fixed; such measures are, however, required under the Convention.

As regards the rate of pay for overtime provided for in paragraph 2 of the Article, the Committee notes from the various national regulations governing work in given industries that there are cases in which a worker may not be paid for his day's work (e.g. if a worker in a bakery is up to 30 minutes late in starting work,

this constitutes a "minor fault", and may be punished by a fine of three to six days' wages). In view of the fact that, independently of the more general aspect of this question, this rule might adversely affect the principle established in the Convention, regarding the payment of higher wage rates for overtime or might cause wage earners to work longer hours than are authorised in the Convention, the Committee wishes to draw the attention of the Government to these provisions and would be glad to have particulars regarding their practical application.

See also under Article 7 (c).

Article 7, paragraph (a). The Committee would be glad if the Government would supply the list of the processes which are deemed to be necessarily continuous in character for the purposes of Article 4, as required by this provision of the Convention.

Article 7, paragraph (c). The Committee would be glad if the Government would supply full information concerning the regulations made under Article 6 and their application, as required by this provision of the Convention.

Article 8. The Committee would be glad to know whether employers are required to keep a record of all additional hours worked in pursuance of Articles 3 and 6 of the Convention, as prescribed in paragraph 1 (c) of this Article. It would also be glad if the Government would forward specimen copies of the notices and forms specified in paragraph 1 of this Article.

Article 14. The Committee notes that the Government states that it is free to suspend the operation of the provisions of this Convention, in conformity with this Article of the Convention. It would be glad to be informed of the text providing for this suspension and to know whether any such suspensions took place during the period under review.

The Committee finds that the Act of 1931 authorises exceptions in a number of cases and that these exceptions do not always seem to accord with the provisions of the Convention. It would therefore be glad to have additional information on the following points:

(a) in exactly what circumstances authorisations are granted for overtime "to deal with cases of emergency", as provided in section 4, first paragraph, of the Act;

(b) whether overtime may be authorised under section 4, second paragraph, of the Act merely because "the necessary employees are not available";

(c) whether the festivals on which work may be suspended in virtue of section 8, first paragraph, of the Act of 1931, are local or national holidays;

(d) in exactly what circumstances the agreements between employers and workers respecting overtime in occupations accessory to the principal industry of a factory or undertaking are authorised in virtue of section 11 of the Act;

(e) in exactly what circumstances the optional overtime referred to in section 97, paragraph (a), of the Act is authorised;

(f) in what circumstances the increased hours of work authorised in section 47 of the Act are permitted;

(g) in virtue of what provisions of the Convention the longer hours referred to in section 36, paragraphs 2 and 3, of the Act of 1931 are permitted.

The Committee would also like to point out that the longer hours of work permitted under section 101

of the Act of 1931 by which a 72-hour week may be worked in road transport are not covered by the exceptions or exemptions authorised in the Convention, and it would be grateful if the Government would state what steps it considers taking to rectify this discrepancy.

Finally, the Committee notes that the only information regarding the practical application of the Convention consists in global figures relating to inspection figures, fines imposed, etc.; it would be glad if the Government would examine the possibility of furnishing the more detailed information requested in the report form, as for example, information concerning the number of workers covered by the relevant legislation, the number and nature of the contraventions reported, the number of hours of overtime worked in the cases covered by Articles 3 and 6 of the Convention.

#### *Convention No. 2: Unemployment, 1919.*

Number of reports requested : 33.

Number of reports received : 30.

Reports not received : 3.

(Hungary, Luxembourg, Venezuela.)

*Austria* (ratification : 12.6.1924). The Committee notes that the Government intends to submit to Parliament a Bill providing for the co-ordination of the operations of public and private free employment agencies (Article 2, paragraph 2 of the Convention). The Committee trusts that the next report will give information regarding the adoption of this Bill.

*Bulgaria* (ratification : 14.2.1922). As already requested in 1955, the Committee would be grateful if the Government would include in its next report particulars on the number of free public employment agencies, the number of applications for employment received, the number of vacancies notified and the number of persons placed in employment by such agencies, as called for in the report form, under Article 2 of the Convention.

*Chile* (ratification : 31.5.1933). The Committee recalls that in 1953 the Government stated that the adoption of a supreme decree designed to give full effect to the provisions of the Convention had been postponed pending the arrival of an employment service expert who had been requested from the I.L.O. Since the report for 1955-56 mentions that the mission of this expert has taken place, the Committee would be grateful if the Government would indicate what legislative measures have been taken or are envisaged with a view to establishing a system of public employment agencies in accordance with the Convention, ratified 24 years ago.

*Colombia* (ratification : 20.6.1933). The Committee observes with regret that the report contains no information as to measures to permit the establishment of the advisory committees provided for in paragraph 1 of Article 2 of the Convention. Whereas the report for 1954-55 stated that unemployment was not a problem for Colombia, the Committee considers that these advisory committees should be set up without regard to the current existence of such a problem.

Repeating therefore the observations made on this subject since 1951, the Committee expresses the hope that the measures in question will be taken without delay, and would be grateful to the Government if it would indicate the steps that it proposes to take to this effect.

*Egypt* (ratification 3.7.1954). The Committee welcomes the Government's statement of its intention to communicate the statistical and other information referred to in Article 1 of the Convention. It notes that the consultative committees called for by Article 2, paragraph 1 of the Convention have not yet been set up at the local level and would be grateful if the Government would in its next report indicate the progress made in the matter.

The Committee would also appreciate it if the next report would include the information asked for by the report form as regards the number of vacancies notified and the number of persons placed in employment.

*Greece* (ratification : 19.11.1920). The Committee learnt with interest from the Government's reply to its observation of 1956 that steps have been taken, in collaboration with a technical assistance expert, to reorganise the employment offices and to set up a statistical service within the Ministry of Labour which should, in particular, enable the Government regularly to communicate to the I.L.O. information concerning unemployment (Article 1 of the Convention).

The Committee hopes that, in accordance with the report form, information on the numbers of employment offices, of applications for employment received and of vacancies notified could also be included in future reports.

The Committee further notes that under section 8 of Act No. 3252 of 1955 consultative committees, including representatives of employers and workers may be set up for each employment office and would appreciate it if the Government, in its next report, would indicate how many such committees have been set up and describe their functions (Article 2, paragraph 1).

*Hungary* (ratification : 1.3.1928). Considering that the system provided for by the Convention—free public employment agencies under the control of a central authority and assisted by consultative committees—should be established without regard to the current existence of unemployment, the Committee would appreciate it if the next report would state whether the agencies for the direction of manpower are able to carry out the functions set out in Article 2 of the Convention and whether representatives of employers and workers are already associated with the operation of existing services. The Committee would also be grateful if the Government would state in future reports whether there has been unemployment during the period under consideration (Article 1 of the Convention).

*Nicaragua* (ratification: 12.4.1934). The Committee observes that the Government's annual report does not contain information in reply to the observations made in 1956, except in so far as it is stated that section 42 of the Organic Social Security Act of 22 December 1955 covers the risk of unemployment.

The Committee accordingly renews its request to the Government to supply information in its next report on all the points mentioned in the observation of 1956.

*Poland* (ratification : 21.6.1924). The Committee notes from the information supplied in response to the question put in 1956 that the functions of the advisory committees provided for by Article 2, paragraph 1, of the Convention have been entrusted to "Committees on Labour and Social Welfare", which are constituted by the National Councils, the latter being elected by the whole population. The Committee wishes to call

attention to the fact that under the above-mentioned Article of the Convention the advisory committees should include representatives of employers and workers, and would be glad if the Government would indicate in its next report whether the Committees on Labour and Social Welfare in fact satisfy this requirement.

*Rumania* (ratification : 13.6.1921). The Committee wishes to thank the Government for the information supplied in its report in reply to the observations made in 1956, from which it notes that there exists a system of free public employment agencies under the control of a central authority. It would be grateful if the Government would state, in future reports, whether there has been unemployment during the period under consideration (Article 1) and, in its next report, whether the consultative committees called for by Article 2, paragraph 1, have been appointed.

*Spain* (ratification : 4.7.1923). The Committee notes the information which has been supplied; it would be grateful if the Government would in its next report indicate :

(a) whether the advisory committees mentioned in Article 2, paragraph 1, of the Convention have been established in Spain; and

(b) the progress made toward promulgating the regulations under the Act of 10 February 1943 which, according to the transitional provision of this Act, should have been issued within three months.

*Uruguay* (ratification : 6.6.1933). The Committee is pleased to learn that the National Council on 27 September 1955 adopted a resolution providing for the establishment in the Ministry of Industry and Labour of a department responsible for the operation of a national employment service. In these circumstances, the Committee trusts that the next report will provide information on the practical working of this department, particularly as regards—

(a) the establishment of a system of free public employment agencies (Article 2, paragraph 1);

(b) the appointment and consultation of committees including representatives of employers and workers (Article 2, paragraph 1);

(c) the co-ordination on a national scale of the operations of public and private free agencies (Article 2, paragraph 2).

#### *Convention No. 3 : Maternity Protection, 1919.*

Number of reports requested : 17.

Number of reports received : 14.

Reports not received : 3.

(Hungary, Luxembourg, Venezuela.)

*General observation.* In its report of 1956, the Committee pointed out that most of the reports supplied by governments contained no specific information on the effect given to the last part of Article 3, paragraph (c), and to Article 4 of the Convention. It accordingly requested governments to supply specific information on the legislative and other measures giving effect to these provisions.

The Committee notes with regret that most of the reports supplied this year do not provide additional information on the above-mentioned points. It therefore finds it necessary once more to request States which have ratified the Convention to supply in their next reports information on the measures which give practical effect to the following provisions :

(1) By virtue of the last part of Article 3, paragraph (c) of the Convention "no mistake of the medical adviser in estimating the date of confinement shall preclude a woman from receiving these 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 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 at such a time that the notice would expire during such absence.

The Committee notes further that the Conference Committee has expressed the wish that cases where payment of maternity benefits is subject to a qualifying period be examined. The Committee of Experts notes in this connection that in a number of countries which have ratified the Convention and which provide maternity benefits by a system of insurance, the payment of these benefits is subject to a qualifying period. As Article 3 (c) of the Convention lays down that maternity benefits shall be "provided either out of public funds or by means of a system of insurance", and as the Convention itself does not make provision for a qualifying period, it follows that (as already pointed out by the Conference Committee in 1931) an obligation exists to provide benefits out of public funds, for example by a system of assistance, for "women not covered by insurance legislation", including those who, though subject to such legislation, are temporarily not entitled to benefits. The Committee would accordingly be grateful if the governments would indicate in their next reports in what manner payment of maternity benefits is assured to all women covered by the Convention, in particular where a system of insurance imposes a qualifying period.

*Brazil* (ratification : 26.4.1934). The Committee notes that, according to the Government's report, the Bill which would bring Brazilian legislation into conformity with Article 3 (c) of the Convention is still being debated by the Chamber of Deputies.

As the Bill in question was presented to the National Congress in 1954, the Committee hopes that the amendments will be adopted at an early date.

*Bulgaria* (ratification : 14.2.1922). The Committee notes with regret that the reports supplied by the Government for 1954-55 and 1955-56 do not reply to the observations made in 1955. In these circumstances, the Committee can only refer to the observations in question, which were as follows :

The Committee notes that, according to the legislation in force, all women wage or salary earners are entitled to a period of leave starting 30 days before confinement. However, Article 3 (b) of the Convention lays down that a woman shall have the right to leave her work if she produces a medical certificate stating that her confinement is likely to take place within six weeks.

The Committee also takes note of the statement contained in the report to the effect that "any woman wage earner or salaried employee, who nurses her child until it is 8 months old, is entitled to a rest period of one hour twice a day, or two consecutive hours, without loss of wages", whereas Article 3 (d) of the Convention stipulates that a woman "shall in any case, if she is nursing her child, be allowed half an hour twice a day during her working hours for this purpose".

The Committee urges the Government to take the necessary action to bring national legislation into conformity with the above-mentioned provision of the Convention.

*Chile* (ratification : 15.9.1925). The Committee notes with satisfaction the statement made to the Conference Committee by a Government representative, that Act No. 11,462 of 29 December 1953, amending the Labour Code, has extended to all female salaried employees the provisions of Title III, concerning maternity protection; women workers accordingly are entitled to two half-hourly periods for nursing their children, in accordance with section 318 of the Labour Code.

*Colombia* (ratification : 20.6.1933). The Committee notes the statement made by a Government representative to the Conference Committee, to the effect that the provisions of the Labour Code are applied even if contrary to the Convention. Having regard to the nature of the provisions of the Labour Code relating to maternity protection, the Committee can only conclude that the necessary measures to give effect to the Convention in Colombia have not yet been taken, although the instrument was ratified more than 20 years ago. In effect—

(1) the length of maternity leave fixed by the Labour Code is eight weeks, instead of the 12 weeks laid down in the Convention (Article 3 (a) and (b));

(2) the two breaks to which mothers are entitled in order to nurse their children are of only 20 minutes' duration, instead of the 30 minutes laid down in Article 3 (d) of the Convention;

(3) the Labour Code places on the employer the obligation to pay wages to a woman worker during absence due to confinement, whereas the Convention provides that the benefits to be paid during the period of maternity leave shall be provided either out of public funds or by means of a system of insurance (Article 3 (c)).

The Committee notes further that, according to the Government representative's statement, the existing discrepancies between the national legislation and ratified Conventions are to be eliminated in the course of the next session of Congress. The Committee can therefore only emphasise the necessity for legislative measures to be taken at the earliest possible date, so that the Convention may at last be given effect in Colombia.

*France* (ratification : 16.12.1950). The Committee notes the information supplied in the Government's report in answer to the observations made in 1956.

The Committee notes with satisfaction the statement that where a woman worker's contract of employment is terminated during her statutory maternity leave, the notice commences to run only at the expiration of this leave, in accordance with the provisions of Article 4 of the Convention.

The Committee notes further that, with reference to section 54 (c) of Book II of the Labour Code, which, contrary to Article 3 (d) of the Convention, provides for the reduction to 20 minutes of the periods allowed for nursing a child where a special room exists for this purpose, the Government's report enumerates the reasons on account of which no amendment of the legislation with a view to increasing this period from 20 to 30 minutes can be envisaged. The Committee is however bound to reiterate that the Convention provides (Article 3 (d)) that a woman shall in all cases be allowed two periods of 30 minutes for nursing her child.

The Committee observes further that the point of view put forward in the Government's report can hardly be reconciled with the statement made to the



Conference Committee in 1953 by a Government representative, that—

by virtue of... article 26 of the French Constitution, treaties had priority over internal legislation: thus, if the French law only provided a 20-minute break for nursing in undertakings where nursing facilities existed and if the Convention provided for a 30-minute break in all cases, the Convention abrogated the law. The only point of practical interest was that the penal sanctions, provided in cases of non-observation by the employer of the 20-minute break, applied only to this period.

If this is the position and consequently the provisions of French legislation have been modified by virtue of the ratification of the Convention, the measures to be taken by the Government may in effect be limited to the provision of sanctions for contraventions of the Convention, considered as municipal law (to the extent that the penalties prescribed in the Labour Code, Book II, Title IV, Chapter I, or the provisions of general application in the Penal Code do not suffice) and to ensuring that these provisions received adequate publicity so that women workers might be aware of their rights.

The Committee trusts that the Government will in its next report indicate what progress it has been possible to make in this connection.

*Federal Republic of Germany* (ratification: 31.10.1927). It appears from the information supplied in the Government's report that the preparatory work for amending the Maternity Protection Act has not yet been completed, and that in view of the large number of Bills of a social character now before the Federal Assembly and its committees, there is little likelihood that the Bill will be enacted during the present legislative session.

The Committee trusts that the Government will spare no effort to hasten the adoption of a Bill to eliminate the discrepancies between the national legislation and the Convention, and requests the Government to be good enough to indicate what progress has been made to this end.

*Greece* (ratification: 19.11.1920). The Committee has taken note of the information provided both by the representative of the Government at the Conference Committee and in the Government's report. It noted in particular—

(a) that the condition of completion of a qualifying period, attached to payment of maternity benefit, was introduced in 1950 to avoid abuse;

(b) that the maternity allowance, because it is payable under a general insurance scheme, is subject to the general rules of the scheme and therefore to the condition that the qualifying period must be completed.

The Committee wishes to refer in this connection to the general observation on Convention No. 3, and would be grateful if the Government would provide—in its next report—the information asked for in the last paragraph of the observation.

Furthermore, the Committee noted that the report contains no information on the extension of the scope of the insurance scheme, although this was requested in 1956. It urges the Government not to fail to keep it informed, in the next report, of the progress of this extension which, the Committee recalls, is particularly important for maternity protection because the Convention applies to commercial as well as industrial establishments.

*Hungary* (ratification: 19.4.1928). The Committee noted with interest the information provided by the Government in writing to the Conference Com-

mittee regarding the provisions giving effect to paragraphs (a) and (c) of Article 3 of the Convention.

The Committee also noted that, according to section 96 of the Labour Code, "the employment of a working woman may not be terminated between the date at which she is found to be pregnant and the sixth month following confinement, save on the basis of disciplinary procedure". In this connection the Committee noted the distinction which the Government makes between termination of employment for disciplinary and for other reasons, with the result that an expectant or nursing mother could be dismissed without notice for disciplinary reasons, although protected from dismissal on other grounds.

The Committee points out to the Government that the Convention makes no distinction between causes of dismissal and provides in general terms in Article 4 that it shall not be lawful to give notice of dismissal during the period of absence of 12 weeks laid down in Article 3 "nor to give her notice of dismissal at such a time that the notice would expire during such absence". As the Committee has already had the occasion to point out in other cases, this provision has the effect of extending the lawful duration of the period of notice by an additional time equal to that required to complete the period laid down in the Convention; therefore *a fortiori* it prohibits dismissal without notice and requires the duration of the maternity leave to be respected in all cases.

The Committee would therefore be grateful if the Government would indicate in its next report the action it intends to take to eliminate this discrepancy between Hungarian legislation and the Convention.

Furthermore the Committee would be grateful if the Government would transmit, as already requested in 1956, the text of the following instruments: Regulations of the Central Council of Trade Unions, No. 2 of 1952; Order of the Council of Ministers, No. 1004 of 1953; Legislative Decree, No. 25 of 1953 (amendment of Labour Code).

*Italy* (ratification: 22.10.1952). The Committee notes that the Government is carefully studying the possibility of extending to all women workers maternity benefits under a system of social insurance, but that this question appears to the Government to be closely linked to a reorganisation of sickness insurance and therefore is not likely to be capable of solution in the near future. The Committee also notes that the Government will keep it informed of further developments in this matter. It trusts that the Government will spare no effort in order to bring about complete conformity between its legislation and Article 3 of the Convention, the latter laying down generally that maternity benefits shall be provided either out of public funds or by means of a system of insurance, whereas in Italy the legislation still provides in respect of certain classes of women workers (salaried or similar employees) that maternity benefits shall be paid by the employer.

*Nicaragua* (ratification: 12.4.1934). The Committee observes that the Government replies in respect of only one point to the request for information made in 1956.

In this connection, the Committee notes that a Social Security Act providing for a system of maternity insurance was promulgated on 22 December 1955 and was to come into force on 1 July 1956. The Committee would be grateful if the Government would in its next report indicate the provisions of



this Act which give effect to each of the Articles of the Convention. The Committee would also be glad if the Government would indicate the geographical scope of this legislation.

As regards the other points, the Committee can only refer to the request for information made last year, which was to the following effect.

In order to be able to appreciate the exact scope of section 130 of the Labour Code, which prohibits the dismissal of a woman worker "on account of her pregnancy or because she is nursing her child", the Committee would be grateful if the Government would supply in its next report a copy of the decision of principle given by the Supreme Labour Council on 27 November 1954.

The Committee notes that section 129 of the Labour Code merely provides that women workers shall be entitled to leave during the six weeks before and the six weeks after their confinement, whereas Article 3 of the Convention, which provides for a rest period of 12 weeks, lays down in paragraph (a) that a woman shall not be permitted to work during the six weeks following her confinement. As the Government has stated generally that the provisions of ratified Conventions become part of municipal law, the Committee would be grateful if the Government would indicate 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 municipal law, the provisions of the Convention;

(2) if not, whether it is not considered desirable to take steps to bring the provisions of Article 3 of the Convention to the attention of the persons concerned.

*Rumania* (ratification : 13.6.1921). The Committee notes with interest the information supplied in the Government's report in answer to the observations made in 1956. It notes with satisfaction that, by Decree of 13 July 1956 amending section 89 of the Labour Code, maternity leave has been increased to 112 days, that is, 52 days before and 60 days after the confinement.

As regard the application of Article 3 (a) of the Convention, the Committee notes the statement in the report that the expression "shall be entitled to leave" in section 89 of the Labour Code implies an obligation, since the medical certificate on the basis of which the leave is granted binds undertakings and formally prohibits them from employing women workers in the circumstances covered by the Convention. The Committee would be grateful if the Government would confirm in its next report that women workers are absolutely prohibited from working during the six weeks following their confinement, even if they are willing to do so, and would indicate whether any provisions expressly establish this absolute prohibition, in accordance with the Convention.

The Committee notes that, as required by Article 3 (c) of the Convention, maternity benefits are provided by a system of insurance.

The Committee would be grateful if the Government would in its next report indicate the legislative or other provisions by virtue of which, in accordance with Article 3, paragraph (c) of the Convention, women are entitled to free attendance by a doctor or midwife, this year's report containing no information on this point.

Finally, the Committee would be glad if the Government's next report would supply information on the points referred to above in the general observation relating to this Convention.

*Spain* (ratification : 4.7.1923). The Committee notes with interest the detailed information supplied by the Government in its report for 1954-55.

The Committee notes that, while the Sickness Insurance Act of 14 December 1942, which also relates to maternity insurance, provides for the payment of the benefits mentioned in Article 3 (c) of the Convention, its scope is more limited than that of the international instrument, for it does not apply—

(1) to non-manual women workers whose annual income exceeds 30,000 pesetas;

(2) to nationals of foreign countries other than nationals of Latin American countries, Portugal, the Republic of Andorra or countries which have concluded with Spain agreements or international Conventions providing for reciprocity.

The Committee draws the attention of the Government to the fact that, by virtue of the definition of the scope of the Convention in Articles 2 and 3 thereof, maternity benefits must be granted to *all* women employed in public or private industrial or commercial undertakings, or in any branch thereof, other than undertakings in which only members of the family are employed. The Committee would accordingly be grateful if the Government would indicate in its next report what measures it intends to take to extend maternity benefit entitlement to all women covered by the Convention.

The Committee notes further that the report supplied does not mention the decree of 31 March 1944 "confirming the revised Acts on employment contracts of women and children", which contains fundamental provisions regarding maternity leave (Article 3 (a) and (b) of the Convention), breaks to enable women to nurse their children (Article 3 (d)) and security of employment (Article 4). The Committee would therefore be grateful if the Government would confirm in its next report whether this decree remains in force.

#### *Convention No. 4: Night Work (Women), 1919.*

Number of reports requested : 23.

Number of reports received : 20.

Reports not received : 3.

(*Albania, Luxembourg, Peru.*)

*Afghanistan* (ratification : 12.6.1939). The Committee repeats its former request for a copy of the revised edition of the Labour Regulations in which the provisions of this Convention have been incorporated, according to the Government's reports for 1954-55 and 1955-56.

*Austria* (ratification : 12.6.1924). See under Convention No. 89.

*Bulgaria* (ratification : 14.2.1922). Referring to the observation made in 1955, the Committee notes that there exists no general prohibition of the employment of women at night in industrial undertakings, contrary to Article 3 of the Convention. As the Government states that studies are made in order to determine the occupations in respect of which the employment of women at night would be prohibited by application of article 117 of the Labour Code, the Committee points out that, under the Convention, employment at night must be prohibited in all industrial undertakings for

a period of at least 11 consecutive hours, including the interval between 10 o'clock in the evening and 5 o'clock in the morning (Articles 1, 2 and 3), and would be grateful if the Government would indicate the measures that it intends to take to apply these provisions of the Convention.

*Chile* (ratification : 8.10.1931). The Committee notes with interest the information supplied to the Conference Committee by a representative of the Government in 1956 and repeated in the last report; according to this information, the legislation in force conforms to Convention No. 89, whose ratification, now in process, will be followed by the denunciation of Convention No. 4. The Committee trusts that Convention No. 89 will be ratified at an early date.

*Colombia* (ratification : 20.6.1933). The Committee, noting with regret that the Government's annual report does not contain any new information, refers to the declaration made to the Conference in 1956 by a Government representative, to the effect that the Government intended to propose to the Legislative Assembly, during its forthcoming session, the necessary amendments to the Labour Code to bring it into harmony with the provisions of the Convention. The Committee wonders whether there is any ground for hoping that all necessary measures will be taken to implement the Convention, bearing in mind that, although the Convention was ratified more than 20 years ago, no steps of any kind have as yet been taken to give it effect.

*Czechoslovakia* (ratification : 24.8.1921). See under Convention No. 89.

*Peru* (ratification : 8.11.1945). Since the report for 1955-56 had not arrived, the Committee cannot but repeat its previous observation, which read as follows :

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.

The Committee trusts that the Government will be able, at an early date, to take the action called for above.

*Rumania* (ratification : 13.6.1921). The Committee took note of the Government's first report since Rumania again became a Member of the I.L.O., and points out that there are certain discrepancies between the national legislation and the Convention.

As regards Article 2 of the Convention, the Labour Code (sections 50 and 91, amended) prohibits night work between 10 p.m. and 6 a.m. or between 11 p.m. and 7 a.m. (an eight-hour period), whereas the Convention provides that "night" signifies a period of at least 11 consecutive hours, including the interval between 10 p.m. and 5 a.m.

As regards Article 4 of the Convention, the Labour Code (section 91, amended) provides that in "exceptional cases" temporary permission may be granted by order of the Council of Ministers for women who are employed in industrial units to be assigned to night work, whereas the Convention authorises such exceptions only in cases of *force majeure* and in cases of rapid deterioration of raw materials.

The Committee would be grateful if the Government would indicate, in the next report, what steps it is intended to take to bring the legislation into full conformity with the Convention, and would also include information on its practical application, as requested in the form of report.

*Spain* (ratification : 20.9.1932). The Committee notes with interest the information supplied by the Government in the first annual report since Spain again became a Member of the I.L.O. The Committee ventures to point out, however, that in textile undertakings which use mechanical power generated by certain hydraulic or electric motors and which work in two shifts, the period which must be included in the nightly rest may, under section 9 (2) of the decree of 15 August 1927, as amended by the decree of 2 March 1928, be reduced to an interval between 10 p.m. and 4 a.m., whereas Article 2, paragraph 1 of the Convention provides that the night period shall be of 11 consecutive hours including the period between 10 p.m. and 5 a.m.

The Committee would be grateful if the Government would indicate the measures which it intends to take to bring its legislation into complete conformity with the provisions of the Convention.

*Yugoslavia* (ratification : 1.4.1927). The Committee notes that Yugoslavia ratified Convention No. 89 on 20 June 1956, and denounced Convention No. 4 on 4 March 1957.

#### *Convention No. 5: Minimum Age (Industry), 1919.*

Number of reports requested : 32.

Number of reports received : 29.

Reports not received : 3.

(*Bolivia, Luxembourg, Venezuela.*)

*Albania* (ratification : 17.3.1932). The Committee notes that the Government refers to section 9 of Act No. 2250 of 1956, which provides that "no contract of employment can be concluded with a minor of 14 years". As the Convention provides (Article 2) that "children under the age of 14 years shall not be employed for work in any... industrial undertaking", the Committee would be grateful if the Government would, in its next report, supply information on the following points :

(a) Can the parents or guardians of a child of under 14 years validly conclude a contract of employment in the latter's name?

(b) As the before-mentioned Act provides in section 3 that labour relations may arise, not only under a contract of employment, but also by appointment, election or summons to work, how is the prohibition of employing children of under 14 years applied in the last three cases?

(c) Have "special regulations" been issued under section 2 (2) of the said Act in respect of temporary seasonal work or home work, and, if so, how do such regulations provide for the prohibition of employment of children of under 14 years?

As regards Article 4 of the Convention, the report states that the law requires undertakings to keep a list of employees. The Committee would be grateful if the Government would, in its next report, specify the legislation which creates this obligation, and would state whether these lists mention the dates of birth of all persons under the age of 16 years. If model lists have been officially established, the Committee would be glad if a specimen copy could be supplied.

*Bolivia* (ratification : 19.7.1954). Since the report for 1955-56 had not arrived, the Committee cannot but repeat its previous observation which read as follows :

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.

The Committee trusts that the Government will be able, at an early date, to take the action called for above.

*Bulgaria* (ratification : 14.2.1922). The Committee notes the information communicated by the Government in its report for 1954-55. The Committee observes that the rules governing work-books require the head of the undertaking to keep in his custody the work-books of the workers employed by him, whereas Article 4 of the Convention requires a register to be kept indicating the dates of birth of persons under the age of 16 years. The Committee would therefore be grateful to the Government if it would indicate in its next report the measures taken or contemplated to eliminate this divergence.

*Colombia* (ratification : 20.6.1933). The Committee notes with regret that the Government has not taken measures with a view to eliminating the existing divergencies between the national legislation and certain provisions of the Convention. May it therefore once again express the hope that, in accordance with the assurance given to the Conference Committee in 1956 by a Government representative, the necessary amendments to the Labour Code will be adopted in the near future to bring it into harmony with Articles 2 (prohibition of the employment of children under the age of 14 years in industry) and 4 (register showing the date of birth of persons under the age of 16 years employed in industry) of the Convention?

*Denmark* (ratification : 4.1.1923). The Committee thanks the Government for the information supplied in reply to the observations made in 1956. As regards the keeping of registers, it points out that Article 4 of the Convention applies to all classes of young workers, including apprentices who, according to the report, are not covered by the relevant national provisions. Further as regards the provisions applying to all young persons, the Committee considers that the mere maintenance by the employer of young workers' work-books would not adequately ensure the enforcement envisaged by the Convention, and it would be grateful if the Government would indicate in its next report the measures which it intends to take to ensure the complete application of Article 4 of the Convention, which provides for the keeping of registers.

*India* (ratification : 9.9.1955). The Committee thanks the Government for the detailed information

supplied in its first report on the application of the Convention.

It notes that section 73 of the Factories Act, 1949, does not require the maintenance of registers of child workers to show their dates of birth. However, the Government states that in 1953 the state governments were required to amend the form of the register to show the dates of birth of child workers if available and that most of the state governments have taken action accordingly. The Committee would be grateful to be informed of the action taken by the Government to ensure complete conformity with the provisions of Article 4 of the Convention, which requires the maintenance of registers showing the age of each child worker in all the states, and to be supplied with specimen copies of the forms used by the states.

*Israel* (ratification : 23.12.1953). The Committee notes that no regulations under section 31 of the Act of 1953 on the employment of children and young persons have yet been issued to give effect to Article 4 of the Convention (registers to be kept by employers). It notes further that the Government intends to draft new regulations which would consolidate all the registers which employers must keep; the Committee would appreciate it if the Government would indicate in its next report the progress realised to this end.

*Nicaragua* (ratification : 12.4.1934). The Committee would be pleased to learn—

(a) whether the competent authority has defined the line of division which separates industry from commerce and agriculture (Article 1, paragraph 2, of the Convention);

(b) whether the legislation contains provisions placing employers under the obligation to keep registers of persons under the age of 16 years employed by them (Article 4 of the Convention).

*Rumania* (ratification : 13.6.1921). The Committee thanks the Government for the information supplied in answer to the observations made in 1956, to the effect that the personnel departments of undertakings must keep a special document for all persons between 14 and 16 years of age, showing the consent of their legal guardians and containing the medical certificate required for the conclusion of a contract of employment. The Committee would be glad if the Government would in its next report indicate whether this document is in fact a register, as required by the Convention, whether it contains the dates of birth of the persons concerned, and which legislative provisions oblige undertakings to maintain this register (Article 4 of the Convention).

*Spain* (ratification : 29.9.1932). The Committee notes with interest the information supplied for the first time since Spain again became a Member of the I.L.O. It observes, however, that effect appears not to be given to Article 4 of the Convention. This Article provides that every employer in an industrial undertaking must keep a register of all persons under the age of 16 years employed by him, whereas the Ministerial Ordinance of 23 September 1939 applies only to employment exchanges and employment agencies; further, the mere retention by the employer of the documents specified in section 178 of the Employment Contracts Act cannot be considered as giving complete effect to this Article. The Committee would be grateful if the Government would, in its next report, indicate the measures which it intends to take to eliminate this discrepancy between the Convention and national legislation.

*Viet-Nam* (ratification : 6.6.1953). The Committee has noted with interest the information communicated in the report to the effect that section 158 of the Labour Code requires every employer to maintain a register which, according to the Order of 7 August 1953 of the Minister of Labour, must contain information concerning the workers employed in the undertaking.

The Committee would be grateful if the Government would indicate in its next report whether the information in question must include the dates of the births of all workers under the age of 16 years, as provided for in Article 4 of the Convention.

*Convention No. 6: Night Work of Young Persons (Industry), 1919.*

Number of reports requested : 28.

Number of reports received : 24.

Reports not received : 4.

(*Hungary, Luxembourg, Mexico, Venezuela.*)

*Albania* (ratification : 17.3.1932). The Committee notes with interest the information supplied by the Government in its report. The Committee wishes to draw the Government's attention to the following discrepancies between its legislation and the provisions of the Convention :

(a) whereas Article 2 of the Convention forbids the employment during the night of young persons under 18 years of age, the Labour Code of 1956, in section 56, forbids night work only in respect of young persons under 16 years of age;

(b) whereas, according to Article 3 of the Convention, the term "night" signifies a period of at least 11 consecutive hours, including the interval between 10 p.m. and 5 a.m., it appears from sections 55 and 56 of the Labour Code that the night period during which the employment of young persons is forbidden commences at 10 p.m. and ends at 6 a.m. and therefore comprises only eight hours;

(c) section 61 of the Labour Code provides that work may be extended beyond the normal period if by its nature it cannot be performed within a definite period or if it consists mainly of attendance without active work during the whole or a part of the day; the classes of work in question are to be specified by the Government. The Committee would be grateful if the Government would indicate to what extent use has been made of these provisions, and points out that the Convention permits exceptions to the prohibition of night work only in respect of young persons over 16 years of age and within the strictly defined limits mentioned in Article 2, paragraph 2, Article 4 and Article 7.

The Committee would be grateful if the Government would indicate in its next report what measures it intends to take to bring its legislation into conformity with the provisions of the Convention.

*Bulgaria* (ratification : 14.2.1922). With reference to the observation formulated in 1955, the Committee has noted that the prohibition of night work of young persons under the age of 16 years during the interval between 10 o'clock in the evening and 5 o'clock in the morning, in summer, and between 10 o'clock in the evening and 6 o'clock in the morning, in winter (sections 39 and 113 of the Labour Code) is valid in respect of all undertakings, including undertakings working on a continuous system and those working three shifts. The Committee has also noted that the worker is entitled to a rest period of 16 hours (or, exceptionally,

12 hours) between two working days (section 50 of the Code).

In view of the fact that, under Article 3 of the Convention, young persons must have a rest period at night of at least 11 consecutive hours and sections 40 and 49 of the Code provide for the fixing of special rules by Order with respect to the duration of work and rest periods in undertakings working continuously and undertakings working three shifts, the Committee would be grateful to the Government if it would indicate what use has been made of these provisions and would like to know whether, in all cases, young persons are ensured a rest period at night of at least 11 consecutive hours.

Further, the Committee observes that section 46 of the Code prescribes a number of cases in which extra hours may be worked and would be glad to know to what extent this provision authorises exceptions from the prohibition of night work during the period indicated above, in view of the fact that such exceptions are not permitted by the Convention except in the case of young persons over the age of 16 years.

Finally, noting that, contrary to Article 2 of the Convention, the legislation does not prohibit night work of young persons between the ages of 16 and 18 years and that such a prohibition is now being studied, the Committee expresses the hope that the Government will indicate the measures taken in this connection to bring the legislation into conformity with the Convention.

*Denmark* (ratification : 4.1.1923). The Committee thanks the Government for the information supplied in its report in reply to the observations made in 1956. The Committee notes that, as the prohibition of night work by young persons contained in section 43 of the Act of 11 June 1954 does not extend to building and engineering work, contrary to Article 1, paragraph 1 of the Convention, the Government is studying the possibility of having recourse to section 43, paragraph 1 (8) of the Act of 11 June 1954, which authorises the Minister of Social Affairs to regulate the employment at night of workers under 18 years of age who are not covered by the prohibition of night work. The Committee would be grateful if the Government would in its next report indicate the measures which it has taken in this connection.

*France* (ratification : 25.8.1925). The Committee took note of the information contained in the report in reply to the observations which had been made in 1956, and wishes to refer to the following points :

(a) The Government states that the "small-scale food industries" are not considered as being of an industrial character; this distinction is based on an opinion handed down by the Council of State on 4 July 1894 and adopted by the administration in a circular; such industries are accordingly not covered by sections 21 and 22 of the Labour Code, which prohibit the employment of children between 10 p.m. and 5 a.m. The Committee would wish to know what are the various classes of establishments which belong to the category "small-scale food industries" and points out that the special scheme to which they are subject appears incompatible with Article 1, paragraph 1, subparagraph (b), which defines the scope of the Convention. Furthermore, it would be grateful if the Government would indicate whether these establishments are nevertheless covered by section 23 of Book II of the Labour Code, which provides for a nightly rest of 11 consecutive hours for children under 18 years of age.

(b) Section 29 of Book II of the Labour Code, which provides—in the case of industrial establishments not covered by section 21—that no work may be demanded from apprentices under 16 years of age between 10 p.m. and 5 a.m., is not in conformity with Article 2 of the Convention, which states that young persons under 18 years of age shall not be employed during the night.

(c) Section 20 of Book II of the Labour Code, which prohibits the employment of women in bread and pastry making between 10 p.m. and 4 a.m., is incompatible—as regards children under 18 years of age—with Article 3 of the Convention, under which “night” signifies a period of at least 11 consecutive hours including the interval between 10 o’clock in the evening and 5 o’clock in the morning (paragraph 1) or the interval between 9 o’clock in the evening and 4 o’clock in the morning where night work is prohibited for all bakery workers (paragraph 3).

The Committee expresses the hope that the Government will indicate in its next report the action it intends to take in order to bring its legislation into complete accord with the Convention.

Lastly, the Committee notes that, during the period under review, the Government had not used the power granted under section 29 of Book II of the Labour Code to permit exemptions by order of the Prefect issued after consulting the Mayor; it would be grateful if the Government would indicate in its future reports the use made of this power, and if it would also consider giving instructions so that any exemptions which might be authorised would be compatible with the provisions of the Convention.

*Hungary* (ratification : 19.4.1928). Since the report for 1955-56 has not arrived, the Committee cannot but repeat its previous observation, which read as follows :

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.

The Committee trusts that the Government will be able, at an early date, to take the action called for above.

*Nicaragua* (ratification : 12.4.1934). Since the Government’s report contains no new information and restricts itself once more to stating that the legislative provisions concerning the night work of young persons are fully applied, the Committee must

refer to the observations made in 1955, when it requested the Government to state in its next report what are the legislative provisions giving effect to the Convention, and to provide information on its practical application. The Committee hopes that the Government will be able to provide at an early date the information asked of it.

*Rumania* (ratification : 13.6.1921). The Committee thanks the Government for its first report since Rumania again became a Member of the I.L.O., and ventures to draw the attention of the Government to the following points :

(a) Section 50 of the Labour Code defines night work as work done between 10 p.m. and 6 a.m. or between 11 p.m. and 7 a.m., that is, an eight hours’ period, whereas Article 3, paragraph 1, of the Convention provides that “night” signifies a period of at least 11 consecutive hours, including the interval between 10 p.m. and 5 a.m. The Committee would be grateful if the Government would indicate in its next report what steps it is intended to take to bring the legislation into full conformity with the Convention in this respect.

(b) According to section 85 of the Labour Code, young persons over 16 years of age may be assigned to night work in the sectors of production specified in an order made by the Ministry of Labour and Social Welfare with the agreement of the Ministry of Health and the General Confederation of Labour. The report states that no such order has been issued up to the present. The Committee would, however, like to be informed whether it is proposed to limit any order which may be made to the work and undertakings specified in Article 2, paragraph 2, of the Convention. In addition, the Committee would like to know if the provisions of section 85 of the Labour Code apply to all young persons under 18 years of age, in conformity with Article 2, paragraph 1 of the Convention.

*Spain* (ratification : 29.9.1932). The Committee notes with interest the information supplied in the report for 1954-55, and ventures to draw attention to the following matters :

(a) While Article 2 of the Convention provides for the prohibition of night work in respect of young persons under 18 years of age, section 172 of the decree of 31 March 1944 forbids night work only in respect of young persons under 16 years of age.

(b) While Article 3 of the Convention provides that the night period must have at least 11 consecutive hours, the aforesaid section 172 of the decree of 1944 defines night work as work carried out between 8 p.m. and 6 a.m., i.e. during a period of only ten hours. Furthermore, under the royal decrees of 3 April and 10 June 1919 confirmed by the national regulations of 12 July 1946 concerning work in the bakery trade (section 33), work in bakeries is forbidden only between 8 p.m. and 5 a.m., i.e. during a period of only nine hours.

The Committee would be grateful if the Government would indicate in its next report the measures which it proposes to take to eliminate these divergencies.

*Switzerland* (ratification : 9.10.1922). The Committee notes the information supplied in writing to the Conference Committee in 1956 and repeated in the last annual report, to the effect that “the federal authorities have not overlooked the question of the

application of the Convention to bakers' apprentices"; the Government states that extracts from the cantonal reports on the application of the Act relating to the employment of young persons in 1954 and 1955 will be forwarded to the Office as soon as their compilation has been completed.

The Committee trusts that the extracts from these reports will be communicated to the Office at a very early date and that they will show definite progress in the application of the Convention to apprentice bakers.

*Viet-Nam* (ratification : 6.6.1953). The Committee took note with interest of the assurance given by the Government that it intends to amend section 172 of the Labour Code in order to restrict the exceptions permitted in this section to young persons over 16 years, as provided for in Article 4 of the Convention.

The Committee recalls, however, that in 1955 it had also referred to another provision in the Labour Code of Viet-Nam which empowers the Minister of Labour to issue orders authorising certain industries in which raw materials or goods subject to rapid deterioration are treated, to make temporary exceptions to the prohibition of night work for children (section 171). As the Government's report had indicated that exceptions had been made in connection with the canning and preserved fish industries, the Committee had drawn attention to the fact that these industries were not covered by the terms of Article 2, paragraph 2.

Since the Government's report does not refer to this particular point, the Committee would be glad if the Government would be good enough to indicate whether it is intended to take the necessary measures to limit any exceptions which might be authorised by the Minister of Labour to the industrial undertakings and the types of work specifically enumerated in Article 2, paragraph 2 of the Convention.

*Yugoslavia* (ratification : 1.4.1927). The Committee noted that on 9 October 1956 Yugoslavia ratified the Night Work of Young Persons (Industry) Convention (Revised), 1948, and denounced Convention No. 6.

#### *Convention No. 7 : Minimum Age (Sea), 1920.*

Number of reports requested : 30.

Number of reports received : 27.

Reports not received : 3.

(Hungary, Luxembourg, Venezuela.)

*Belgium* (ratification : 2.2.1925). See under Convention No. 58.

*Bulgaria* (ratification : 16.3.1923). The Committee notes that Regulation 1 of the Regulations of 10 June 1956 relating to documents to be kept by Bulgarian ships provides for the maintenance of lists of crews which, under Regulation 7, are to be kept by the captain in a form and manner to be prescribed by the Ministry of Transport.

The Committee would be grateful if the Government would indicate in its next report what provisions require the dates of birth of all persons under 16 years of age to be stated in the said registers (Article 4 of the Convention) and would supply a specimen form of register. Finally, the Committee would be glad if detailed information could be supplied about the services and authorities responsible for the enforcement of these provisions.

*China* (ratification : 2.12.1936). The Committee notes from the information supplied in response to the observation made in 1956 that vessels excluded from

the scope of legislation are unsuitable for maritime navigation (Article 1 of the Convention) and that specific provisions fixing the minimum age for admission of children to employment at sea (Article 2) will be included in a projected Seamen's Act. The Committee would be grateful if information on the progress made in enacting this legislation could be supplied in the Government's next report.

*Colombia* (ratification : 20.6.1933). The Committee notes that no new information is contained in this year's report and hopes that the Government will furnish detailed replies to the observations made by the Committee in 1956, as regards the absence of any legislation to give effect to Article 2 of the Convention (prohibiting employment of children under 14 years) and Article 4 (register of persons under 16 years).

*Nicaragua* (ratification : 12.4.1934). The Committee notes that the Government has kept strict watch to ensure that children under 12 years of age are not employed in any work. However, the Committee deems it necessary to point out that section 122 of the Labour Code, on which the Government has based itself in the reports for the last two years, does not expressly prohibit children under 12 years of age from working, but merely provides that "employers of workers aged between 12 and 14 years shall permit them to attend primary school".

The Committee observes, however, that section 123 of the Code prohibits persons under 14 years of age from working in "industrial undertakings"; the Committee would be glad if the Government would indicate in its next report whether work on vessels falls within the expression "industrial undertakings" and, if not, whether it would be possible to extend the scope of the aforesaid provision to work on vessels either by special legislation or by other means which the Government may consider appropriate.

Finally, seeing that the number of ships sailing under the flag of Nicaragua has increased considerably in recent years, involving the employment of a large number of seamen, the Committee would be grateful if the Government would provide detailed information on the measures which it intends to take to give full effect to the provisions of the Convention, particularly Article 2 and Article 4, concerning the minimum age and the keeping of registers.

*Rumania* (ratification : 8.5.1922). The Committee notes the information supplied in the report for 1955-56, but would be grateful if the Government would supply copies of Order No. 29 of 28 January 1955 and of Decree No. 40 of 1950, mentioned in the report. The Committee would also be glad to know whether section 86 of the Labour Code, which states that employment of children under 14 years of age is prohibited, is applicable to work on board ship.

*Spain* (ratification : 20.6.1924). The Committee notes with interest the information supplied by the Government in its first report since it rejoined the Organisation. The Committee would be grateful if the Government would in its next report give more precise information as to the definition of "vessel" contained in Regulation 5 (1) of the Regulations of 23 December 1952 on working conditions in the merchant navy. Having regard to the scope of the regulations, as laid down in Regulation 1, it is not clear that the relevant provisions extend to publicly owned vessels.



*Convention No. 8: Unemployment Indemnity (Shipwreck), 1920.*

Number of reports requested : 29.

Number of reports received : 28.

Report not received : 1.  
(Luxembourg.)

*Argentina* (ratification : 30.11.1933). The Committee notes that the report does not supply the information requested in the observation made in 1956. The Committee must therefore repeat its request to the Government to indicate the provision of the national legislation under which the indemnity provided for by Article 2 of the Convention is payable, now that article 1004 of the Commercial Code is no longer in force.

*Bulgaria* (ratification : 16.3.1923). The Committee notes that, under the provisions in force, a contract is not terminated in the case of shipwreck and the employer is required to employ the person concerned on another ship. The Committee would be glad if the Government would attach to its next report a copy of the provisions in question and would supply any other information concerning the practical application of these provisions.

*Colombia* (ratification : 20.6.1933). The Committee regrets to note that, in spite of the observations made in 1955 and 1956, the report contains no new information. The Committee must therefore repeat its request that the Government provide specific information on the statutory or other provisions giving effect to Articles 2 and 3 of the Convention (relating respectively to an indemnity against unemployment resulting from the loss or foundering of any vessel, which may be limited to two months' wages, and to the remedies for recovering such indemnity).

*Mexico* (ratification : 20.5.1937). The Committee notes the additional information supplied by the Government, to the effect that there is one collective agreement between one shipping company and one trade union, which provides for the payment to each member of the crew of an indemnity of 800 pesos in the case of shipwreck or total loss of the ship. The Committee considers that such an isolated agreement cannot be considered as giving effect to the Convention. The Committee also points out that the payment of a lump sum does not conform to the provisions of the Convention, especially if regard is had to differences in the wages of members of the same crew.

The Committee must therefore again draw attention to the observations previously made and request the Government to indicate whether, as a result of the insurance provided for in section 221 of the Act respecting General Routes of Communications, seamen receive an indemnity against unemployment resulting from loss or foundering of their ship (which could be limited to two months' wages), as laid down in Article 2 of the Convention.

*Nicaragua* (ratification : 12.4.1934). The Committee regrets to note that the report contains no new information, and therefore can only repeat the observations made last year, which were as follows :

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). The Committee takes note of the information supplied by the Government in writing to the Conference Committee in 1956 and confirmed in this year's report. It notes that the question of the application of the Convention to foreign seafarers who are not citizens of States which have ratified the Convention has been submitted to the organisations concerned and will be solved by the forthcoming revision of the Seamen's Act of 17 July 1953.

The Committee would be grateful if the Government would in its next report indicate the progress made in this connection.

*Rumania* (ratification : 10.11.1930). The Committee notes the information supplied by the Government, but must point out that section 45 of the Labour Code, which provides that hours not worked for reasons beyond the employee's control shall be paid for at the rate of 50 per cent. of average earnings in light industry and 75 per cent. in heavy industry, gives effect only to a very limited extent to Article 2 of the Convention, which provides for the payment to seamen of an indemnity for all the days of unemployment resulting from the loss or foundering of any vessel, subject to a possible limitation to two months' wages. Further, the report does not indicate whether the definitions in Article 1 of the Convention ("seamen" and "vessel") coincide with those contained in national legislation and, finally, it does not indicate the remedies of seamen for recovering arrears of wages earned (Article 3).

The Committee would accordingly be glad if the Government would in its next report supply detailed information on Articles 1 and 3 of the Convention and indicate the measures which it intends to take to give full effect to Article 2.

*Spain* (ratification : 20.6.1924). The Committee notes the information supplied by the Government in its first report since Spain rejoined the Organisation. Notwithstanding the explanation of the new basis of relations between crews and employers and the fact that labour judges may in certain circumstances award such compensation as they deem fit, the Committee considers that the provisions of Article 2 of the Convention are not applied. In effect none of the provisions in force, whether contained in the Act of 23 December 1952 on working conditions in the merchant navy or in the relevant regulations, provides for the payment, in the case of loss or foundering of the vessel, of an indemnity for the days of unemployment, whose total might be limited to two months' wages.

The Committee would therefore be grateful if the Government would in its next report indicate the measures which it proposes to take with a view to giving effect to the provisions of the Convention, particularly in view of the fact that substantially the same provision was contained in section 100 of the Employment Contracts Act.

*Sweden* (ratification : 1.1.1935). The Committee has taken note of the information supplied by the Government to the Conference Committee in 1956 and confirmed in this year's report, according to which the question of payment of indemnity to all seafarers, irrespective of nationality, is still under consideration.



The Committee hopes that the discussions of the question with the organisations concerned will lead to a satisfactory and speedy solution of the problem.

*Yugoslavia* (ratification : 30.9.1929). Further to its observation of 1956, the Committee notes with interest that a decree of 9 March 1956 provides explicitly for the payment of an unemployment indemnity to shipwrecked seamen. The Committee would be grateful if the Government would in future reports supply information on the practical application of the Convention, as requested in the above-mentioned observation.

*Convention No. 9 : Placing of Seamen, 1920.*

Number of reports requested : 26.

Number of reports received : 25.

Report not received : 1.

(*Luxembourg.*)

*Bulgaria* (ratification : 16.3.1923). The Committee notes that, under the system in force, the placing of seamen may not be carried out as a commercial enterprise for pecuniary gain (Article 2). The Committee would be grateful if the Government would indicate, in its next report—

(a) the authority now responsible for the placement of seamen, for which the Administration of Manpower Reserves was responsible until its abolition on 1 July 1956; and

(b) whether there are any legislative provisions ensuring that the work of seafarers' employment offices shall be administered by persons having practical maritime experience (Article 4, paragraph 2), and providing for the constitution of joint advisory committees (Article 5).

*Colombia* (ratification : 20.6.1933). The Committee notes with regret that the Government's report does not make any reference to the observation made in 1956. The Committee would therefore repeat this observation, which was as follows :

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...."

The Committee urges the Government once more to supply detailed information on the above matters.

*Mexico* (ratification : 1.9.1939). The Committee notes from the information supplied by the Government in its report that joint committees of shipowners and seafarers have been established in accordance with Article 4, paragraph 1 (a), of the Convention at five ports and that these committees are acting as free employment offices for seafarers, and also satisfy the requirements of Article 5. The Committee would be glad if the Government would state in its next report whether this system will gradually be applied to all other ports in the country, and, in particular, to Veracruz.

*Nicaragua* (ratification : 12.4.1934). The Committee regrets to note that the report contains no new information, and therefore can only repeat the observations made last year, which were as follows :

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...."

*Rumania* (ratification : 10.11.1930). The Committee notes that the placing of seamen is carried out without charge by a state agency, in accordance with the provisions of Article 4, paragraph 1 (a), of the Convention. The Committee would however be glad if the Government would in its next report specify the statutory or other provisions under which this is done, and would also provide detailed information on—

(a) the definition of "seamen" contained in the Rumanian legislation (Article 1);

(b) the penalties for contraventions of the prohibition of placing in employment for pecuniary gain (Article 2, paragraph 2);

(c) the administration of employment offices by persons having maritime experience (Article 4, paragraph 2);

(d) the joint advisory committees (Article 5);

(e) the rights of seamen to choose their ship and of shipowners to choose their crews (Article 6);

(f) facilities for seamen of all countries which have ratified the Convention (Article 8);

(g) statistics relating to unemployment among seamen (Article 10).

Finally the Committee would be glad if the Government would supply a copy of Decree No. 40 of 14 February 1950.

*Spain* (ratification : 21.2.31). The Committee notes with interest the information supplied in the Government's report. However, it ventures to draw the Government's attention to the fact that effect appears not to be given to Article 5 (joint advisory committees) and Article 8 (facilities for employment of foreign

seamen). Furthermore, the Government will no doubt wish to consider the possibility of giving effect to the provisions of Article 4, paragraph 2 (practical maritime experience of persons administering employment offices) and of introducing amendments to facilitate the examination of contracts by seamen before signing (Article 7).

The Committee would be grateful if the Government would in its next report supply information on these matters, and would also indicate the measures which it proposes to take with a view to the complete application of these provisions of the Convention.

*Convention No. 10: Minimum Age (Agriculture), 1921.*

Number of reports requested : 22.

Number of reports received : 20.

Reports not received : 2.

(Hungary, Luxembourg.)

*Nicaragua* (ratification : 12.4.1934). The report does not contain any information in reply to last year's observation, in which the Committee requested the Government to indicate whether the compulsory minimum period of school attendance is at least eight months, as laid down in Article 2 of the Convention. The Committee would also be grateful if the Government would send a copy of the Decree of the Ministry of Public Education, mentioned in the report for 1954-55, which regulates school hours in the coffee-growing areas so as to permit children to do light work connected with the gathering of the crop and also to attend school.

*Rumania* (ratification : 10.11.1930). The Committee thanks the Government for the information contained in the report and would appreciate it if the Government would include in its next report a general appreciation of the manner in which the Convention is applied in practice, as requested in the report form.

*Spain* (ratification : 29.8.1932). In section 5 of the decree on Children's Work issued on 25 September 1934 for the purpose of giving effect to the Convention it is laid down that the Ministry of Public Instruction and Fine Arts shall issue to the school authorities the necessary instructions for ensuring the application of the decree in the most appropriate manner (Article 1 of the Convention). The Committee would be grateful if the text of these instructions could be supplied with the next report.

The Committee took note of the statement in the Government's report that, although no details are given in the report of 1954 of the Labour Inspection Service, a considerable number of infringements reported by this Service in 1954 relate to regulations governing this field. The Committee would be glad if all available statistical information allowing an appraisal of the situation with regard to the practical application of the provisions of the Convention (point V of the report form) could be given in the next report.

*Convention No. 11: Right of Association (Agriculture), 1921.*

Number of reports requested : 37.

Number of reports received : 34.

Reports not received : 3.

(Luxembourg, Peru, Venezuela.)

*Chile* (ratification : 15.9.1925). The Committee notes that the Government no longer contests the validity of the observations the Committee has made for many years and is now undertaking a preliminary examination with a view to making all necessary amendments to Chilean legislation in order to bring it into harmony with the provisions of the Convention :

(1) Whereas, according to section 366 of the Labour Code, trade unions of industrial workers may set up two types of unions—works unions or occupational trade unions—agricultural workers, under section 426 of the same Code, may constitute trade unions only within the limits of the agricultural undertaking. As a result of the difference established by the legislation in this respect, agricultural workers, not having the right enjoyed by industrial workers to set up occupational trade unions, 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) Comparison between the legislative provisions applicable to trade unions of industrial workers having chosen the form of the works union and the regulations applicable to trade unions of agricultural workers also reveals differences in treatment, some of which have the effect of limiting considerably the right to combine of agricultural workers. Thus, with respect to the administration of their funds, the trade unions of agricultural workers are subject to stricter rules than those of industrial workers. Further, under section 470 (section 53 of Act No. 8811), unions of agricultural workers may not present statements of claims "during the sowing and harvesting periods, which are fixed in each zone by regulations, the duration of each being at least 60 days. Claims may not be presented more than once a year." As the Committee has already emphasised, and especially in 1952, such a restriction, which has no equivalent in the legislation relating to industrial workers—who apparently may present claims at any time (section 505)—leads in practice to a denial to agricultural workers of any right to organise effectively, particularly in the case of seasonal or occasional workers who, in agriculture, often represent a considerable proportion of the workers employed.

(3) The provisions of section 433 of the Labour Code result in fact in prohibiting seasonal or occasional workers from setting up trade unions. By virtue of this section 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 prohibiting all possibility of setting up a union, in particular on estates which employ a large proportion of seasonal or occasional workers.

Consequently, the Committee can only express once again the hope that the adoption of the new legislative measures now being examined will put an end to a clear violation of the Convention by provisions which, for nearly ten years, have considerably restricted the right of association and combination of agricultural workers, whereas previously such restrictions did not exist.

*China* (ratification : 27.4.1934). The Committee has noted with satisfaction that, following the observation which it made in 1948, section 18 of the Act of 14 June 1943 has been amended. The Committee would be grateful if the Government would be good

enough to indicate whether agricultural workers may conclude collective agreements, as appears to be the case with regard to industrial workers' unions by virtue of section 4 of the Act of 13 June 1947.

*Egypt* (ratification: 3.7.1954). As the Government's report does not contain any new information the Committee expresses the hope that, in accordance with the promise made by the Government representative to the 39th Session of the Conference, detailed information will be supplied in answer to the observations made by the Committee in 1956, which were in the following terms:

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.

*India* (ratification: 11.5.1923). The Committee notes with interest the statistical information supplied by the Government in its report. The Committee observes, however, that in the state of Travancore-Cochin, out of 54 agricultural trade unions existing on 1 July 1955, 24 have had their registration certificates revoked by reason of failure to make the statutorily required annual returns within the specified time limit. In view of the relatively high number of trade unions dissolved in this way the Committee would be grateful if the Government would in its next report supply additional information on the matter. It would be particularly interested to know if the dissolutions are the result of a change in previously established practice, and to what extent industrial trade unions have also been affected by similar practice and decisions.

*Convention No. 12: Workmen's Compensation (Agriculture), 1921.*

Number of reports requested: 26.

Number of reports received: 25.

Report not received: 1.

(Luxembourg.)

*Nicaragua* (ratification: 12.4.1934). See under Convention No. 17.

*El Salvador* (ratification: 11.10.1955). The Committee examined with interest the first report provided by the Government. It notes that compensation for industrial accidents is paid in certain cases by the social security institution, but that in other cases it is payable by the employers. The Committee also notes that employers are not always obliged to insure against this risk (section 43 of the Occupational Risks Act of 24 May 1956) and that it is therefore possible for agricultural workers injured in industrial accidents not to receive the compensation to which they are entitled. In these circumstances the Committee expresses the hope that it will be kept informed, in the Government's further reports, of the extent to which agricultural workers are covered by the social security

scheme, which—the present report states—is to take the place of the employer's liability regarding workmen's compensation.

*Convention No. 13: White Lead (Painting), 1921.*

Number of reports requested: 28.

Number of reports received: 26.

Reports not received: 2.

(Luxembourg, Venezuela.)

*Afghanistan* (ratification: 12.6.1939). The Committee notes with satisfaction the information contained in the report, from which it appears that the Convention has been incorporated in the revised Afghan Labour Code and that the necessary measures have been taken to give effect to its provisions. The Committee would be grateful if the Government would in its next report indicate the nature of these measures and would forward to the Office copies of the revised Labour Code and any other laws or regulations which give effect to the Convention.

*Colombia* (ratification: 20.6.1933). The Committee notes with regret that, in spite of its repeated requests, the Government has not replied to the observations which it has made in previous years. In these circumstances the Committee can only once again draw attention to the fact that no legislation seems to exist to give effect to the Convention, although the latter requires the adoption of positive measures.

The Committee requests the Government to state as soon as possible what measures it intends to take to give effect to the Convention.

*Italy* (ratification: 22.10.1952). In confirmation of the information supplied by the Government to the Conference Committee in 1956 the report states that, on the basis of consultations with the organisations of employers and workers concerned, a committee of experts is to draft provisions with a view to the adoption of regulations giving full effect to the Convention. As regards the prohibition of employment of young persons under 18 years of age and of women (Article 3, paragraph 1, of the Convention), the provisions are intended to form part of new legislation concerning the protection of women and young workers.

The Committee notes this information with interest and trusts that legislation to give effect to all the Articles of the Convention will shortly be adopted.

*Mexico* (ratification: 7.1.1938). In reply to the observations regarding the absence of legislation giving full effect to the Convention, which the Committee has made on numerous occasions since Mexico's ratification of the Convention in 1938, the Government had indicated that the health and safety legislation was being revised, and stated in its report for 1954-55 that the Secretary of Labour had asked the competent services for information on the legislative measures taken to ensure the application of the Convention.

In this year's report the Government refers to "new industrial health regulations of 13 February 1946" as giving effect to the Convention.

The Committee observes with surprise that in 1956, for the first time, legislation dating from 1946 is mentioned as applying certain provisions of the Convention, whereas on a number of occasions since 1946, particularly in 1952, 1953 and 1954, the Government had indicated, in reply to the Committee's repeated observations, that the safety and health legislation was being recast and that the drafting committee had been

instructed to incorporate the provisions of the Convention in the draft legislation.

In these circumstances the Committee deems it necessary to insist on detailed information being supplied by the Government on the statutory and other provisions giving effect to the Convention. The Committee would be glad—

(1) if the Government would supply in its next report a copy of the industrial health regulations of 13 February 1946, mentioned for the first time this year in the Government's report;

(2) if the Government would indicate whether it is proceeding with the revision or recasting of the industrial health and safety regulations, as it had stated in previous years, and whether such revision affects the aforesaid regulations;

(3) if the Government would state what progress has been made towards adopting legislation giving full effect to the Convention.

*Nicaragua* (ratification : 12.4.1934). The Committee, noting that the Government has not replied to the observation made by it in 1956, repeats the observation, which was in the following terms :

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.

The Committee desires once more to draw the attention of the Government to the necessity of adopting regulations to give full effect to all the provisions of the Convention.

*Rumania* (ratification : 4.12.1925). The Committee thanks the Government for its report which states that the use of white lead in painting is prohibited.

The Committee notes, however, that, apart from the Labour Code of 1950, none of the legislation cited in the report was ever communicated to the Office. It would be grateful therefore if the Government would be good enough to append to its next report all the texts required for a full appraisal of the application of the Convention.

*Spain* (ratification : 20.6.1924). The Committee notes with interest the detailed information contained in the Government's first report since Spain again became a Member of the I.L.O. and observes with satisfaction that national legislation appears to give full effect to the provisions of the Convention. The Committee would, however, be grateful if the Government would in its next report indicate the measures taken for the consultation of employers' and workers' organisations in each of the cases mentioned in the form of report (Articles 1, 3 and 6 of the Convention). The Committee would in particular be glad to have more information on the functions of the trade union and the technical committee on labour policy attached to the Ministry, which are mentioned in the Government's report.

The Committee would also be grateful if the Government would annex to its next report statistics of morbidity and mortality due to lead poisoning (Article 7 of the Convention), provision for the compilation of which is made in the national legislation.

*Viet-Nam* (ratification : 6.6.1953). The Committee notes with interest that, in reply to the request made in 1955, the Government states that any decree under section 231 of the Labour Code (exemption from the general prohibition of the use of white lead) would not fail to take into consideration the provisions contained in Articles 2, 3, 5, 6 and 7 of the Convention.

The Committee would be grateful if the Government would mention any such decree in its annual reports.

*Yugoslavia* (ratification : 30.9.1929). The Committee takes note of the information furnished, in reply to the observation made in 1956, with regard to the measures taken by the Government to give effect to the provisions of Article 5, paragraphs I (b) and II, of the Convention. It notes with satisfaction that the decision of 23 June 1955 regarding the use of white lead in painting and the general regulations of 13 January 1947 respecting industrial hygiene and safety measures ensure the full application of the above-mentioned provisions of the Convention.

#### *Convention No. 14: Weekly Rest (Industry), 1921.*

Number of reports requested : 39.

Number of reports received : 35.

Reports not received : 4.

(*Bolivia, Luxembourg, Peru, Venezuela.*)

*Bolivia* (ratification : 19.7.1954). Since the report for 1955-56 has not arrived the Committee cannot but repeat its previous observation, which read as follows :

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.

The Committee trusts that the Government will be able at an early date to take the action called for above.

*Bulgaria* (ratification : 6.3.1925). The Committee has noted with interest the information communicated by the Government in response to the observation made in 1955 and also the decree of 25 April 1956

concerning the reduction of the working period on days before weekly rest days.

With regard to work performed, as an exception, on a weekly rest day, the Committee notes that a higher rate of remuneration is paid but that no provision is made for a compensatory period of rest in accordance with Article 5 of the Convention. The Committee therefore invites the Government to examine the possibility of enacting provisions prescribing such compensatory periods of rest and would be grateful if the Government would indicate in its next report the measures that it intends to take in this connection.

*China* (ratification : 17.5.1933). The Committee notes with interest the information supplied by the Government in its annual report, and makes the following observations :

(a) The Factories Act of 1932 which, together with the Mines Act of 1936, is mentioned as giving effect to the Convention, applies only to factories using mechanical power and usually employing 30 or more workers. The scope of this legislation is therefore narrower than that of the Convention (Article 1, paragraph 1).

(b) Section 18 of the Factories Act permits workers not to take their weekly rest to which they are entitled under section 15 if they do not wish to do so (in which case they are to receive additional wages). These provisions do not accord with Article 2 of the Convention under which the whole of the staff shall enjoy a weekly rest period, subject only to the exceptions which may be permitted in accordance with Articles 3 and 6 of the Convention.

(c) Contrary to the requirements of Article 7 (a) of the Convention, no provision is made for the posting of notices or the taking of other measures approved by the Government to make known the days and hours of the weekly rest where the rest is given to the whole of the staff collectively. Further the Committee would be grateful if the Government would indicate whether it proposes to take the measures envisaged by Article 7 (b) of the Convention to establish standard forms of rosters to make known special systems of rest where the rest period is not granted to the whole of the staff collectively.

(d) Section 19 of the Factories Act provides that the rest periods of persons engaged in work of a military nature or in the public service may be suspended if the competent authority considers it necessary. The Committee would be grateful if the Government would state in future reports what use has been made of this power, indicating in particular whether the exceptions have been permitted after taking into account all proper humanitarian and economic considerations and after consulting responsible associations of employers and workers, as required by Article 4 of the Convention. The Committee also requests the Government to be good enough to supply a list of these exceptions, in accordance with Article 6 of the Convention, and to state whether compensatory periods of rest are granted in respect of the suspensions so authorised, as provided by Article 5 of the Convention.

The Committee hopes that the Government will be able to supply additional information on the above points in its next report, and to indicate the measures which it intends to take to establish complete conformity between the legislation and the Convention.

The Committee would furthermore be grateful if the Government would also supply more detailed informa-

tion on the practical application of the Convention, stating in particular the number of workers covered by the legislation and the methods by which its application is supervised, as requested in the form of report approved by the Governing Body.

*Colombia* (ratification : 20.6.1933). Noting that the report consists of the statement that the Government has nothing to add to its previous report, the Committee calls attention once more to the observations it made in 1956 and invites the Government—

(a) to forward to the I.L.O. the list of exceptions authorised under Articles 3 and 4 of the Convention, in conformity with Article 6; and

(b) to indicate by what special measures a day of weekly rest is assured to employees in state undertakings, public works and other state services, in conformity with Articles 1 and 2 of the Convention.

The Committee urges the Government to supply this information without further delay.

*Czechoslovakia* (ratification : 31.8.1923). The Committee thanks the Government for the information supplied in its report in reply to the request made in 1956. The Committee notes that a weekly rest period of less than 24 hours is granted to certain workers whose work consists mainly of mere attendance in undertakings which do not possess sufficient staff to ensure relief of duty. The Committee would, however, be grateful if the Government would in its next report supply information on the rest periods granted in compensation for these diminutions, in accordance with Article 5 of the Convention.

*Denmark* (ratification : 30.8.1935). In reply to the observation of the Committee in 1956 in connection with Article 5 of the Convention, the Government states that, owing to the difficulty of drawing up common rules as to compensatory rest in respect of regular work on Sundays, particular cases are still being considered by the Directorate of the Labour Inspection Service and that final rules on the matter will not be made before July 1957.

*France* (ratification : 3.9.1926). The Committee thanks the Government for the detailed information supplied in reply to the observations made in 1956, regarding the provisions concerning the weekly rest of railway workers.

As regards workers in water transport undertakings, the report states that " crews are entitled to the 24 days of compensatory rest provided for by the decree of 28 November 1919 ". The Committee observes that this decree (section 3) provides an annual rest of 24 days for all classes of workers, consecutively or on separate occasions. It observes that this provision does not appear to ensure one day of rest in each period of seven days, as required by Article 2 of the Convention. The Committee would therefore be grateful if the Government would in its next report indicate the measures which have been or could be taken to give full effect to the Convention in respect of the aforesaid class of workers.

*Greece* (ratification : 11.5.1929). With reference to its observations made in 1956 the Committee notes that, according to the information supplied by the Government, the weekly rest period is granted in all the branches of industry specified in Article 1 of the Convention, with the exception, however, of permanent way workers on the railways. The Committee notes with interest that station staffs are entitled to four weekly rest days per month by virtue of a decree

of 20 April 1956, and trusts that the Government will find it possible to bring its legislation into harmony with the Convention also in respect of permanent way workers. The Committee would be grateful if the Government would in its next report indicate the measures which it intends to take in this respect and would also supply more detailed information on the provisions of the aforesaid decree of 20 April 1956 and on the judicial decisions, in particular the decision of the Court of Cassation, mentioned in the report as involving questions of principle concerning the application of the Convention.

*India* (ratification : 11.5.1923). The Committee wishes to thank the Government for the considerable information which it has supplied in reply to the observations made in 1956 and in accordance with the provisions of Article 6 of the Convention (exceptions granted under Articles 3 and 4). The Committee notes the various exceptions permitted under the Mines Act and the Railways Act and by the regulations made by state governments under section 64 of the Factories Act. The Committee notes, however, that the report does not contain information on the regulations made under section 65 of the Factories Act in respect of cases of exceptional pressure of work, and would be grateful if the Government would indicate in its next report whether any such regulations have been made.

*Ireland* (ratification : 22.7.1930). The Committee notes the information supplied in reply to the request made by it in 1956 regarding the weekly rest period of workers employed in mines and in the transport of persons and goods.

*Poland* (ratification : 21.6.1924). The Committee thanks the Government for the information supplied in reply to the observations of 1956, and notes that exceptions to the provisions relating to the weekly rest are permitted, firstly in seaports under the Act of 20 March 1950 to protect cargoes in danger of deterioration and for loading and unloading, and secondly in coal mines.

The Committee would be grateful if the Government would state in its next report—

(a) whether, particularly as regards coal mines, special regard has been had to all proper humanitarian and economic considerations and whether the responsible associations of employers and workers have been consulted, in accordance with Article 4 of the Convention;

(b) whether periods of rest in compensation for the suspensions or diminutions permitted have, as far as possible, been provided for the coal miners and port workers concerned, in accordance with Article 5 of the Convention.

*Rumania* (ratification : 18.8.1923). The Committee finds that the first report supplied on this Convention since Rumania again became a Member of the Organisation does not contain full information on the implementation of each Article of the Convention. It would therefore be glad if the Government would include information on the following points in its next report :

(a) what use, if any, has been made of the exceptions authorised under Article 3 of the Convention;

(b) in virtue of what provisions the temporary exceptions mentioned in the Government's report are authorised and whether the conditions laid down in this connection in Article 4 are complied with;

(c) whether compensatory periods of rest are given for any suspensions, as required under Article 5 of the Convention, or whether compensation is only in the form of cash;

(d) the text of the list of total and partial exceptions which must be communicated to the I.L.O. in virtue of Article 6 of the Convention;

(e) the manner in which the Convention is applied in practice (point V of the report form).

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 granting of a day of weekly rest, as prescribed in Article 2 of the Convention.

*Spain* (ratification : 20.6.1924). The Committee would be glad if the Government would supply in its next report particulars of any suspensions of the compensatory weekly rest made in virtue of section 7 of the Act of 13 July 1940 (Article 5 of the Convention), together with any available information on the practical application of the relevant legislation (point V of the report form).

*Viet-Nam* (ratification : 3.6.1955). The Committee notes the first report supplied by the Government. It would be grateful if the Government would in its next report supply additional information on the following points :

Article 1, paragraph 1, of the Convention. The Committee notes that the provisions of the Labour Code concerning weekly rest do not apply to water transport undertakings, railways or tramway undertakings (section 173 of the Code). It would be grateful if the Government would supply a copy of the Order of 22 March 1937 concerning inland water transport undertakings. The Committee would also be glad to have information on the present system of weekly rest on the railways and in tramway undertakings, and trusts that copies of the legislation regarding these undertakings which is now being prepared will be appended to the next report.

Article 4. What use has been made of the provisions of section 188 of the Labour Code, under which ministerial orders may determine the conditions in which workers may be employed during the weekly rest day in loading and unloading?

Article 5. What provisions provide for rest periods in compensation for the diminutions permitted (i) by section 183 of the Code for maintenance workers who must necessarily work on the collective rest day, and (ii) by section 190 of the Code in industries working only during certain periods of the year or using perishable matter?

Article 7 (a). The Committee would be grateful if the Government would supply copies of, or a precise reference to, the legislation which requires notices indicating the collective rest day to be displayed in workplaces.

*Yugoslavia* (ratification : 1.4.1927). The Committee takes note of the Government's statement that there are no provisions in Yugoslavia regulating the exceptions authorised under Articles 3 and 4 of the Convention and that consequently the list of these exceptions required under Article 6 of the Convention cannot be supplied.

Since the Government also states that progress has been made in the procedure for the adoption of the



Bill respecting labour relations which is to contain specific regulations on this subject, and that it should soon be submitted to the Federal National Assembly for final decision, the Committee hopes that the Government will be able to draw up and supply the list in question as soon as this Bill has been adopted.

*Convention No. 15: Minimum Age (Trimmers and Stokers), 1921.*

Number of reports requested : 33.

Number of reports received : 30.

Reports not received : 3.

(Colombia, Hungary, Luxembourg.)

*Bulgaria* (ratification : 6.3.1925). The Committee notes with interest the information supplied by the Government in its report, which shows that Bulgarian legislation gives effect to the Convention, as young persons between 16 and 18 years of age are not admitted to employment as trimmers or stokers on board vessels. However, the Committee would be grateful if the Government would state in its next report whether, in conformity with Article 5 of the Convention, every master or employer is required to keep a register or list showing the dates of birth of seamen under 18 years of age.

*China* (ratification : 2.12.1936). As regards Article 1 of the Convention, see under Convention No. 7 (Article 1).

The Committee notes that there exists no specific legislation to apply Article 2 (prohibition of the employment of persons under 18 years of age as trimmers or stokers), but that the proposed Seamen's Act will take into account the principles of the Convention. The Committee would be grateful if the Government would in its next report indicate the progress made in enacting this legislation.

*Colombia* (ratification : 20.6.1933). Although no report has been received for 1955-56 the Committee, on the basis of the information contained in the reports for 1953-54 and 1954-55, ventures to point out that the legislation of Colombia does not appear to contain provisions giving effect to—

(a) Article 2 of the Convention (prohibition of the employment of persons under the age of 18 years as trimmers or stokers);

(b) Article 4 (exceptions only where it is impossible to engage persons over 18 years of age in a given port); and

(c) Article 5 (registers containing the dates of birth of all persons under 18 years of age).

In effect, sections 30 and 31 of the Labour Code of 1950 appear not to cover all the cases mentioned above, as, under section 30, persons under 18 years of age may work with the consent of their legal guardian or the local labour inspector.

The Committee accordingly requests the Government once more to supply detailed information in its next report on the measures which it intends to take to give effect to the provisions of this Convention.

*Cuba* (ratification : 7.7.1928). Further to its observation of 1956, the Committee notes with interest that Resolution No. 52 of 25 June 1956 ensures full conformity with Article 5 of the Convention.

*Nicaragua* (ratification : 12.4.1934). The Committee regrets to note that the report contains no new information. Accordingly, it can only once more

request the Government to take the necessary measures to give effect to the provisions of the Convention. In this connection, the Committee wishes to point out that the central provision of the Convention, regarding the minimum age for work as trimmers or stokers (Article 2), might be met by extending the scope of section 125 of the Labour Code, which prohibits work by persons under 18 years of age in certain types of work.

*Rumania* (ratification : 18.8.1923). The Committee notes the information supplied by the Government, from which it appears that effect is given to Articles 2 and 5 of the Convention. However, the Committee requests the Government to append to its next report copies of the relevant legislation (see under Convention No. 7) and to supply more detailed information on—

(a) the definition of "vessel" contained in Rumanian legislation (Article 1 of the Convention); and

(b) the requirement that articles of agreement should contain a summary of the provisions of the Convention (Article 6).

*Spain* (ratification : 20.6.1924). The Committee notes with interest the information supplied by the Government in its first report since it again became a Member of the Organisation. The Committee ventures to point out, however, that Article 4 of the Convention fixes 16 years as the minimum age of young persons who may exceptionally be employed as trimmers or stokers, whereas according to Spanish legislation and in the absence of an express provision, the minimum age of 14 years laid down generally for work on board ship by Regulation 73 of the relevant regulations applies. The Committee would therefore be grateful if the Government would, in its next report, indicate the measures which it proposes to take to ensure complete identity between the national legislation and the Convention.

*Uruguay* (ratification : 6.6.1933). The Committee notes the information supplied by the Government to the Conference Committee in 1956, to the effect that no young person under 18 years of age is, in practice, permitted to work as a trimmer or stoker and that such employment would constitute a violation of the Children's Code.

However, in view of the fact that sections 226 to 231 of this Code do not refer expressly to work as trimmers or stokers, the Committee is glad to learn that the Government is considering draft legislation on this matter, and hopes that information as to the progress made in this direction will be communicated in the near future.

*Convention No. 16: Medical Examination of Young Persons (Sea), 1921.*

Number of reports requested : 34.

Number of reports received : 32.

Reports not received : 2.

(Hungary, Luxembourg.)

*Brazil* (ratification : 8.6.1936). The Committee notes from the explanations given in reply to the observation made in 1956 that existing regulations do not appear to provide for renewed medical examination of young persons at intervals not exceeding one year (Article 3 of the Convention). It hopes, therefore, that the Government will find it possible at an early date to introduce the necessary amendments to its legislation, as part of the revision of the Labour



Code which is being prepared, and will in its next report indicate the progress made.

*Bulgaria* (ratification : 6.3.1925). The Committee notes with interest that, according to the information supplied by the Government, all young persons (including seamen) under 18 years of age are, in conformity with the provisions of Articles 2 and 3 of the Convention, required to undergo a medical examination before being admitted to employment, as well as periodical examinations at intervals of 12 months. The Committee would be grateful if the Government would state in its next report whether, as required by Article 2 of the Convention, the certificate attesting the fitness of seamen for work is signed by a doctor approved by the competent authority.

*China* (ratification : 2.12.1936). The Committee notes from the Government's reply to the observation made in 1956 that, under Regulation 6 of the regulations concerning the issue of licences to river and sea-going personnel, a medical examination is required before a candidate is admitted and that this examination must be repeated every five years. It further notes that, although no young persons to whom the Convention is applicable are at present employed on board ship, the Government intends to include in the revised Seamen's Act provisions taking the principles of the Convention into account.

The Committee wishes to point out that the information supplied with regard to the observation made in 1956 does not reply to the specific questions raised therein. It would therefore be grateful if the Government would indicate what progress has been made in the adoption of the revised legislation referred to in the report.

*Nicaragua* (ratification : 12.4.1934). The Committee regrets to note that the report contains no new information, and therefore can only repeat the observations made last year, which were as follows :

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.

*Rumania* (ratification : 18.8.1923). The Committee notes the information supplied by the Government, to the effect that Order No. 25 of 27 January 1955 gives effect to the provisions of Articles 2 and 3 of the Convention. The Committee would be glad if the Government would append a copy of this Order to

its next report and would at the same time provide information on—

(a) the definition of "vessel" in the Rumanian legislation (Article 1 of the Convention); and

(b) the requirement that the medical certificate be signed by a doctor approved by the competent authority (Article 2).

*Uruguay* (ratification : 6.6.1933). The Committee notes the statement made to the Conference Committee in 1956 regarding Conventions Nos. 15 and 16, that the Executive Power was considering a draft submitted by the competent authorities. Further, in the report on Convention No. 16 for the period 1954-55, the Government stated that it had prepared draft regulations dealing with Conventions Nos. 16, 77 and 78 and that these were being studied by the Executive Power. As the report for 1955-56 contains no new information, the Committee would be grateful if the Government would indicate the progress made towards the adoption of the draft regulations and state whether these contain provisions giving legislative effect to Articles 2 and 3 of the Convention (dealing respectively with the medical examination of persons under 18 years of age employed on vessels and the annual repetition of such medical examination).

*Convention No. 17: Workmen's Compensation (Accidents), 1925.*

Number of reports requested : 26.

Number of reports received : 24.

Reports not received : 2.

(Hungary, Luxembourg.)

*Argentina* (ratification : 14.3.1950). Referring to the observations made in 1955 the Committee notes that section 4 of Decree No. 5005/56 of 19 March 1956 provides for a comprehensive reform of the present workmen's compensation system to be effected. The Committee trusts that the new legislation will be in complete conformity with the Convention, and would be glad if the Government would in its next report supply detailed information on the progress realised.

*Chile* (ratification : 8.10.1931). With reference to the observation made in 1956 the Committee has noted that the draft revision of the Labour Code has now been referred, for study, to the Institute of Political and Administrative Sciences of the University of Chile before being submitted to the National Congress. The Committee expresses the hope that the new legislation will be in full conformity with the Convention and, in particular, that the provisions of section 276 of the Code will be amended so as to entitle a worker to receive periodic payments in case of permanent partial incapacity, as is provided in Article 5 of the Convention. The Committee would be grateful if the Government would furnish details as to developments in this connection.

*Colombia* (ratification : 20.6.1933). The Committee, noting with regret that the Government's report merely refers to the previous report and does not reply to the points raised by the Committee in 1955, can only refer to the observation made in 1956, which was as follows :

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).

*Greece* (ratification : 13.6.1952). The Committee notes that since 1954 the Government's report has mentioned administrative measures intended to extend the scope of the Act of 1951, without, however, supplying details thereof. The Committee would be grateful if the Government would, in future reports, in accordance with the request already made by the Committee in 1955, indicate what progress has been made in the extension of the said Act to regions and classes of workers to which it has not hitherto applied. The Committee wishes to emphasise that, under Article 2, paragraph 1, of the Convention, "the laws and regulations as to workmen's compensation shall apply to workmen, employees and apprentices employed by any enterprise, undertaking or establishment of whatever nature, whether public or private".

*Haiti* (ratification : 19.4.1955). The Committee notes with interest the first report supplied by the Government. It observes, however, that discrepancies exist between the national legislation and the following Articles of the Convention :

Article 1 of the Convention. Section 1 of the Act of 12 September 1951 establishing a Social Insurance Institution provides that "offices subordinate to the central office shall be established in the provinces in accordance with needs and the means available". The Committee would be grateful if the Government would state in its next report whether the operations of the Social Insurance Institute in respect of compensation for industrial accidents have been extended to the whole territory and, if not, what measures it intends to take to ensure to all victims of industrial accidents and their dependants rights of compensation meeting the requirements of the Convention.

Article 2. The Act of 12 September 1951 on social insurance does not contain any provision stating expressly that it applies to "apprentices employed by any enterprise, undertaking or establishment of whatsoever nature", as required by the Convention. The Committee would be grateful if the Government would state in its next report whether apprentices are covered by the term "workers" contained in the national legislation.

Further, the Committee observes that, under section 6 of the Act of 12 September 1951, foreign technicians whose stay in Haiti does not exceed one year are excluded from the Act, whereas the general terms used in the Convention ("workmen, employees and apprentices employed by any enterprise, undertaking or establishment"), covering all residents, do not permit such a distinction.

Article 5. Contrary to this Article of the Convention, the national legislation does not provide that, in the case of death or permanent incapacity resulting

from injury, payment of compensation in the form of a lump sum shall be permitted only if the competent authority is satisfied that it will be properly utilised. The Government, however, indicates in its report that "assurances as to proper use are generally demanded before a decision is given". The Committee would be grateful if the Government would state in its next report what measures could be taken to require guarantees that any compensation paid in the form of a lump sum in cases of permanent incapacity or death resulting from an injury be properly utilised, and what kind of assurance is normally demanded.

Article 7. The national legislation does not contain any provision for additional compensation "where the injury results in incapacity of such a nature that the injured workman must have the constant help of another person", as required by this Article.

Article 10. The national legislation does not contain any provision requiring the renewal of artificial limbs and surgical appliances or payment of additional compensation in lieu thereof, as required by this Article.

The Committee would be grateful if the Government would indicate in its next report what measures it intends to take to eliminate the existing discrepancies between national legislation and the Convention.

*Netherlands* (ratification : 13.9.1927). Referring to the observations made in 1956 the Committee notes that the Second Chamber, on 2 May 1956, made a provisional report on the Bill which will bring section 17 of the Industrial Accidents Act into full conformity with Article 7 of the Convention.

*Nicaragua* (ratification : 12.4.1934). The Committee notes that the Government's report does not reply to the request for additional information made by it in 1956. The Committee has learned that a Social Security Act has been promulgated in Nicaragua by Decree No. 161 of 22 December 1955 and trusts that the next report will give, in accordance with the form of report, detailed information on the extent to which the Convention is applied by this new legislation.

*Poland* (ratification : 3.11.1937). Referring to the request made in 1956 the Committee notes with interest the information contained in the Government's report, to the effect that all victims of accidents suffering permanent incapacity for work are entitled to a pension when their injury or disease is such that they come within the third group defined by the decree of 25 June 1954.

*Sweden* (ratification : 8.9.1926). The Committee notes the information communicated in the report in reply to the observations which it had made in 1956. It notes in particular that the cost of certain appliances, which is not ordinarily payable by the sickness insurance scheme, is entirely refunded by the insurance against industrial accidents and occupational diseases, even during the co-ordination period.

Furthermore, the Committee notes the statement made in the report to the effect that the discrepancy between Article 9 of the Convention and Swedish legislation, which requires the insured person to pay part of the cost of benefit during the co-ordination period, is balanced—economically speaking—by the fact that the sickness allowance is payable at a rela-

tively high rate from the fourth day following the accident or onset of disease.

The Committee wishes to draw the Government's attention to the fact that Article 9 of the Convention, which provides that the cost of medical, surgical and pharmaceutical aid shall be defrayed either by the employer or by accident insurance or by sickness or invalidity insurance institutions, is not entirely applied in Sweden, since the insured persons have to pay a proportion of the cost of medical aid. The Committee would therefore be grateful if the Government would indicate in its next report the action which it intends to take in order to ensure full application of this Article of the Convention.

*United Kingdom* (ratification : 28.6.1949). The Committee notes from the detailed information provided by the Government regarding the National Health Service that workers who have suffered an employment injury would apparently have to bear part of the cost of medicines and drugs, etc., while according to Article 9 of the Convention "the cost of such aid shall be defrayed either by the employer, by accident insurance institutions, or by sickness or invalidity insurance institutions". The same remark applies also to surgical appliances mentioned in Article 10 of the Convention. The Committee would therefore be glad if the Government would indicate in its next report whether the Committee's understanding of the position is accurate and, if so, what steps are contemplated in this connection.

*Uruguay* (ratification : 6.6.1933). The Committee notes that the Government has indicated, in a written declaration communicated to the Conference Committee, that "a new Bill is being drafted by the State Insurance Bank which contains new... ideas going far beyond the requirements of the Convention. Account is being taken in drafting this Bill of the risk of insolvency which will disappear with the establishment of compulsory insurance, the essential idea of the Bill." As the report supplied this year does not contain any information on the aforesaid Bill, the Committee would be grateful if the Government would indicate the progress made in the adoption of the new legislation, which will permit the Government to give effect to Article 11 of the Convention.

*Convention No. 18 : Workmen's Compensation (Occupational Diseases), 1925.*

Number of reports requested : 27.

Number of reports received : 25.

Reports not received : 2.

(*Hungary, Luxembourg.*)

*General observation.* Having noted that only Czechoslovakia and Nicaragua have replied to the general observation it made in 1956 as regards the application to agricultural workers of the legislation providing compensation for occupational diseases, the Committee reiterates its observation, which read as follows :

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.

*Bulgaria* (ratification : 5.9.1929). See under Convention No. 42.

*Colombia* (ratification : 20.6.1933). In reply to the observations made in 1956 regarding compensation in respect of anthrax infection, the Government states

that the persons specified in section 201 (1) of the Labour Code (i.e. veterinarians, slaughtermen, butchers, herdsmen and tanners) are in fact those who are concerned with the loading, unloading and transport of the remains of animals. The Committee, nevertheless, feels it necessary to draw the Government's attention to the fact that this wording, which might be interpreted restrictively, does not necessarily comprise all the persons exposed to the risk of contracting anthrax by reason of their work, and that in any case it does not accord with the more general provisions of the Convention, under which the persons covered must comprise workers in contact with animals infected with anthrax, workers handling the remains of animals and also workers engaged in the loading, unloading or transport of merchandise. Accordingly, the Committee would be grateful if the Government would indicate what measures it intends to take to establish complete conformity between the legislation and the provisions of the Convention.

*Hungary* (ratification : 19.4.1928). See under Convention No. 42.

*Nicaragua* (ratification : 12.4.1934). The Committee thanks the Government for the information, supplied in answer to the general observations made by the Committee in 1956, that agricultural workers are entitled to compensation for industrial accidents and occupational diseases.

The Committee observes, however, that the Government has not, as requested by the Committee, supplied detailed information on the manner in which the Convention is applied. It can therefore in this respect only refer to its observations of 1956, and request the Government to be good enough to supply the required information in its next report.

*Poland* (ratification : 3.11.1937). See under Convention No. 42 for observations regarding anthrax infection.

*Spain* (ratification : 29.9.1932). The Committee takes note of the first report supplied by Spain since it again became a Member of the I.L.O. and would be grateful if the Government would in its next report, in accordance with the report form approved by the Governing Body, provide information regarding—

(1) the rates of compensation laid down in national legislation for injury resulting from industrial accidents;

(2) the rates of compensation in respect of occupational diseases.

The Committee would further be glad if the Government would indicate—

(a) whether or not the Act of 13 July 1936, which is mentioned by the National Trade Union Organisation, remains in force;

(b) in any case, what measures the Government intends to take to eliminate the existing divergency between the list set out in the Convention and that appended to the decree of 1947, which limits compensation for anthrax infection to the handling of the remains of animals infected with anthrax (while under the Convention compensation extends to the handling of all remains of animals) and which does not provide for compensation in cases of anthrax infection arising from the loading and unloading or transport of merchandise, as does the Convention.

*Switzerland* (ratification : 16.11.1927). The Committee notes that the new Order of 5 April 1956 concerning occupational diseases no longer makes express

mention of anthrax infection in the list of diseases giving rise to a claim for compensation. The new Order refers, on the one hand, to infectious diseases in respect of which compensation is payable for work in laboratories of testing stations and similar establishments and, on the other hand, to diseases communicated by contact with animals for which compensation is payable in the case of keeping or treating animals or of work exposing the worker to the risk of disease from contact with animals, with parts or the remains of animals, or with animal products. However, under the Convention, anthrax infection—in whatever way contracted—should entitle a worker engaged in “loading and unloading or transport of merchandise” to compensation, without it being necessary to prove that the worker had been in contact with animals, parts or remains of animals, or animal products, as the new Order would appear to require. The Committee would be grateful if the Government would in its next report clarify the position on this point.

*Convention No. 19: Equality of Treatment (Accident Compensation), 1925.*

Number of reports requested : 44.

Number of reports received : 39.

Reports not received : 5.

(*Bolivia, Hungary, Luxembourg, Peru, Venezuela.*)

*Austria* (ratification : 29.9.1928). The Committee has noted with interest the information contained in the Government's report, particularly with respect to the provisions of the General Social Insurance Act, 1955, concerning compensation for industrial accidents. The Committee has noted that under section 89 of the Act the right to benefit is suspended for so long as a beneficiary is resident abroad; it has also noted that these rights are not suspended : (a) when the insurance institution authorises an Austrian citizen to reside abroad; (b) where an international Convention or Ordinance makes provision to the contrary on a basis of reciprocity. The Committee would be grateful if the Government would indicate in its next report whether nationals of countries which have ratified this Convention are authorised to receive benefits in compensation for industrial accidents when they reside abroad in the same way as Austrian nationals, in conformity with the principle of equality of treatment laid down in Article 1 of the Convention.

*Bolivia* (ratification : 19.7.1954). Since the report for 1955-56 has not arrived the Committee cannot but repeat its previous observation which read as follows :

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.

The Committee trusts that the Government will be able at an early date to take the action called for above.

*Bulgaria* (ratification : 5.9.1929). The Committee notes with regret that the Government's last two reports do not supply the information requested in the observation made by the Committee in 1955. The Committee had noted that, according to the Government's report, foreign workers who left the territory of Bulgaria received a workmen's compensation pension only if a reciprocal agreement existed between their country and Bulgaria. As Article 1 of the Convention

provides that the nationals of all Members which have ratified the Convention shall be entitled to the same treatment as the country's own nationals, the Committee had requested the Government to state in its next report whether the nationals of all States which had ratified this Convention were regarded as nationals of countries with which Bulgaria had concluded reciprocal agreements and were thus entitled to payment of their pension wherever they might reside. The Committee had also requested the Government to confirm that the provisions regarding reciprocity mentioned above extended to the dependants of foreign workers.

The Committee trusts that the Government will be able to furnish information on the above-mentioned points at an early date.

*France* (ratification : 4.4.1928). The Committee notes with interest the information supplied by the Government in reply to the request made in 1955 and 1956, regarding the application to nationals of other Members which have ratified Convention No. 19 of article 23 of the Franco-Belgian Convention of 17 January 1948, article 20 of the Convention concluded by France and the Federal Republic of Germany on 10 July 1950, and article 21 of the Franco-Danish Convention of 30 June 1951. It appears from this information that, under the provisions of the Act of 30 October 1946, any increases are considered as forming part of the pension and are granted without any residence condition to nationals of all countries which have ratified Convention No. 19.

*Federal Republic of Germany* (ratification : 18.9.1928). The Committee refers to the observations made in 1956 regarding the payment of increases in pensions (provided for by bilateral agreements concluded by the Federal Republic with Denmark, France and Switzerland) to nationals of States which have ratified the Convention, in accordance with the principle of equality of treatment laid down in Article 1, paragraph 1, of the Convention. It notes the information supplied by the Government to the Conference Committee, that the Government proposes in the first instance to discuss this question with the governments of the countries with which the above-mentioned bilateral agreements had been concluded.

The Committee trusts that the Government will be able to indicate in its next report the measures which it proposes to take to ensure equality of treatment, as regards increases in pensions, to nationals of all countries which have ratified the Convention.

*Greece* (ratification : 30.5.1936). Referring to the observation made in 1956, the Committee notes with satisfaction that by Royal Decree of 15 May 1956 the special insurance scheme for miners has been merged in the general insurance scheme (I.K.A.), and that all discrimination between foreign workers and Greek nationals has consequently been eliminated.

*Haiti* (ratification : 19.4.1955). The Committee notes with interest the information supplied by the Government in its first report. The Committee would be grateful if the Government would state whether foreign technicians who stay in Haiti for not more than one year and who are exempted from compulsory insurance by section 6 of the Act of 12 September 1951 are nevertheless entitled to compensation for industrial accidents in conditions assuring them equality of treatment with nationals of Haiti, in accordance with Article 1 of the Convention.

Further, the Committee notes that section 89 of the Act provides for the suspension of payments where the beneficiary goes abroad, unless an agreement has been made by him with the social insurance institution of Haiti regarding the duration of his absence, and that this section also provides that members of the family of an insured person shall not be entitled to payments if they do not reside in Haiti. The Committee would be grateful if the Government would in its next report supply information on the manner in which section 89 of the Act is applied, on the one hand, to its own nationals, and, on the other, to nationals of countries which have ratified the Convention.

Finally, the Committee would be grateful if the Government would be good enough to supply in its next report general information on the manner in which the Convention is applied, particularly as regards the approximate number of foreigners, their nationality, their occupation, the number and nature of accidents, etc., as requested by the form of report approved by the Governing Body of the I.L.O.

*Hungary* (ratification : 19.4.1928). Since the report for 1955-56 has not arrived the Committee cannot but repeat its previous observation, which read as follows :

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.

The Committee trusts that the Government will be able, at an early date, to take the action called for above.

*Indonesia* (ratification : 13.9.1927). The Committee notes with interest the information supplied by the Government in its report. The Committee notes that public enterprises which have no special accident law and have given effect to the provisions of the Accident Law of 1947 are the Railway Company, the Department of Forestry, the Department of Public Works and the Department of Mining. The Committee would be grateful if the Government would in its next report indicate the legislation on compensation for industrial accidents which applies to other public enterprises, particularly as regards the position of foreign workers.

*Italy* (ratification : 15.3.1928). The Committee notes that, in reply to the observations made in 1956, the Government states in its report that the principle of equality of treatment laid down in the Convention does not extend to the provisions of international agreements which govern the position and interests of the contracting parties only. Referring to the general observations on the application of this Convention made in 1954, 1955 and 1956, the Committee wishes to make clear that Article 1, paragraph 1, of the Convention, in providing that each Member shall grant to the nationals of any other Member which has ratified the Convention the same treatment in respect of workmen's compensation as it grants to its own

nationals, makes no distinction according to whether this treatment is based on international agreements or on national legislation. The Committee therefore considers that the workmen's compensation benefits granted to Italian nationals by the special social security agreements concluded by Italy ought to be granted to the nationals of all States which have ratified this Convention in accordance with the principle of equality of treatment laid down in this Convention.

The Committee trusts that the Government will be able to indicate in its next report whether the nationals of all countries which have ratified the Convention receive the same treatment as is accorded to Italian nationals, not only by national legislation but also under the special agreements mentioned above.

*Luxembourg* (ratification : 16.4.1928). Since the report for 1955-56 has not arrived the Committee cannot but repeat its previous observation, which read as follows :

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.

The Committee trusts that the Government will be able at an early date to take the action called for above.

*Nicaragua* (ratification : 12.4.1934). See under Convention No. 17.

*Spain* (ratification : 22.2.1929). The Committee notes with interest the information contained in the Government's reports for 1954-55 and 1955-56. The Committee observes, however, that under Regulation 11(3) of the Regulations applying the Act concerning industrial accidents (consolidated by the Decree of 22 June 1956), a worker's dependants who lived on Spanish territory at the time of the accident but cease to live there remain entitled to the payment of compensation only if the legislation of their country accords a similar right to Spanish subjects and if the country of their new residence has ratified this Convention or if the payment of such compensation is provided for by special treaties.

The Committee wishes to point out that these conditions, which do not apply to Spanish nationals, do not accord with Article 1 of the Convention, which provides for equality of treatment of nationals of States which have ratified the Convention without any condition as to residence.

The Committee would be grateful if the Government would in its next report indicate the measures which it intends to take to bring the legislation into full conformity with the Convention.

*Sweden* (ratification : 8.9.1926). The Committee notes with satisfaction the information supplied by the Government to the Conference Committee in 1956, to the effect that equality of treatment as regards workmen's compensation had been granted to nationals of Bolivia and Haiti by Royal Order of 11 May 1956. The Committee also wishes to thank the Government

for the information supplied in its report, to the effect that equality of treatment has been granted to nationals of Tunisia and Morocco by Royal Order of 5 October 1956.

*United Kingdom* (ratification : 6.10.1926). The Committee notes that in reply to its observations in 1955 and 1956 concerning payment of supplementary benefits to nationals of ratifying countries not party to bilateral or multilateral agreements, the Government states that the question is still being considered. The Committee hopes that information on progress made in this respect will be given at an early date.

*Convention No. 20 : Night Work (Bakeries), 1925.*

Number of reports requested : 12.

Number of reports received : 10.

Reports not received : 2.

(*Argentina, Luxembourg.*)

*Bulgaria* (ratification : 5.9.1929). The Committee takes note of the Government's statement that the legislation does not at present prohibit night work in bakeries and that night work is necessary in order to meet the needs of the population. The Committee notes that, consequently, the Convention is not applied in Bulgaria and would be glad to know what measures the Government intends to take to discharge its obligations under this instrument.

*Colombia* (ratification : 20.6.1933). The Committee takes note of the Government's statement that it has nothing to add to its previous report. It finds it necessary, therefore, to repeat the observations made in 1956, which read as follows :

...the Committee notes from the report that there are no provisions applying to 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 cannot but urge the Government once again to take the measures referred to above, or any other suitable action, in order to ensure the application of the Convention in the near future.

*Cuba* (ratification : 6.8.1928). The Committee takes note of the Government's statement that the Resolution of 13 June 1955, which authorises work in Havana bakeries to start at midnight, is contrary both to the Convention and to the national legislation and that the Government is seeking a solution to this problem in consultation with the trade union organisation concerned. The Committee expresses the hope that as a result of the above-mentioned consultations the Convention will soon again be fully applied in Havana.

The Committee finds that the legislation prohibiting night work in bakeries applies only to the production of goods for direct or indirect sale; it would be glad if the Government would indicate in its next report whether, in practice, night work is also prohibited where goods are not produced for sale, as in the case of bakeries attached to hospitals and other institutions.

*Finland* (ratification : 26.5.1928). The Committee finds that the legislation prohibiting night work in bakeries applies only to the production of goods for

direct or indirect sale; it would be glad if the Government would indicate in its next report whether, in practice, night work is also prohibited where goods are not produced for sale, as in the case of bakeries attached to hospitals and other institutions.

*Spain* (ratification : 29.8.1932). The Committee examined with interest the first reports supplied on this Convention by Spain since it once again became a Member of the I.L.O.

It notes that the night period during which work is prohibited in bakeries is defined, in section 1 of the Royal Decree of 1919, as a period of six hours falling between 8 p.m. and 5 a.m., whilst Article 2 of the Convention provides for a minimum period of seven consecutive hours including the interval between 11 p.m. and 5 a.m. The Committee would be glad if the Government would ensure full conformity at an early date with this basic provision of the Convention.

The Committee would also be glad if the Government would state in its next report what measures exist to ensure that exceptions for preparatory or complementary work should not be authorised in the case of young persons under 18 years (Article 3, paragraph (a) of the Convention), and whether the manufacture of biscuits is excluded from the scope of the relevant legislation only in the case of wholesale manufacture (Article 1, paragraph 3).

*Convention No. 21 : Inspection of Emigrants, 1926.*

Number of reports requested : 24.

Number of reports received : 20.

Reports not received : 4.

(*Albania, Hungary, Luxembourg, Venezuela.*)

No observation.

*Convention No. 22 : Seamen's Articles of Agreement, 1926.*

Number of reports requested : 30.

Number of reports received : 28.

Reports not received : 2.

(*Luxembourg, Venezuela.*)

*General observation.* In the absence of replies to the general observation made in 1956, the Committee considers it necessary to point out once more that in certain States full effect appears not to be given to Article 1 of the Convention. This Article provides that the Convention "shall apply to all sea-going vessels registered in the country of any Member ratifying this Convention and to the owners, masters and seamen of such vessels". However, as stated last year, the legislation of certain States would appear to make it possible for articles of agreement signed by seamen in certain foreign countries (which may not have ratified the Convention) to be subject to the law of those countries (local law) and not, as required by the Convention, to the law of the country in which the vessel is registered (law of the flag). The exclusion following from such provisions might be of importance for seamen engaged in countries which have not ratified the Convention and whose local law was less favourable than the Convention.

It is possible that this point has not been clearly realised, and the Committee would therefore like to draw the attention of the governments of the various member States to this matter. The Committee hopes that they will examine with special care the provisions



now in force in this connection and will, in appropriate cases, provide information thereon.

*Argentina* (ratification : 14.3.1950). The Committee notes that the Government's report contains no reply to the observations made in 1954 and 1955 concerning the application of Article 13, paragraph 1 (right to discharge in certain circumstances), and Article 14, paragraph 2 (certificate of quality of work). The Committee trusts that the Government will shortly supply the information requested and will further state whether the proposed amendments to the Commercial Code—to which reference was made by a Government representative before the Conference Committee in 1954—have now been enacted.

*Belgium* (ratification : 3.10.1927). The Committee notes with interest that the discrepancy between section 92 of the Act of 5 June 1928 respecting seamen's articles of agreement, and Article 9 of the Convention is to be removed by amending legislation. It trusts that this legislation will be enacted at an early date.

*Bulgaria* (ratification : 29.11.1929). The Committee notes the information supplied by the Government in its reports for 1954-55 and 1955-56, and, in particular, the new Decree (No. 115 of 27 April 1956) concerning seamen's passports and work books (Articles 5 and 14 of the Convention). It further notes that, in accordance with sections 30, 31, 33 and 34 of the Labour Code, an agreement for an indefinite period may be terminated either by notice (Article 9 of the Convention) or without notice (Articles 11 and 12).

The Committee would be glad if the Government would, in its next report supply information on the provisions giving effect to—

(a) Article 3, paragraphs 3 and 4 (submission of agreement to competent authority and to seamen);

(b) Article 8 (posting on board of conditions of the agreement); and

(c) Article 9, paragraph 2 (notice to be given in writing).

Finally, as regards Article 13 of the Convention, the Committee would be grateful if the Government would indicate whether, when a seamen can obtain a post of a higher grade than he actually holds or when it is essential to his interests that he should leave his post, he may claim his discharge without being compelled to comply with the period of notice prescribed in section 29 (d) of the Labour Code.

*China* (ratification : 2.12.1936). The Committee has carefully examined the information supplied by the Government both in its report for 1955-56 and in its separate reply to the observation made in 1956.

The Committee regrets to note that a large number of provisions of the Convention do not yet seem to be applied, in particular Articles 3 (paragraphs 1 to 6), 4, 8, 10, 11, 12, 13 and 14. In the case of certain of these Articles (10 and 14), the references given by the Government do not seem to meet the requirements of the Convention; as regards others (Articles 4, 11, 12 and 13) the Government has itself declared that national legislation contains no relevant provisions, while in a third case (Article 8), although the Government's report states that the Article is applied, the relevant provision in the national legislation is not indicated.

Furthermore, in examining the standard contract (of the China Union Lines Ltd.) supplied by the

Government, the Committee finds that clause 6 thereof provides that "when an agreement is terminated, it is necessary for a crew member before leaving the ship at a foreign port, to get through the Master telegraphic approval of the relevant authorities in Taiwan... otherwise such member of the crew, although released from employment, shall yet be retained on board for passage to Taiwan without disembarking abroad". This provision does not appear to be compatible with Article 9, paragraph 1, of the Convention which provides that "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".

The Committee would be grateful if the Government would indicate the measures that it proposes to take in order to eliminate this discrepancy, as well as any progress made in connection with the adoption of legislation giving full effect to the Convention.

*Colombia* (ratification : 20.6.1933). The Committee would be grateful if the Government would in its next report supply information on the authority or authorities to which the application of the provisions of this Convention is entrusted, on the organisation and operation of the inspection services, and on the practical application of the Convention, and would also provide statistics on the number of seafarers signed on during the year, etc. (See points III and IV of the report form.)

*Finland* (ratification : 8.4.1947). The Committee thanks the Government for the information supplied in reply to the observation of 1956 and notes that section 15 of the new Seamen's Act lays down that seamen who have served on board ship for one year are entitled to terminate their contracts in any port where the vessel loads, unloads or is laid up.

The Committee would be glad if the Government would indicate, in its next report, whether under the above-mentioned legislation seamen may enter into agreements for an indefinite period.

*Japan* (ratification : 22.8.1955). The Committee thanks the Government for the detailed information supplied in its first report and is glad to note that the Convention appears to be almost completely applied. The Committee wishes to make only a minor comment. The revised regulations under which particulars of wages and allowances may be entered, at the seafarer's option, in the pocket ledger, are not fully in conformity with Article 5, paragraph 2, of the Convention, which stipulates that "the document (record of employment) shall not contain any statement as to the quality of the seaman's work or as to his wages". The Government would, therefore, perhaps consider enacting provisions regarding the issue of a separate certificate concerning wages and state in its next report whether such a step is contemplated.

*Mexico* (ratification : 12.5.1934). The Committee notes the Government's view that section 146 of the Labour Code, which lays down that a seaman's agreement shall not be terminated when the vessel is abroad, is not contrary to Article 9 of the Convention, since paragraph 3 of this Article permits national legislation to "determine the exceptional circumstances in which notice even when duly given shall not terminate the agreement".

The Committee is unable to share this opinion, as the presence of a vessel in a foreign port can in no



way be considered as constituting an exceptional circumstance and as, on the contrary, the Convention provides in general terms that "an agreement for an indefinite period may be terminated by either party in any port where the vessel loads or unloads...". The Committee would be grateful if the Government would reconsider the position and take the necessary steps in order to bring its legislation into conformity with Article 9, paragraph 1, of the Convention.

The Committee notes, further, that no reply has been given to its detailed observation of 1956 referring to Article 5 (document containing the record of employment, but no statement as to the quality of work or wages) and would be grateful if the Government would include information on this point in its next report.

*Nicaragua* (ratification: 12.4.1934). The Committee regrets to note that the report contains no new information, and therefore can only repeat the observations made last year, which were as follows:

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 thanks the Government for the information supplied in reply to the observation of 1956 and notes that section 15 of the Seamen's Act lays down that seamen who have served on board ship for 18 months are entitled to terminate their contracts in any port where the vessel loads, unloads or is laid up.

The Committee would be glad if the Government would indicate, in its next report, whether under the above-mentioned legislation seamen may enter into agreements for an indefinite period.

*Poland* (ratification: 8.8.1931). The Committee notes the information provided by the Government, to the effect that there has been no change in the situation regarding the application of this Convention.

In these circumstances the Committee can only repeat the observation made in 1956, to the effect that, although it may be regarded as an advantage for the seafarer that his agreement may be terminated in a national port only, Polish legislation is, on the other hand, less advantageous for the seafarer in that it does not recognise the right (laid down by the Convention) of terminating the agreement—if made for an indefinite period—at any port where the vessel loads or unloads (Article 9, paragraph 1).

The Committee would be grateful if the Government would indicate what action it intends to take in order to bring national legislation into conformity with this provision of the Convention.

*Spain* (ratification: 23.2.1931). The Committee notes the information supplied by the Government. It is however not apparent from the report whether the Convention is applied as regards:

(a) facilities for seamen to examine the articles of agreement before they are signed (Article 3, paragraph 1);

(b) provisions ensuring that seamen understand their agreements (Article 3, paragraph 4);

(c) measures providing that the document containing the record of employment on board the vessel shall not contain any statement as to the quality of the seaman's work or as to his wages (Article 5, paragraph 2); and

(d) the right of seamen to obtain a separate certificate as to the quality of his work (Article 14, paragraph 2).

The Committee would be grateful if the Government would in its next report clarify the position as regards these provisions and indicate the measures which it intends to take to ensure their full application and which would bring the national legislation into conformity with the Convention.

Furthermore, the Committee notes that Regulation 174 of the National Labour Regulations for the Mercantile Marine provides that a seaman shall give notice "if possible before reaching a Spanish port", whereas the Convention (Article 9, paragraph 1) provides that an agreement for an indefinite period may be terminated "in any port where the vessel loads or unloads". The Committee would accordingly be grateful if the Government would in its next report indicate the manner in which Regulation 174 is applied, and particularly as to how a seaman could give notice in a non-Spanish port.

*Uruguay* (ratification: 6.6.1933). The Committee notes that no new information is given in the report in reply to the observations made in 1955 and 1956 on the application of Article 3, paragraph 2 (legislative provisions ensuring that articles of agreement shall be signed by the seaman); Article 8 (legislative provisions laying down the measures to be taken to enable seamen to obtain clear information on board as to the conditions of employment); and Article 13 (conditions under which a seaman may claim his discharge if he obtains a post of a higher grade).

The Committee, while taking into account the explanations of a general character given by the Government at the Conference Committee in 1956, expresses the hope that early action will be taken to give legislative effect to the aforementioned Articles of the Convention. In this connection, the Committee recalls the Government's statements in several previous reports that there are important discrepancies between the national legislation (Book III, Title VI of the Commercial Code) and the provisions of Conventions Nos. 22 and 23.

Finally, the Committee would be very grateful if the Government would provide information concerning the draft regulations for seamen, submitted to the Senate in 1944, which were intended to bring the national legislation into complete conformity with the Convention.

#### *Convention No. 23: Repatriation of Seamen, 1926.*

Number of reports requested: 18.

Number of reports received: 17.

Report not received: 1.

(Luxembourg.)

*Argentina* (ratification: 14.3.1950). The Committee thanks the Government for the information supplied in its report regarding a judicial decision which, in the Government's opinion, constitutes an example of the practical application of Article 3, paragraph 4, and Article 5, paragraph 1, of the Convention.

The Committee, however, draws the Government's attention to the observations made in 1951, 1952,

1953, 1954, 1955 and 1956, to the effect that, while certain provisions of the Convention might be applied by sections 993, 998, 999 and 1012 of the Commercial Code and by Regulations 174 and 175 of the Consular Regulations, other provisions appeared not to be covered by national legislation. The Committee would accordingly be glad if the Government would in its next report supply detailed information on each Article of the Convention and indicate if it still intends, as stated some time ago, to enact a Code of Social Defence which would cover all the provisions of the Convention and would thus bring national legislation into conformity with it.

*Bulgaria* (ratification : 29.11.1929). The Committee notes the information supplied regarding the conditions of repatriation for seafarers. It learns with interest from the reports for 1954-55 and 1955-56 that, according to Regulations of 26 February 1954 respecting relations between the members of crews of Bulgarian merchant vessels and the Consuls of the People's Republic of Bulgaria, and in conformity with paragraphs (a) to (c) of Article 4 of the Convention, the expenses of repatriation may not be a charge on the seamen in the case of injury, illness or shipwreck. The Committee would however be grateful if the Government would indicate in its next report whether, as prescribed in paragraph (d) of Article 4, the expenses of repatriation of seamen may not be a charge on the seamen if they have been discharged for a cause for which they cannot be held responsible.

The Committee would also be glad if the Government would indicate in its next report, as requested in the report form under Article 3, paragraph 4, of the Convention, the conditions under which repatriation of foreign seamen is carried out in cases other than those of illness.

Since the Bulgarian text of the above-mentioned Regulations was received only shortly before the Committee met, the detailed provisions of these Regulations can only be examined by the Committee at its next session.

*China* (ratification : 2.12.1936). In reply to the observations made by the Committee in 1956, the Government states that section 65 of the China Merchant Shipping Act gives effect to the provisions of the Convention, apart from paragraph 2 of Article 5 (remuneration paid to a seaman, repatriated as a member of the ship's crew, for work done during the voyage), which will be included when the regulations are next revised. The Committee trusts that, on the occasion of the next general revision of the legislation concerning seafarers, the relevant sections will be drafted to give effect expressly to all the provisions of the Convention.

The Committee would also be glad if the Government would indicate, in its next report, whether the provisions of section 65 of the Merchant Shipping Act also cover the last part of Article 5, paragraph 1 (maintenance of the seaman up to the time fixed for his departure).

*Colombia* (ratification : 20.6.1933). The Committee regrets to observe that the reports for 1954-55 and 1955-56 do not reply to the observations made by the Committee in 1955, to the effect that section 57(8) of the Labour Code does not give effect, except in a very limited way, to the detailed repatriation requirements contained in the Convention. The Committee therefore once more requests the Government to indicate what measures it proposes to take to give complete effect to the provisions of this instru-

ment, which was ratified by Colombia in 1933 and which is now of particular importance by reason of the development of the "Grand-Colombian merchant fleet".

*Mexico* (ratification : 12.5.1934). The Committee thanks the Government for the information supplied in reply to its observation of 1956, from which it notes that articles of agreement for a definite or indefinite period must specify the return port, in the absence of which the seafarer will be entitled to repatriation to the port of engagement, and that these provisions also apply to foreign seafarers (Article 3, paragraph 4, of the Convention).

*Nicaragua* (ratification : 12.4.1934). The Committee regrets to note that the report contains no new information and therefore can only repeat the observations made last year, which were as follows :

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.

*Spain* (ratification : 23.2.1931). The Committee notes with interest the information supplied by the Government. It appears from the report, however, that neither Spanish legislation nor the standard form of articles of agreement includes any express provision laying down the conditions in which foreign seamen shall be entitled to repatriation (Article 3, paragraph 4, of the Convention). The Committee would be grateful if the Government would in its next report indicate the measures which it intends to take in this connection.

*Uruguay* (ratification : 6.6.1933). The Committee noted the written statement supplied by the Government to the Conference Committee in 1956; it regrets to observe, however, that neither this statement nor the report for the period under review reply to the specific question asked by the Committee in 1956 as to the provisions of the Commercial Code giving effect to Articles 3, 4 and 5 of the Convention. The Committee therefore requests the Government to reply in detail to this request.

The Government had stated in its report for 1951-52 that draft regulations intended to establish full conformity between the national law and the Convention had been submitted to the Senate, and this information was confirmed before the Conference Committee in 1954 by a Government representative. The Committee would be glad if the Government would indicate what progress has been made towards the adoption of these regulations.

*Convention No. 24 : Sickness Insurance (Industry), 1927.*

Number of reports requested : 18.

Number of reports received : 15.

Reports not received : 3.

(Hungary, Luxembourg, Peru.)

*Austria* (ratification : 18.2.1929). The Committee notes with interest the information contained in the annual report on the provisions of the Act of 9 September 1955 which give effect to the Convention. It notes that, under section 5 (1) (9) of the Act, persons not of Austrian nationality in the service of employers enjoying extra-territorial rights are excluded from the Act, and the question of adapting this provision to the Convention is to be studied. The Committee would be grateful if the Government would supply additional information on the matter in its next report, particularly as regards the insurance of workers who are nationals of a third country, that is, who are nationals neither of Austria nor of the country enjoying extra-territorial rights. The Committee would also be glad if the Government would state whether these workers fall within any of the exceptions mentioned in Article 2 of the Convention, and in particular whether they are entitled "by virtue of any laws or regulations, or of a special scheme, to advantages at least equivalent" to those provided for in the Convention. The Committee would further be interested to learn the results of the Government's examination of the question.

The Committee also notes that section 89 of the Act of 9 September 1955 provides for the suspension of the payment of benefits where the insured person goes abroad for more than two months in the year. The Committee draws the Government's attention to the fact that the Convention permits suspension of benefits only in the specific cases mentioned in Article 3, and it would be grateful if the Government would state in its next report what measures it intends to take to bring the Act into complete conformity with this Article.

*Bulgaria* (ratification : 1.11.1930). The Committee notes with interest the information supplied in answer to the observations made by it in 1954. It notes in particular (a) that section 154 of the Labour Code provides merely for a suspension of benefits, as provided for by Article 3, paragraph 3 (c), of the Convention; (b) that, by virtue of an Ordinance published in *Izvestia* No. 35 of 1 May 1953, section 154 of the Code, which provides for the payment of half-benefits where the illness is due to the worker's misconduct, applies to persons temporarily incapacitated as a result of drunkenness or injured as a result of drunkenness, and that these provisions find hardly any practical application; (c) that an appeal against a refusal of benefits or regarding their amount may always be made to the trade union at a higher level.

The Committee also notes with interest that the Government's reports contain information on the amount of cash benefits paid in 1954 and 1955 and on the number of persons employed by the social insurance inspectorate, the number of social insurance delegates attached to trade union groups, and the number of members of social insurance committees.

The Committee would be grateful if the Government would in its next report supply detailed information under point IV of the report form, regarding (a) the scope of the legislation; (b) the amount of cash benefits (average amount per insured); (c) the total cost of benefits in kind; (d) the amount of insurance funds and their composition.

*Chile* (ratification : 8.10.1931). The Committee notes that the scope of the Act on compulsory insurance as defined by section 2 of the Act of 28 July 1952 appears not to include domestic servants or salaried employees. The Committee is bound to draw the

Government's attention to the fact that Article 2 of the Convention, which provides for compulsory insurance, applies to salaried employees and domestic servants; these workers may be exempted from insurance only in so far as they come within one of the exceptions provided for by Article 2, in particular if they are entitled "by virtue of any laws or regulations, or of a special scheme, to advantages at least equivalent on the whole to those provided for in this Convention".

In these circumstances, the Committee would be grateful if the Government would in its next report provide information on the position of domestic servants and salaried employees, indicating any benefits specified in the Convention to which they may be entitled.

*Colombia* (ratification : 20.6.1933). In 1956 the Committee noted that the Government intended to extend the application of the Convention to new regions in 1955. The Committee notes that the Government's latest report does not indicate whether this intention has been carried out, and would therefore be grateful if the Government would provide information on this point and indicate, as already requested in 1956—

(a) the regions in which a sickness insurance scheme does not as yet exist;

(b) the measures proposed with a view to the gradual extension of the application of the Convention to the whole territory.

The Committee further observes that, unlike previous reports, the Government's last report does not contain statistics on the scope of sickness insurance, the cost of cash benefits and medical benefits, the resources of the insurance fund and their composition, etc. The Committee would be grateful if the Government would include such statistics in its next report.

*Czechoslovakia* (ratification : 17.1.1929). The Committee thanks the Government for the statistics supplied in answer to the request made in 1956.

The Committee would be grateful if the Government would append to its next report copies of the new sickness insurance legislation, namely :

(a) Notice No. 169 of 29 July 1954 and Notice No. 194 of 3 September 1954 of the Central Council of Trade Unions and the State Pensions Insurance Office;

(b) Ordinance No. 76/1955 of the President of the Council publishing provisions adopted by the Central Council of Trade Unions concerning changes in the organisation and application of sickness insurance for employed persons; Order of the Central Council of Trade Unions No. 249/1955 of the Official Journal.

*Haiti* (ratification : 19.4.1955). The Committee has taken note of the first report furnished by the Government. It has noted that sickness insurance, instituted by the Act of 12 September 1951, as amended, has not yet been put into application in Haiti, for financial and administrative reasons. The Committee expresses the hope that the Government will make every possible effort to hasten the establishment of compulsory sickness insurance, as it undertook to do when it ratified the Convention. It also hopes that, at the same time, the Government will find it possible to eliminate the following differences which appear to exist between the legislation and the Convention :

Article 2 of the Convention. It does not appear to be quite clear from the provisions of the Act of 12 September 1951 that, in accordance with this Article of

the Convention, the enactment applies to "apprentices employed by industrial undertakings and commercial undertakings". The Committee would be grateful to the Government if it would furnish details in its next report with regard to this point and also to indicate whether apprentices may conclude "contracts of employment".

Further, under section 5 of the Act of 12 September 1951, foreign technicians whose stay in Haiti does not exceed 12 months are excluded from the field of application of the Act. This exception applying specifically to foreigners is not actually prescribed in any of the provisions of the Convention and could be acceptable only in so far as it might be covered by one or other of the derogations authorised under Article 2 of the Convention.

Article 3. Section 66 of the Act of 12 September 1951 makes the payment of benefits subject to a waiting period of seven days, whereas the Convention provides for a "waiting period of not more than three days".

Further, section 69 of the Act provides that the insured person will be "deprived" of the cash benefit in certain cases (refusal to submit to a medical examination or to comply with the doctor's orders) in respect of which the Convention provides only that the benefit may be withheld.

Article 4. Section 64 of the Act makes the entitlement to medical treatment subject to a person having been insured a certain length of time, whereas no such condition is laid down in the Convention except with respect to the payment of cash benefits.

The Committee would be grateful to the Government if it would furnish in its next report further information on these points and on the measures that it intends to take to ensure full conformity between the Act referred to above and the Convention.

Further, the Committee has noted that, under section 64 of the Act, "hospitalisation shall not exceed 30 days in any one year". The Committee would be grateful if the Government would indicate in its next report whether the term "hospitalisation" used in section 64 of the Act includes only the maintenance of insured persons in hospital or whether it includes also the supply of medicines and appliances prescribed by Article 4 of the Convention.

*Hungary* (ratification : 19.4.1928). Since the report for 1955-56 has not arrived the Committee cannot but repeat its previous observation, which read as follows:

The Committee 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). See under Convention No. 17.

*Peru* (ratification : 8.11.1945). The Committee noted with interest the fuller description of the sickness insurance scheme contained in the report which the Government has provided for the period 1954-55 (this arrived too late for examination in 1956). It noted with particular interest that the National Social Security Fund has begun a technical study with a view to revising the present legislation.

The Committee expresses the hope that this study will enable the Government to eliminate in a short time the discrepancies between Peruvian legislation and the provisions of the Convention which have been pointed

out for several years: these relate, *inter alia*, to the scope of the Convention, since sickness insurance in Peru is not compulsory for domestic servants in private employment as required by Article 2, paragraph 1, of the Convention.

The Committee also noted that the social insurance scheme was extended to the Yauli region in 1951 and was to be extended to the region of Cerro de Pasco in 1956. Since a representative of the Government informed the Conference Committee in 1951 that the Government had established a plan and hoped to include all the workers of the country in a social insurance system within six years, the Committee would be grateful if the Government would indicate the action intended with a view to extending sickness insurance throughout the country.

*Poland* (ratification : 29.9.1948). The Committee wishes to thank the Government for the statistical data it supplied in reply to the request made in 1956.

*Rumania* (ratification : 28.6.1929). The Committee took note with interest of the first report submitted by the Government since Rumania has again become a Member of the I.L.O. However, as not all the texts mentioned in the report are available to it, the Committee cannot obtain a precise idea of the extent to which the Convention is applied. The Committee would therefore be grateful if the Government would append to its next report the texts of Decree No. 560 of 24 December 1953, Decree No. 208 of 28 May 1954 and Decision No. 3 of the Central Trade Union Council of 16 October 1953, and if it would also provide the statistical and other information regarding the practical application of the Convention which is specified under point IV of the report form.

*Spain* (ratification : 29.9.1932). The Committee notes with interest the detailed information supplied by the Government in its report for 1954-55. It observes that certain divergencies appear to exist between national legislation and the following Articles of the Convention :

Article 2. It appears that no regulations have as yet been made under the Act of 19 July 1944 to extend sickness insurance cover to domestic servants.

Further, section 6 of the Act of 14 December 1942 and Regulation 18 of the regulations thereunder of 11 November 1943 provide that nationals of the Latin American countries, Portuguese and Andorrans shall be subject to sickness insurance on the same conditions as Spanish nationals, but that other foreigners working in Spain shall be entitled to compulsory sickness insurance benefits only if reciprocity is provided by treaties or international Conventions. The Committee wishes to draw the Government's attention to the fact that the Convention does not permit such a distinction to be made, but applies to all workers.

As regards the exclusion from the scope of the insurance of "journalists holding professional cards engaged as such by establishments", which is mentioned in the report of the National Trade Union Organisation communicated by the Government, the Committee would be grateful if the Government would provide precise information in its next report.

Article 3. Under section 18 of the Act of 14 December 1942 and section 13 of the Decree of 7 June 1949, benefits are paid only in respect of illnesses lasting more than seven days. As paragraph 1 of Article 3 provides benefits for any "insured person who is rendered incapable of work by reason of the abnormal

state of his bodily or mental health", such a limitation is not permitted.

The same sections of the Act of 14 December 1942 and the Decree of 7 June 1949 make the payment of sickness benefits subject to a waiting period of 4 days. Paragraph 2 of Article 3 of the Convention provides that "the payment of this benefit may be made conditional on . . . a waiting period of not more than 3 days".

The Committee would be grateful if the Government would indicate in its next report what measures it proposes to take in order to bring its legislation into complete conformity with the Convention on the points mentioned above.

Further, the Committee notes that, under Regulation 42 of the Regulations of 11 November 1943, insured persons are entitled to hospital expenses for 12 weeks. The Committee would be grateful if the Government would state in its next report whether the expression "hospital expenses" used in Regulation 42 covers only the maintenance of insured persons in hospital or includes also medical care, medicaments and therapeutic treatment, in respect of which, under Article 4 of the Convention, benefits should be paid for at least 26 weeks.

*Uruguay* (ratification : 6.6.1933). In 1956 the Committee noted that an expert had supplied the Government with the technical assistance required for the preparation of legislation on sickness insurance, and requested the Government to indicate the measures taken to apply the Convention. In this connection the Government representative stated before the Conference Committee in 1956 that a committee of experts and representatives of the various Ministries had been set up to draft a sickness insurance Bill.

As the report contains no new information on this subject, the Committee would be grateful if the Government would indicate the progress realised; it trusts that the Government will spare no effort to hasten the introduction of a sickness insurance scheme and to give effect to this Convention, which it ratified in 1933 but has not even begun to implement.

*Convention No. 25 : Sickness Insurance (Agriculture), 1927.*

Number of reports requested : 14.

Number of reports received : 13.

Report not received : 1.

(*Luxembourg.*)

*Bulgaria* (ratification : 1.11.1930). See under Convention No. 24.

*Chile* (ratification : 8.10.1931). See under Convention No. 24, as regards salaried employees.

*Colombia* (ratification : 20.6.1933). The Committee noted in 1956 that the Colombian Social Insurance Institute was "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". The report supplied this year contains no allusion to this plan. The Committee would therefore be grateful if the Government would state whether the Social Insurance Institute has been able to conclude its investigations so as to enable Colombia to fulfil the obligations which it undertook almost 24 years ago in ratifying this Convention.

The Committee also requests the Government to supply in its next report the statistics requested under Convention No. 24.

*Czechoslovakia* (ratification : 17.1.1929). See under Convention No. 24.

*Haiti* (ratification : 19.4.1955). See under Convention No. 24.

*Nicaragua* (ratification : 12.4.1934). See under Convention No. 17.

*Poland* (ratification : 29.9.1948). See under Convention No. 24.

*Spain* (ratification : 29.9.1932). See under Convention No. 24 as regards foreigners (Article 2 of the Convention), payment of cash benefits for every incapacity from work "by reason of . . . abnormal state of bodily or mental health", the waiting period (Article 3) and the scope of the expression "hospital expenses" (Article 4).

*Uruguay* (ratification : 6.6.1933). See under Convention No. 24.

*Convention No. 26 : Minimum Wage-Fixing Machinery, 1928.*

Number of reports requested : 29.

Number of reports received : 26.

Reports not received : 3.

(*Bolivia, Hungary, Venezuela.*)

*Argentina* (ratification : 14.3.1950). In 1956 the Committee stated that it 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. The Committee notes that the Government's report contains no new information, and would be glad if the Government would supply the above-mentioned information in its next report.

*Burma* (ratification : 21.5.1954). The Committee thanks the Government for its very detailed first report, from which it appears that the existing minimum wage-fixing machinery conforms to the provisions of the Convention. The Committee would be grateful if in its next report the Government would supply further information on the activities of the inspection services in the supervision and enforcement of minimum wages orders.

*Bulgaria* (ratification : 4.6.1935). The Committee notes the information supplied in the Government's report for 1954-55, from which it appears that rates of remuneration are fixed for the whole economy, and that workers cannot be paid other than in accordance with these rates.

*Canada* (ratification : 25.4.1935). The Committee would be grateful if the Government would indicate in its next report : (a) the trades in which home work is most common in each of the provinces, and (b) the extent to which minimum wage orders are in force in respect of such trades.

*China* (ratification : 5.5.1930). The Committee notes the first report supplied by the Government since 1940, which indicates that measures have been taken in the past decade to apply at least the cardinal principles of the Convention. The Committee would be pleased if the Government would in its next report supply the additional information requested below regarding the following provisions of the Convention,

and forward copies of relevant legislation in so far as this has not already been done :

*Article 1, paragraph 1.* Section 23 of the Act of 23 December 1936 provides for the date of its coming into operation to be fixed by ordinance. Has any ordinance been issued?

*Article 1, paragraph 2.* It is noted that section 1 of the Act of 1936 provides for the fixing of minimum wages of workers engaged in an industry or branch of an industry, whereas the Convention defines "trades" as including manufacture and commerce. What provisions exist for the fixing of minimum wages of workers in commerce?

*Article 4, paragraph 2.* What provisions exist entitling workers paid less than the fixed minimum rates to recover underpayments?

*Article 5.* The Government states that many regulations and ordinances have been issued in the past decade. Could particulars be supplied of any such legislation which is still in force, as well as any other information which may be available on the practical application of the existing minimum wage-fixing machinery?

Finally, the Committee notes that the Act of 1936 does not provide for the consultation of employers' and workers' organisations before the competent authority decides in which trades or parts of trades the minimum wage-fixing machinery is to be applied, as required by Article 2 of the Convention. It would be grateful for any information on measures taken to give effect to this Article.

*Colombia* (ratification : 20.6.1933). The Committee notes with interest the provisions of the decrees appended to the Government's report. It observes that, while Decree No. 1156 provides in section 2 that representative organisations of workers and employers shall have the right to be heard by the minimum wage boards before a minimum wage is fixed for the first time (as required by Article 3, paragraph 2 (1) of the Convention), no similar right exists under Decree No. 2118 as regards the procedure for revising existing minimum rates.

Under Article 3, paragraph 2 (3) of the Convention, the competent authority may permit abatement of fixed minimum rates only by collective agreement. The Committee observes that the power to permit abatement in the case of an undertaking's financial instability, granted to the Minister of Labour by section 8 of Decree No. 1156 and to wage-fixing boards by section 6 of Decree No. 2118 and section 9 of Decree No. 2214, is not limited to cases of abatement by collective agreement.

The Committee would be glad if the Government would in its next report indicate the measures by which it intends to give full effect to Article 3, paragraph 2 (1) and (3), of the Convention.

The Committee notes that Decree No. 2214 fixes daily wage rates. It would be glad if the Government would indicate in its next report how the Convention is applied to workers paid piece rates, particularly workers in home-working trades. The Committee would also be grateful for information regarding (a) the number of workers covered by the various existing minimum rates and (b) inspection activities relating to the enforcement of minimum wage legislation.

*Czechoslovakia* (ratification : 12.6.1950). The Committee would be grateful if in subsequent reports the Government would specify the regulations by which

new wage rates had been fixed, and supply copies of such regulations.

*Ecuador* (ratification : 6.7.1954). The Committee thanks the Government for the information supplied in its first report on this Convention, from which it appears that legislative provision is made for the fixing of minimum wages. The Committee notes that, while consideration of the views of employers and workers is ensured to some extent by the presence on minimum wage boards of employers' and workers' representatives, provision is not made for the consultation of their organisations before minimum wages are fixed, as envisaged by Article 2 and Article 3, paragraph 2 (1), of the Convention. It will be glad if the Government will state in its next report what measures are proposed to give full effect to these provisions. The Committee also requests the Government to be good enough in its next report to cite the legislation applying Article 4, paragraph 2 (regarding the recovery of underpayments of wages), and in its next and subsequent reports to supply the information specified in Article 5 of the Convention.

*Italy* (ratification : 9.9.1930). The Committee would be grateful if the Government would in its next report (a) indicate the progress made by the Bill concerning the scope of collective agreements which has been mentioned in earlier reports, and supply copies of the relevant provisions in case the Bill has been adopted by Parliament, and (b) supply statistics of workers covered by minimum wage rates based on information more recent than the census of 1951.

*Mexico* (ratification : 12.5.1934). The Committee thanks the Government for the information supplied regarding the number of workers covered by minimum wage rates and the minimum rates at present in force. The Committee will be glad if the Government will indicate in its next report : (a) whether, and if so on what basis, the minimum rates set out in the booklet attached to its report are applied to workers paid on a piecework basis, and in particular to homeworkers; and (b) whether homeworkers are included in the statistics supplied regarding the workers covered by minimum wage rates.

The Committee will also be glad if in its next report the Government will supply information regarding the activities of the inspection services in the enforcement of the minimum wage legislation.

*Nicaragua* (ratification : 12.4.1934). The Committee regrets that the Government has not furnished the information requested in 1956 regarding the practical application of the Convention, and in particular 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 wage legislation. The Committee hopes that this information will be supplied by the Government in its next report.

*Spain* (ratification : 8.4.1930). The Committee wishes to thank the Government for its first report since Spain rejoined the I.L.O., describing the existing minimum wage-fixing machinery. It would appear from the information available that the requirements of Article 3 of the Convention that representatives of employers and workers and of their organisations be consulted before minimum wage regulations are made and also that employers and workers be associated with the wage-fixing machinery are satisfied only in so far as workers and their repre-



sentatives are concerned. The Committee would therefore be grateful if the Government would indicate in its next report what provisions exist or are proposed to satisfy these requirements as regards employers and their representatives.

The Committee would also be glad if the Government would state in its next report what measures are taken to ensure that the employers and workers concerned are informed of the minimum rates of wages in force.

The Committee notes that the additional information supplied by the National Delegation of Trade Unions and communicated by the Government refers to certain legislation not mentioned in the report of the Government. It would be appreciated if, in its next report, the Government could provide complete references to relevant legislation.

Finally, in accordance with Article 5 of the Convention, governments of States which have ratified the Convention are required to communicate annually a general statement giving a list of the trades or parts of trades in which the minimum wage-fixing machinery has been applied, indicating the methods as well as the results of the application of the machinery and, in summary form, the approximate numbers of workers covered, the minimum rates of wages fixed, and the more important of the other conditions, if any, established relevant to the minimum rates. The Committee would be glad if the Government could append a statement containing this information to its next and subsequent reports.

*Uruguay* (ratification : 6.6.1933). The Committee thanks the Government for the information supplied regarding the total number of workers covered by the minimum wage legislation. It would be grateful if in its next report the Government would indicate any changes made since 1953 in the minimum wage rates mentioned in the report for 1952-53, give particulars of any wages fixed for the first time since then, and supply statistics of contraventions in respect of each of the relevant statutes.

*Convention No. 27: Marking of Weight (Packages Transported by Vessels), 1929.*

Number of reports requested : 37.

Number of reports received : 34.

Reports not received : 3.

(Hungary, Luxembourg, Venezuela.)

*Argentina* (ratification : 14.3.1950). The Committee notes with regret that, in spite of the assurances given by the Government representative to the Conference Committee in 1956, the Government's report only refers to information previously supplied. In these circumstances the Committee can only once again reiterate its earlier observations, in which it pointed out—

(a) that national legislation does not indicate "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);

(b) that section 460 of the Commercial Code, to which the Government refers, lays down no obligation for the "seller" to "mark" the package consigned.

Accordingly the Committee can only once more request that the necessary measures be taken to establish complete accord between the national legislation and this Convention,

*China* (ratification : 24.6.1931). In reply to the request for information made by the Committee in 1956 the Government states that the regulations of 1933, as modified in 1936, by which the Convention is applied are still in force. The Committee takes note of this statement.

*Cuba* (ratification : 7.9.1954). The Committee notes with interest the first report supplied on the application of the Convention. The Committee would, however, be grateful if the Government would in its next report indicate the provisions defining the person (consignor or other person) on whom falls the obligation to mark the weight of packages transported by vessels (Article 1, paragraph 4 of the Convention).

*Federal Republic of Germany* (ratification : 5.7.1933). The Committee notes with satisfaction that in consequence of its observations the Government intends to amend the law in respect of the exception granted by section 2 of the Act of 28 June 1933 respecting the marking of weight on heavy packages transported by vessels.

*Greece* (ratification : 30.5.1936). The Committee notes with satisfaction that, following the observations made by the Greek General Confederation of Labour, the Minister of Finance will draft a circular giving new directions with a view to the strict application of the provisions of the Convention in respect of packages transported inside the country.

*Hungary* (ratification : 6.12.1937). Since the report for 1955-56 has not arrived the Committee feels obliged to repeat its previous observation, which read as follows :

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.

The Committee hopes that the Government will be able, at an early date, to take the action called for above.

*India* (ratification : 7.9.1931). The Committee notes with regret that the amendments to the Marking of Heavy Packages Act, 1951, and the rules made thereunder, which the Government has been considering for several years in order to permit the appointment of officials who would ensure the application of the legislative provisions, have not yet been adopted. The Committee urges the Government to take all the necessary steps to hasten the promulgation of these texts.

*Japan* (ratification : 16.3.1931). The Committee notes with interest that, in reply to the observations made in 1956, the Government has indicated who is responsible for having the weight marked on heavy packages.

The Committee would be grateful if the Government would in its next report supply information on the practical application of the Convention and, in particular, on the number of contraventions reported.



*Mexico* (ratification : 12.5.1934). The Committee notes with regret that in spite of repeated observations made by it, particularly in 1948, 1954 and 1955, it appears that the Government has not taken the necessary measures to eliminate certain divergencies between national legislation and Article 1, paragraph 1 of the Convention. By virtue of the last-mentioned Article, the Convention applies not only to packages transported by sea, but also to those transported by inland waterway, while the Mexican Customs Act of 1936 limits the obligation to mark weight to packages transported by ocean-going vessels.

Accordingly, the Committee can only refer to the observations made in earlier years, and stresses once more the necessity for the Government to take measures at an early date to establish complete conformity between the national legislation and the provisions of Article 1, paragraph 1 of the Convention.

*Nicaragua* (ratification : 12.4.1934). The Government's report merely refers to the provisions of section 182 of the Labour Code, which prohibits workers from carrying loads exceeding 125 pounds in weight. The Committee can therefore only refer to the observations made by it in 1956, and once more request the Government "to indicate in its next report how effect is given to Article 1, paragraph 4 of the Convention, which provides that is 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".

*Rumania* (ratification : 7.12.1932). The Committee notes that, according to the report, decision No. 19 of 17 May 1956 of the Ministry of Road, Sea and Air Transport provides that all packages with a gross weight of 1,000 kg. or more which are to be transported by water must be clearly marked on the outside.

The Committee would be grateful if the Government would append a copy of this decision to its next report and would indicate whether national legislation has determined who shall be obliged to mark the weight (the consignor or some other person) (Article 1, paragraph 4).

The Committee would also be grateful if the Government would supply information in its next report on the practical application of the Convention, in accordance with the report form, particularly as to the number and nature of contraventions.

*Convention No. 28: Protection against Accidents (Dockers), 1929.*

Number of reports requested : 3.  
 Number of reports received : 2.  
 Report not received : 1.  
 (Luxembourg.)

*Nicaragua* (ratification : 12.4.1934). In its report for 1955-56 the Government merely refers to the information supplied on the application of Convention No. 27, to the effect that section 182 of the Labour Code prohibits workers from carrying loads exceeding 125 pounds in weight. The Committee observes that these provisions do not suffice to give effect to the very detailed provisions of the Convention, and it can therefore only refer to the observations made by it in 1956, in which it requested the Government in particular to provide in its next report full information on the application of each of the Articles of the Convention.

*Convention No. 29: Forced Labour, 1930.*

Number of reports requested : 30.  
 Number of reports received : 28.  
 Reports not received : 2.  
 (Liberia, Venezuela.)

*Bulgaria* (ratification : 22.9.1932). In reply to the request for information made in 1955, the 1956 report—which reached the Office too late for the Committee to be able to examine it last year but to which this year's report refers—stated, *inter alia*, that work in Bulgaria is free, that "it is recognised as a basic factor in public and economic affairs and the State gives it all due care". The report also gave certain information on the labour of persons condemned by the courts of law and on the penalties applicable in case of illegal exaction of forced labour. The Committee took note with interest of this information. It would be grateful if the Government would provide additional information on the following points :

(a) Are the work and services performed by the army "work of a purely military character" (Article 2, paragraph 2 (a))?

(b) What is the work or service which forms part of the normal civic obligations of the citizens (Article 2, paragraph 2 (b))?

(c) Can only persons convicted in a court of law be required to do forced labour (Article 2, paragraph 2 (c))? In this connection the Committee would be grateful if the Government would be good enough to indicate whether the following legislative provisions are still in force :

- (i) Act respecting the people's militia, issued on 25 March 1948, particularly sections 52, 53 and 54 of the Act;
- (ii) Act respecting the mobilisation of labour and of the economy, dated 2 March 1948;
- (iii) Labour Code of 1951, and particularly section 26 of this Code;
- (iv) Penal Act of 1951 as supplemented on 13 February 1953, and particularly section 72 (b), subsection 2 (new subsection);
- (v) Act to establish manpower stability, issued on 17 February 1953.

(d) What are the "cases of emergency" in which work or service may be exacted (Article 2, paragraph 2 (d))?

(e) What are the services which may be imposed as being "minor communal services" (Article 2, paragraph 2 (e))?

(f) Have "the members of the community or their direct representatives" the right to be consulted in regard to the need for such services (Article 2, paragraph 2 (e))?

*Cuba* (ratification : 20.7.1953). The Committee thanks the Government for the additional information supplied in answer to the request made by the Committee in 1956.

*Ecuador* (ratification : 6.7.1954). The Committee takes note with interest of the first report supplied by the Government. It would be grateful if the Government would supply additional information on the following points, in its next report :

(a) What is the practical effect of article 170 of the Constitution, which provides that work is compulsory for all members of the Ecuadorean community, and how and in virtue of what more precise legislative

measures or regulations may individuals who refuse to submit to this obligation be constrained to do so?

(b) What is the effect of article 187, paragraph 10, of the Constitution? In view of the broad wording of this provision, it might be interpreted in a manner inconsistent with the Convention, and the Committee would be glad to know, in particular, who is entitled to exact services in cases of extraordinary emergency or in case of the necessity of immediate aid?

(c) Are the Armed Forces employed only for "work of a purely military character" (Article 2, paragraph 2 (a) of the Convention)?

(d) What is the work or service which forms part of the "normal civic obligations of the citizens" (Article 2, paragraph 2 (b)).

(e) Are the persons convicted in a court of law the only persons who are compelled to work in penitentiaries (Article 2, paragraph 2 (c))?

(f) Is penal work always carried out "under the supervision and control of a public authority" (Article 2, paragraph 2 (c))?

(g) May a "concession" be made of the work of convicted persons or may such persons be "hired to or placed at the disposal of private individuals, companies or associations" (Article 2, paragraph 2 (c))?

(h) What are the cases of emergency in which work or services may be exacted (Article 2, paragraph 2 (d))?

(i) What are the types of work which are considered as "minor communal services" (Article 2, paragraph 2 (e))?

(j) Are the "members of the community or their direct representatives" entitled to be consulted in regard to the need for minor communal services (Article 2, paragraph 2 (e))?

*Greece* (ratification : 13.6.1952). The Government again states that the legislative provisions under which the labour of convicts may be made available to private persons are no longer used, and adds that "the Ministry of Justice, which is competent in this regard, has stated that it will be disposed to annul this disposition as soon as Greek penal legislation is revised". The Committee wishes to draw the attention of the Government to the need for bringing Greek legislation into harmony with the provisions of the Convention as soon as possible.

*India* (ratification : 30.11.1954). The Committee notes with interest the very detailed first report supplied by the Government. It observes with satisfaction that, several years before ratifying the Convention, the Government undertook to ascertain whether the provisions of the laws and regulations in force in the various states conformed to the Convention. The Committee notes that various provisions which are not in accord with the requirements of the Convention will shortly be repealed or amended.

It takes note of the Government's statement in its report that the application of a certain number of these provisions has been suspended pending their formal repeal and that, moreover, all these provisions may be regarded as void to the extent that they are inconsistent with article 23 of the National Constitution. In this connection, the Committee understands that, as this article provides for the imposition by the states of "compulsory labour for public purposes", the provisions previously mentioned are void only to

the extent that they relate to other kinds of work. Having regard to the extremely wide meaning which it is possible to give to the words used in article 23 of the Constitution, the Committee considers it appropriate to draw the Government's attention to the fact that, under the Convention, it is under an obligation to abolish progressively all forms of forced or compulsory labour except those specified in Article 2, paragraph 2, of the Convention, and that, pending this abolition, the other provisions of the Convention must be strictly observed in respect of work not falling within these exceptions. The Committee accordingly notes with interest that the Government is, in consultation with the state governments, drafting model provisions which take account of the requirements of the Convention.

The Committee would be grateful if the Government would in its next report supply detailed information in respect of each of the Articles of the Convention, particularly Article 2, paragraph 2, on the model provisions (which it trusts will in the meantime have been adopted), and on the laws and regulations of each of the states relating to compulsory labour for public purposes. The Committee would also be glad if the Government would append to its report copies of the model provisions and of the various laws and regulations.

*Indonesia* (ratification : 21.3.1933). The Committee notes with interest the information supplied by the Government in its report in answer to the request made in 1954, regarding the application of Article 2, paragraph 2 (c) and (d) and Article 25 of the Convention.

*Liberia* (ratification : 1.5.1931). Since the report for 1955-56 has not arrived, the Committee cannot but repeat its previous observation, which read as follows :

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 make 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 statement 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.

The Committee must insist on the Government's taking the necessary measures without delay to put an end to this clear violation of the Convention.

*Nicaragua* (ratification : 12.4.1934). As the Government's report does not contain any new information, the Committee can only refer to the observations made by it in 1956, as follows :

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.

*Spain* (ratification : 8.4.1932). The Committee notes the first report supplied since Spain again became a Member of the I.L.O. It would be grateful if the Government would supply additional information on the following points :

(a) Are the work and services carried out by the Army "work of a purely military character" (Article 2, paragraph 2 (a))?

(b) What work or services form part of the normal civic obligations of citizens (Article 2, paragraph 2 (b))? In this connection, the Committee would be glad if the Government would explain the scope of section 5 of Part I of the Labour Charter.

(c) What are the "cases of emergency" in which work or services may be exacted (Article 2, paragraph 2 (d))?

(d) What work or services may be exacted as constituting "minor communal services" (Article 2, paragraph 2 (e))?

(e) Have "the members of the community or their direct representatives" the right to be consulted in regard to the need for such services (Article 2, paragraph 2 (e))?

Finally, the Committee notes the Government's statement that it has instituted a system whereby prisoners may "work off their sentences" and that "work carried out under this system is voluntary". It would be grateful if the Government would indicate what guarantees have been established to ensure that all prisoners employed by private individuals "accept such work voluntarily without being subjected to coercion or the menace of any penalty".

*Sweden* (ratification : 22.12.1931). The Government's report refers to the information supplied in writing to the Conference in 1956. According to this information, the Government had already appointed a committee in 1953 to review the organisation of the bodies now entitled, in the first instance, to make administrative decisions depriving a person of his liberty. This committee, which has been kept continuously informed of the observations made, is expected to submit its report during 1957, and the Government will be able to take action only when it has had the opportunity of studying the recommendations contained in this report.

The Committee notes this information with interest, and trusts that it will be possible for the Government's next report to contain new information on this matter.

*Viet-Nam* (ratification : 6.6.1953). The Committee takes note with interest of the first report furnished by the Government, which had been received too late in 1956 to be examined by the Committee. It notes that although, in virtue of the provisions of section 8 of the Labour Code, forced or compulsory labour is completely prohibited, the definition given to the term "forced or compulsory labour" allows for exceptions which are not in conformity with the provisions of the Convention :

(a) The Labour Code excludes from the definition of the term "forced or compulsory labour", any work or service exacted in virtue of military obligations... as it is defined in the legislation; yet, according to Article 2, paragraph 2 (a) of the Convention only "work of a purely military character" is excluded.

(b) The Labour Code also excludes work or service resulting from "fiscal" obligations; this exception is not provided for in the Convention which, on the contrary, indicates under Article 10 that "forced or compulsory labour exacted as a tax... shall be progressively abolished".

The Committee would be grateful if the Government would indicate in its next report what measures it intends to take with a view to bringing this legislation into conformity with the Convention. The Committee would also be grateful if the Government would supply the following additional information :

(a) What is the work or service which constitutes "part of the normal civil obligations of the citizens" (Article 2, paragraph 2 (b))?

(b) Are the provisions of the Labour Code applicable to prisons, gaols and other similar penitentiary establishments?

(c) What are the cases of emergency in which work or service may be exacted (Article 2, paragraph 2 (d))?

(d) Are the inhabitants never required to carry out "minor communal services", mentioned in Article 2, paragraph 2 (e)?

(e) Would section 352 of the Labour Code be applicable in the case of illegal exaction of forced labour by the public authorities?

*Convention No. 30: Hours of Work (Commerce and Offices), 1930.*

Number of reports requested : 13.

Number of reports received : 13.

*Bulgaria* (ratification : 22.6.1932). The Committee notes from the information supplied by the Government in reply to the observation made in 1955 that section 3 of the Instructions dated 1953-55, which regulate conditions in branches where hours of work are calculated on a monthly basis, provide that the daily hours of work for the persons concerned may not exceed 12; the Committee would be glad if the Government would take steps to modify this provision so as to ensure compliance with Article 6 of the Convention which fixes a maximum working day of ten hours within the 48-hour week limit.

With regard to Article 7, paragraph 1, which deals with permanent exceptions, the Committee notes that neither section 43 of the Labour Code, which provides that a non-standardised working day (with no fixed working hours) may be adopted in certain cases, nor the relevant ordinance of 13 November 1951, seems to fix the maximum number of working hours per day, as required in Article 7, paragraph 3. The Committee would be glad if the Government would take any necessary steps to ensure the application of this provision of the Convention.

*Haiti* (ratification : 31.3.1952). The Committee takes due note of the Government's statement that all the public and private establishments listed in Article 1 of the Convention are covered by the relevant legislation. It understands that no use is made of the exceptions authorised under paragraphs 2 and 3 of Article 1 (hospitals, hotels, family undertakings, etc.), since, in this connection, the Government refers to the Act of 1948 which does not provide for any such exceptions.

The Committee also notes that exceptions to the normal hours are authorised, since the Act of 1948 provides for the payment of higher wage rates for overtime, but that no specific provisions regulate the cases in which overtime is authorised. The Committee wishes to point out in this connection that countries having ratified the Convention should authorise overtime only in the cases specifically determined in the Convention and subject to the provisos set out therein. Thus steps should be taken to ensure that overtime or changes in the distribution of hours of work should be authorised only in the cases set out in Articles 5, 6 and 7 of the Convention, and that the safeguards and conditions set out in these Articles and in Article 8 should be respected. The Committee hopes that the Government will take the action called for in this respect.

Finally the Committee feels that the terms of the Act of 1948 would be clearer, and in closer conformity with the Convention, if section 1 indicated that the normal hours of work should not exceed eight in the day and (instead of "or") 48 in the week.

*Nicaragua* (ratification : 12.4.1934). No new information having been supplied by the Government in its report, the Committee finds it necessary to repeat the following observation which was already made in 1956 :

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 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.

The Committee hopes that the Government will find it possible to supply the above-mentioned information at an early date.

*Norway* (ratification : 29.6.1953). The Committee notes from the information supplied in reply to the observation made in 1956 that the Workers' Protection Act of 1936 does not limit the number of overtime hours that may be allowed per day. The Committee points out that this is required under Article 7, paragraph 3, of the Convention with regard to the permanent and temporary exceptions which may be authorised under Article 7, paragraph 1 and paragraph 2 (b) to (d); it would be glad if the Government would take any necessary action in this connection.

The Committee notes that section 19 of the Workers' Protection Act authorises exemptions on a very wide scale, i.e. when it is necessary in the public or general interest or for other reasons, and that no separate record is kept of such cases. Since such exceptions are not authorised under the Convention, and since a very large number of additional hours is permitted in Norway—i.e. 390 per annum—the Committee would be glad if the Government would take steps to ensure that overtime permits are only granted in cases specifically authorised under Article 7 of the Convention.

*Spain* (ratification : 29.8.1932). The Committee took note with interest of the first reports on this Convention, covering the period 1954-56, supplied by the Government since Spain again became a Member of the Organisation.

The Committee would be glad if the Government would supply information in its next report on the various points raised below and the steps it considers taking to ensure full conformity between the Convention and the national legislation.

*Article 1 of the Convention.* The Committee notes that hours of work in commerce and offices are established in virtue of a number of different legislative texts and under various national labour regulations. It would appreciate a statement from the Government indicating whether the basic text (Act of 9 September 1931) applies to all the public and private establishments listed in Article 1, paragraph 1, of the Convention, including, for example, postal, telegraph and telephone services.

*Article 5.* The Committee would like to know what measures exist to ensure that lost hours may not be made up on more than 30 days in the year (paragraph 1 (a) of this Article) and what provision is made for the notification of changes in the working hours (paragraph 2 of this Article).

*Article 6.* The Committee would be glad to know whether any use is made of this permissive clause of the Convention.

*Article 7.* The Committee would be glad if the Government would indicate, under each clause of paragraphs 1 and 2, what use is made of the exceptions permitted, in virtue of what provisions this is done, and what provisions fix the maximum daily and yearly limits as required under paragraph 3 of this Article.

*Article 11.* The Committee would be glad if the Government would indicate how effect is given to paragraph 2 (c) of this Article which requires employers to keep a record of additional hours and payments made for such hours.

The Committee notes that section 103 of the Act of 1931 provides that the competent joint bodies may authorise the working of overtime by the commercial employees covered by the Act of 4 July 1918, up to the maximum compatible with the rest periods prescribed by the said Act (i.e. 12 consecutive hours' rest per day, plus a two hours' break for meals); the Committee would be glad to know in what circumstances and for what duration, such overtime, amounting to two hours daily, is authorised.

Finally, the Committee would be glad to have all available information on the practical application of the Convention, as requested under point V of the report form.

*Convention No. 32: Protection against Accidents (Dockers) (Revised), 1932.*

Number of reports requested : 17.

Number of reports received : 15.

Reports not received : 2.

(Mexico, Spain.)

*Argentina* (ratification : 14.3.1950). The Committee regrets to note that, in spite of the observations repeatedly made by it in recent years and the statement made to the Conference Committee in 1955 by a Government representative to the effect that an amending Bill was being prepared, this year's report again contains no new information. Accordingly, the Committee can only reiterate the observations made in 1956 and trust 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 notes the detailed information supplied by the Government in its report and the draft orders which correspond to similar drafts previously mentioned. The Committee trusts that the new legislation, which has been submitted to the Council of State, will be adopted in the near future.

The Committee also notes the observations made by the Belgian Central Federation of Liberal Trade Unions and transmitted by the Government, regarding the practical application of the Convention during the period 1954-55, particularly on the Lower Scheldt. While noting with interest that according to this organisation the provisions of the general labour protection regulations are on the whole properly observed, the Committee understands that the points raised by the organisation have been brought to the attention of the competent services, and particularly the labour inspectorate.

*Bulgaria* (ratification 29.12.1949). The Committee observes with regret that once again the Government's

report contains none of the information which the Committee had requested in its observations of 1955. The Committee feels bound to persist in its request to the Government to supply precise information on the application of each of the provisions of the Convention, to provide copies of the legislation in force, and to give the particulars of the practical application of the Convention, requested by the report form.

*China* (ratification : 30.11.1935). The Committee notes with interest that the regulations concerning the protection against accidents of workers employed in loading or unloading ships, dated 22 April 1937, are still in force without any amendment. It notes that this legislation reproduces many of the provisions of the Convention but repeatedly refers to other laws which are not specified and in one case to the Shipping Inspection Regulations, none of which has been communicated to the Office, and that the report does not contain specific information on the national laws or regulations giving effect to each of the provisions of the Convention or on other practical arrangements and measures also required by the Convention itself or requested in the form of report.

On the basis of information supplied the Committee also notes that no effect seems to be given to the following provisions of the Convention :

Article 5, paragraph 2, subparagraphs (d) and (e); paragraph 3;

Article 8, paragraph 1;

Article 9, paragraph 2, subparagraphs (1), (3) and (4);

Article 11, paragraph 4;

Article 13, paragraph 2;

Article 17, paragraph 3.

In respect of the following provisions of the Convention, only partial effect seems to be given :

Article 5, paragraph 2 (a);

Article 9, paragraphs 1 and 5;

Article 11, paragraph 3;

Article 12;

Article 13, paragraph 1;

Article 15 (the legislation does not apply to ships belonging to public authorities; this exception is not permitted by the Convention);

Article 17, paragraphs 1 and 2.

The Committee would be glad to have all the information necessary for complete appraisal of the application of the Convention and hopes that the Government will be good enough to submit this information in its next report. In particular, the Committee would be glad to have details of any exemptions granted under section 17 of the Accident Prevention (Dockers) Regulations, 1937 and would finally appreciate it if the Government would include in its report, in addition to the information requested above, particulars concerning the practical application of the Convention requested in the form of report.

*Cuba* (ratification : 7.9.1954). The Committee notes with regret that there does not as yet exist in Cuba any legislation or regulations by which effect is given to the Convention. It notes, however, that the text of the Convention has been transmitted to the Technical Committee on the Prevention of Industrial Accidents in order that it may be taken into account in connection with the revision of Decree No. 1980



of 1956 which contains the list of apparatus for the prevention of industrial accidents.

The Committee expresses the earnest hope that a text ensuring the full application of all the provisions of the Convention will shortly come into force in Cuba and that, in its next report, the Government will be able to supply detailed information in this connection.

*Finland* (ratification : 23.8.1949). The Government mentions in its report that various trade unions have made observations on the application of certain provisions of the Convention. Thus, the Finnish Workers' Union and the General Union of Finnish Foremen have pointed out in particular that the construction, maintenance and inspection of hoisting machinery and gear for the loading and unloading of ships were unsatisfactory and that this was mainly due to the inadequate number of safety inspectors. The unions have further pointed out that lighting on a large number of ships was completely inadequate. In addition, the Dockers' Union of Helsinki has suggested that, in view of the large number of accidents in ports, the medical examination of signalmen should be made compulsory, and has recommended special training for signalmen and crane operators.

The Committee notes these observations with interest. It would be grateful if the Government would include in its next report any remarks which it may deem appropriate in this connection, and trusts that, if need be, the necessary measures will be taken to ensure a strict application of the regulations giving effect to Articles 7, 9, 10 and 17 (1) of the Convention.

*Italy* (ratification : 30.10.1933). The Committee, bearing in mind the very technical and detailed nature of this Convention, and having noted that for a number of years the annual reports have merely supplied general information regarding its application, would be grateful if the Government would supply in its next report detailed information on the manner in which effect is given to each provision of the Convention. In this connection it would be desirable if the Government would supply all the information requested in the report form.

*Mexico* (ratification : 12.5.1934). Since the report for 1955-56 has not arrived the Committee feels obliged to repeat its previous observation which read as follows :

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.

The Committee hopes that the Government will be able, at an early date, to take the action called for above.

*New Zealand* (ratification : 29.3.1938). The Committee thanks the Government for the detailed information furnished in response to the observation made in 1956 with respect to the application of Article 9, paragraph 2, (2) (b) of the Convention (obligation to inspect hoisting machinery thoroughly every 12 months).

The Committee has noted the Government's statement that hoisting machinery in ports is examined thoroughly every 12 months and that, in general, the powers accorded by the Boilers, Lifts and Cranes Act,

1950 and by the General Harbour (Safe Working Load) Regulations, 1935 are sufficient to ensure the substantial application of the provisions of the Convention. From the above, the Committee concludes that, in fact, this provision of the Convention is applied, but would be grateful to the Government if it would consider, in due course, ensuring conformity between the provisions in the national legislation (Regulation 52 of the General Harbour Regulations, 1954) and the aforesaid Article of the Convention.

*Spain* (ratification : 28.7.1934). The Committee notes the report of the National Trade Union Organisation on the application of the Convention for the period 1954-55, communicated by the Government. It notes with interest that national legislation gives effect to most of the provisions of the Convention. However, it would appear that the requirements of the Convention regarding means of access to ships, as laid down in paragraphs 3, 4, 5 and 6 of Article 5, are not met by the legislation cited in the report. The Committee would accordingly be grateful if the Government would indicate in its next report :

(1) whether sufficient free passage to the means of access is left at the coamings (Article 5, paragraph 3);

(2) whether shaft tunnels are equipped with adequate handhold and foothold on both sides (Article 5, paragraph 4);

(3) whether, when a ladder is to be used in the hold of a vessel which is not decked, it is the duty of the contractor undertaking the processes to provide the ladder, and whether the ladder must be equipped with means for securing it firmly (Article 5, paragraph 5); and

(4) whether workers may not use and may not be required to use other means of access than those specified or allowed by Article 5 of the Convention (Article 5, paragraph 5).

The Committee notes further that there is no provision in the legislation giving effect to paragraph 3 of Article 17, under which "copies or summaries of the regulations shall be posted up in prominent positions at docks, wharves, quays and similar places which are in frequent use for the processes".

The Committee would therefore be grateful if the Government would state in its next report what measures it intends to take to give effect to this provision of the Convention.

Finally, the Committee would be glad if the next report could contain information on the practical application of the Convention, particularly the number and nature of contraventions and the number, nature and causes of accidents.

*Convention No. 33: Minimum Age (Non-Industrial Employment), 1932.*

Number of reports requested : 6.

Number of reports received : 6.

*Argentina* (ratification : 14.3.1950). The Committee took note of the information given in the report and refers once more as regards night work to the observation made in 1954 in respect of Article 3, paragraph 2 of the Convention, which provides for a consecutive night rest of at least 12 hours comprising the 8 p.m. to 8 a.m. interval for children under the age of 14 years whereas (a) section 6 of Act No. 11317 (which prohibits night work of persons less than 18 years) does not define the term "night" so as to ensure a 12-hour



rest comprising the required period; (b) section 31 of Decree No. 14538 of 1944 prescribes only a ten-hour rest for young persons under 18; and (c) section 1 of Decree No. 1239 only sets the maximum working hours of young workers over 14 years at eight hours a day, without specifying when the night rest is to be taken.

As regards the employment during the day of children aged over 12 years but under 14 years, the Committee notes that it may be authorised in certain circumstances under sections 1 and 2 of the Act No. 11317 but solely in undertakings where the members of only one family are engaged, whereas Article 1 (3) (a) of the Convention provides that this employment in family undertakings is limited to employment which is not harmful, prejudicial or dangerous within the meaning of Articles 3 and 5 of the Convention. The Committee would appreciate it if in its next report the Government would indicate the measures taken to bring the national legislation into full conformity with Article 1 (3) and Article 3 (2) of the Convention.

*Austria* (ratification : 22.6.1936). In reply to the observations made by the Committee in 1956, a Government representative stated to the Conference Committee that occasional work undertaken by children (Article 3 of the Convention) did not come within the scope of Act No. 146 of 1948 on the employment of young persons, but that the Government intended to re-examine the provisions relating to the employment of children in light work and would do its utmost to ensure the application of the Convention.

The Committee also notes with interest the comments of the Assembly of Chambers of Labour mentioned in the Government's report, to the effect that only promulgation of appropriate orders could prevent the improper employment of children in the seasonal serving of drinks and in places of entertainment.

The Committee notes this information, and trusts that the Government will shortly be able to bring the legislation into complete conformity with Article 3 of the Convention.

*Spain* (ratification : 22.6.1934). The Committee notes with interest the information supplied by the Government in its annual reports for the period 1954-56. It draws the Government's attention to the following matters :

The scope of the Spanish legislation does not coincide exactly with that laid down in Article 1 of the Convention, for it does not cover domestic work, whereas under Article 1, paragraph 3 (b) of the Convention only "domestic work in the family performed by members of that family" can be exempted from the application of the Convention.

The Committee would further like to know whether measures have been taken for the identification and supervision of children engaged in the employments covered by Article 6, as required by Article 7 (b) of the Convention.

*Convention No. 34 : Fee-Charging Employment Agencies, 1933.*

Number of reports requested : 6.

Number of reports received : 6.

*Chile* (ratification 18.10.1935). The Committee notes the information supplied by the Government regarding the technical assistance mission carried out

in July by an I.L.O. employment expert. It would be grateful if the Government would state in its next report whether, following this assistance, measures have been taken to improve the legislation concerning fee-charging employment agencies, and would specify the statutory and other provisions which now give effect to the Convention.

*Czechoslovakia* (ratification : 12.6.1950). The Committee wishes to thank the Government for the information which it has supplied in reply to the observations previously made.

*Mexico* (ratification : 21.2.1938). The Committee notes that, according to the Government's report, Regulation 57 of the regulations concerning employment agencies obliges the competent authority, when granting permission for the carrying on of a private employment agency, to specify whether the permission relates to a free agency or an agency conducted with a view to profit.

Article 2 of the Convention provides that employment agencies conducted with a view to profit shall be abolished within three years of the coming into force of the Convention. As this period has now expired, the Committee would be grateful if the Government would state in its next report whether the organisations of employers and workers concerned were consulted before the exceptions under which such agencies continue to function were allowed (Article 3, paragraph 1); whether these exceptions relate only to agencies catering for categories of workers exactly defined by national laws or regulations and belonging to occupations placing for which is carried on under special conditions justifying the exception (Article 3, paragraph 2); and whether the conditions laid down in Article 3, paragraph 4, are observed.

*Spain* (ratification : 27.4.1935). According to the information supplied by the National Trade Union Organisation, fee-charging employment agencies exist in Spain for domestic servants. In this connection, the Committee would be grateful if the Government would indicate in its next report—

(a) whether or not the fee-charging employment agencies for domestic servants are conducted with a view to profit (Article 1);

(b) what provisions permit and regulate the carrying on of fee-charging employment agencies for domestic servants (Article 3, paragraphs 2 and 4); and

(c) would supply detailed information on the effect given to Articles 4 and 6 of the Convention as regards the fee-charging employment agencies for domestic servants.

*Convention No. 35 : Old-Age Insurance (Industry, etc.), 1933.*

Number of reports requested : 8.

Number of reports received : 7.

Report not received : 1.

(Peru.)

*Bulgaria* (ratification : 29.12.1949). The Committee notes with regret that the last two reports do not reply to the request for information made in 1955. In these circumstances, it can only refer to the observations made in 1955, which were as follows :

The Committee... would be grateful if the Government could supply particulars of cases in which old-age pension is subject to forfeiture or total or partial suspension, with which Article 8 of the Convention is concerned.

The Committee further notes that the report gives no statistics on the application of the Convention, and it would be grateful if the Government could supply in subsequent reports, as provided for in the report form approved by the Governing Body, all available information on the scope of the Convention, the number of pensioners, and the expenditure and receipts of the insurance institution.

*Chile* (ratification : 18.10.1935). As regards, firstly, domestic servants, and, secondly, salaried employees in industrial and commercial undertakings in the public sector, see under Convention No. 24.

*Czechoslovakia* (ratification : 1.7.1949). The Committee thanks the Government for the information supplied in reply to the request made in 1956.

The Committee notes in particular the statement made in respect of Article 9, paragraph 4 of the Convention, that, although insurance contributions are included in the revenue of the State which in turn is charged with the payment of benefits, the proportion of revenue paid in benefits very much exceeds the contributions received.

The Committee also notes the statement in respect of Article 10, paragraph 3 of the Convention, that the insurance funds included in the state budget are separately administered, in respect of the various pension insurance schemes, by the National Pensions Office.

As regards the statistics supplied, the Committee refers to the appreciation which it has expressed under Convention No. 24.

*Peru* (ratification : 8.11.1945). The Committee received with interest the information given in the report for 1954-55, which arrived too late for examination in 1956. It noted that the relevant Act is soon to be amended and that the Government is studying the possibility of then establishing the special tribunals for disputes concerning benefits specified in Article 11, paragraph 2 of the Convention. The Committee hopes that, when the Act is amended, the Government will spare no effort to eliminate the other discrepancies which have subsisted for several years between Peruvian legislation and the Convention and which the Committee feels obliged to mention once more :

(1) although a legislative decree of 1948 stipulates compulsory insurance for all salaried employees, those in private employment are not yet effectively covered by old-age insurance, whereas the Convention requires compulsory insurance to extend to non-manual as well as manual workers (Article 2, paragraph 1);

(2) similarly, compulsory old-age insurance applies in Peru only to the personnel of industrial and commercial undertakings, whereas the Convention provides that the personnel of "the liberal professions" shall also be covered (Article 2, paragraph 1);

(3) furthermore, old-age insurance for domestic servants is only voluntary (cf. also under Convention No. 24), whereas the Convention provides that it shall be compulsory for this class of workers (Article 2, paragraph 1).

*Poland* (ratification : 29.9.1948). In reply to the observations made in 1956, the Government states in its report that insurance benefits are in Poland considered as a form of distribution of the national income and not as a payment in consideration of contributions paid, and that neither the maintenance of the insured's right by voluntary continuation of the insurance nor the maintenance of acquired rights is possible. The Committee considers that this view of the insurance ought not to result in workers being

deprived of rights granted to them by the Convention and recognised by the Government in ratifying the instrument. It accordingly once more draws attention to the discrepancy between the national legislation and Article 3 of the Convention, under which persons formerly compulsory insured who have not attained pensionable age are entitled "to continue their insurance voluntarily or . . . to maintain their rights", and trusts that the Government will consider taking appropriate measures to give effect to this Article of the Convention.

As regards the statistics received, the Committee refers to the appreciation expressed by it under Convention No. 24.

*Convention No. 36 : Old-Age Insurance (Agriculture), 1933.*

Number of reports requested : 7.

Number of reports received : 7.

*Bulgaria* (ratification : 29.12.1949). See under Convention No. 35.

*Chile* (ratification : 18.10.1935). See under Convention No. 35.

*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.

Report not received : 1.

(*Peru.*)

*Bulgaria* (ratification : 29.12.1949). The Committee observes that the last two reports supplied by the Government reply only in respect of certain points to the request for information made in 1955. In this connection, the Committee notes with satisfaction that, in accordance with Articles 3 and 6 of the Convention, the qualifying period for acquisition of pension rights prescribed by section 165 of the Labour Code need not necessarily be unbroken, and that in case of interruption "the period worked retains its validity for the purpose of pension rights irrespective of the length of the interruption".

As regards the other points, in the absence of additional information in the Government's report, the Committee can only refer to the observations made in 1955, which were as follows :

The Committee noted that in Bulgaria the right to an invalidity pension is made conditional upon a qualifying period laid down in section 165 of the Labour Code; by the terms of this section, in the case of workers whose age at the commencement of invalidity exceeds 25 years (men) and 35 years (women), the duration of service required for entitlement to pension rights exceeds five years and may extend to 20 years, whereas by the terms of Article 5 of the Convention the qualifying period may not exceed 60 months. The Committee expresses the hope that the Government will take the necessary measures to adapt national legislation to the requirements of the Convention on this point.

The Committee further noted that, according to the report, pensions may be suspended, particularly when the pensioner forfeits his rights as the result of a conviction imposed under penal law. It would be grateful if the Government could inform it in this respect whether, as stipulated by the Convention (Article 9, paragraph 1), the right to benefits may be forfeited or suspended only where the person concerned has brought about his invalidity by a criminal offence or wilful misconduct or has acted fraudulently towards the insurance institution.

The Committee also notes that the report shows that the pension is forfeited when the pensioner is deprived of Bulgarian citizenship. It ventures to draw attention to the fact that this cause does not figure among any of the cases giving rise to forfeiture laid down by Article 9 of the Convention, and that, further, according to Article 13 of the Convention, insurance should not be restricted to nationals.

Finally, the Committee notes that the report contains no statistics on the application of the Convention, and it would be grateful if the Government could give in future reports, as stipulated in the report form approved by the Governing Body, all available statistics on the scope of the Convention, the number of pensioners, and the expenditure and receipts of the insurance institution.

*Chile* (ratification : 18.10.1935). See under Convention No. 35.

*Czechoslovakia* (ratification : 1.7.1949). See under Convention No. 35.

*Peru* (ratification : 8.11.1945). See under Convention No. 35 as regards the insured person's right of appeal and as regards the scope of the insurance.

*Poland* (ratification : 29.9.1948). See under Convention No. 35.

*Convention No. 38 : Invalidity Insurance (Agriculture), 1933.*

Number of reports requested : 7.

Number of reports received : 7.

*Bulgaria* (ratification : 29.12.1949). See under Convention No. 37.

*Chile* (ratification : 18.10.1935). See under Convention No. 35.

*Czechoslovakia* (ratification : 1.7.1949). See under Convention No. 35.

*Poland* (ratification : 29.9.1948). See under Convention No. 35.

*Convention No. 39 : Survivors' Insurance (Industry, etc), 1933.*

Number of reports requested : 6.

Number of reports received : 5.

Report not received : 1.

(*Peru.*)

*Bulgaria* (ratification : 29.12.1949). See under Convention No. 37 as regards the maintenance of rights of persons formerly compulsorily insured and not in receipt of a pension and the validity of contributions of an insured person who ceases to be liable to insurance (Articles 3 and 5), the qualifying period (Article 4), and grounds for suspension or forfeiture of the pension (Article 11).

*Czechoslovakia* (ratification : 1.7.1949). See under Convention No. 35.

*Peru* (ratification : 8.11.1945). The Committee examined with interest the information contained in the report submitted by the Government for the period 1954-55. It was interested to note that the Government intends, when the Act is next amended, to bring Peruvian legislation into conformity with the Convention :

(a) by replacing the present arrangement, which requires a lump sum to be paid, by an arrangement involving payment of a pension to the insured person's spouse and children;

(b) by establishing the special tribunals provided for in Article 14, paragraph 2, of the Convention to deal with disputes concerning benefits.

The Committee wishes to refer also to the observation regarding the scope of the insurance which is made in connection with Convention No. 35.

*Poland* (ratification : 29.9.1948). See under Convention No. 35.

*Convention No. 40 : Survivors' Insurance (Agriculture), 1933.*

Number of reports requested : 5.

Number of reports received : 5.

*Bulgaria* (ratification : 29.12.1949). See under Convention No. 39.

*Czechoslovakia* (ratification : 1.7.1949). See under Convention No. 35.

*Poland* (ratification : 29.9.1948). See under Convention No. 35.

*Convention No. 41 : Night Work (Women) (Revised), 1934.*

Number of reports requested : 12.

Number of reports received : 9.

Reports not received : 3.

(*Hungary, Peru, Venezuela.*)

*Afghanistan* (ratification : 12.6.1939). See Convention No. 4.

*Greece* (ratification : 30.6.1936). The Committee pointed out in 1956 that the exception permitted by section 42 (4) of Act No. 3239 of 25 May 1955 is not provided for by this Convention. It notes that, in the observations of the Greek General Confederation of Labour communicated by the Government, the question of this discrepancy is raised, and that the Government moreover admits its existence. The Committee notes further that the Government has stated that it intends to ratify the Night Work (Women) Convention (Revised), 1948 (No. 89), which permits the said exception.

In the circumstances, the Committee can only point out that, until the ratification of Convention No. 89, which would *ipso jure* involve the immediate denunciation of Convention No. 41, a discrepancy between the above-mentioned provisions and Convention No. 41 will subsist. The Committee would therefore be grateful if the Government would indicate what measures it intends to take either to repeal the said provisions or to ratify Convention No. 89.

*Hungary* (ratification : 18.12.1936). Since the report for 1955-56 has not arrived, the Committee cannot but repeat its previous observation which read as follows :

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.

The Committee trusts that the Government will be able, at an early date, to take the action called for above.

*Iraq* (ratification : 28.3.1938). In the absence of new information in the Government's annual report, the Committee refers to the observations made each year since 1951 with regard to section 9 of the Labour Act, the provisions of which are not fully in conformity with Article 4, paragraph (a), of the Convention under which certain exceptions to the prohibition of night work are authorised in the case of *force majeure*.

The Committee notes with regret that, in reply to these observations, the Government once again merely reproduces the terms set out in each of its reports since 1952-53, stating that the regulations to be made under the Labour Act have not yet been issued but that the new Labour Code now before Parliament would deal with these exceptions.

The Committee must therefore urge the Government once again to supply at last full information on the progress made in this connection.

*Peru* (ratification : 8.11.1945). See under Convention No. 4.

*Convention No. 42: Workmen's Compensation Occupational Diseases (Revised), 1934.*

Number of reports requested : 27.

Number of reports received : 25.

Reports not received : 2.

(*Bolivia, Hungary.*)

*General observation.* Having noted that only Czechoslovakia and the Netherlands have replied to the general observation it made in 1956 as regards the application to agricultural workers of the legislation providing compensation for occupational diseases the Committee reiterates this observation, which read as follows:

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.

*Argentina* (ratification : 14.3.1950). The Committee notes that since 1953 the reports contain identical statistics of the number of cases of industrial diseases and of the amounts of compensation paid in respect of them. It accordingly requests the Government to indicate in its next report whether there have been no variations in these figures since the above-mentioned date.

*Austria* (ratification : 26.2.1936). The Committee has examined with much interest the Federal Act of 9 September 1955 which introduces a new general system of social insurance. While it notes that the provisions of this Act provide compensation for occupational diseases on an equal basis with the compensation payable in case of accidents, as required under Article 1 of the Convention, the Committee would like to draw the Government's attention to the following discrepancies which appear to exist between the schedule contained in Annex I to the aforementioned Act and that appended to Article 2 of the Convention :

(a) as regards "poisoning by lead, its alloys or compounds and their sequelae", the schedule set out in the Act does not include the alloys;

(b) as regards "poisoning by mercury, its amalgams and compounds and their sequelae", the schedule in the Act does not include the amalgams;

(c) as regards anthrax infection, only the diseases "transmissible from animals to man" occurring in "work involving risk of disease through proximity to or contact with animals or parts of animals, offal or animal products" appear, under the legislation, to give right to compensation; the Committee would appreciate it if the Government would indicate whether these provisions may be considered as covering the "loading and unloading or transport of merchandise", which is included in Article 2 of the Convention;

(d) as regards "primary epitheliomatous cancer of the skin" caused by "any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin or the compounds, products or residues of these substances" as listed in the Convention, the schedule in the Act only mentions "cancer of the skin or skin affections conducive to the development of cancer caused by soot, paraffin, tar, anthracene, pitch or similar substances".

The Committee would therefore be grateful if the Government would supply, in its next report, full information on the above-mentioned points.

As the previous Austrian legislation now repealed by the Federal Act of 9 September 1955 fully applied the Convention, the Committee trusts that it will be possible to restore full conformity between the national law and the Convention.

*Belgium* (ratification : 3.8.1949). The Committee notes with satisfaction that, following the observations made by it in previous years, the Royal Decree of 9 September 1956 has brought the Belgian regulations regarding occupational diseases into complete conformity with the Convention, by adding to the list of occupational diseases in respect of which compensation is payable poisoning by the halogen derivatives of hydrocarbons of the aliphatic series.

*Bulgaria* (ratification : 29.12.49). In 1955 the Committee asked the Government to be good enough to transmit in its next report the list of diseases and poisonings classified as occupational, and the list of trades, industries and processes in which the diseases or poisonings may occur. The Committee thanks the Government for appending to its report a schedule containing these lists. It also notes the statement contained in last year's report to the effect that the Pension Boards may recognise particular cases of disease as occupational if arising out of employment although the disease in question is not included in the list.

The Committee finds, however, that the terminology of the schedule communicated to it differs considerably from that of the schedule in the Convention; that it is not as precise as the Convention's schedule; and that it contains a number of discrepancies, particularly regarding anthrax, silicosis, primary epitheliomatous cancer of the skin, etc.

Having regard to these discrepancies and the difficulties of application which may be caused by certain vague expressions such as "analogous substances, etc.", the Committee hopes that when the schedule of diseases now in preparation is finalised, the Government will adjust the Bulgarian schedule to that of the Convention. It would be grateful if the Government would indicate in its next report the action which will be taken in this regard.

*France* (ratification : 15.5.1948). The Committee wishes to thank the Government for the very detailed information furnished in reply to the observations made in 1956. However, it would like to draw the Government's attention to the following points :

As regards poisoning caused by the halogen derivatives of hydrocarbons of the aliphatic series, it would seem that the inclusion in the schedule of the national legislation of those derivatives which are not yet listed should not be made conditional on the establishment of cases of poisoning, but that the schedule should provide for compensation for poisoning resulting from all these derivatives, as required in the Convention.

With regard to the primary epitheliomatous cancer of the skin, the fact that compensation is given only to workers having been in direct contact with petroleum pitch or products including this, substance, means that compensation is not granted as provided for in the Convention, to workers who have been employed in "any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin or the compounds, products or residues of these substances".

The Committee would therefore be grateful if the Government would indicate in its next report what measures it is considering with a view to eliminating these discrepancies.

*Greece* (ratification : 13.6.1952). With reference to the statement made by the Government in its last report, indicating that the Ministerial Decision No. 4620/1956 had been adopted with a view to ensuring full conformity between the list of occupational diseases in force in Greece, and that set out in the Convention, the Committee notes that this Decision has only made a partial modification in the schedule concerning poisoning by benzene. The Committee finds it necessary, therefore, to repeat the observations which it made in 1955 and which read as follows :

(a) as regards silicosis, there seems to be provision for compensation in permanent disability only ;

(b) in phosphorus poisoning only *immediate* sequelae are compensated ; this gives the impression that late effects would not be compensated ;

(c) as regards phosphorus and arsenic poisoning and poisoning caused by benzene, the schedule appearing in the Convention mentions only the *liberation* of these substances as cause of poisoning ; but this expression is not found in the schedule contained in the Greek legislation ;

(d) only the diseases due to benzene and benzols are listed ; their nitro- and amido-derivatives and their homologues are not mentioned ;

(e) as regards X-rays and radioactive substances, the schedule in force in Greece specifies seven operations only where injury through radiation is compensated, whereas the Convention provides for compensation for any process involving exposure to radiation ;

(f) as regards primary epitheliomatous cancer of the skin, the schedule in force in Greece does not include bitumen, which is listed in the Convention.

As regards point (d)—poisoning by benzene—the Committee notes that the above-mentioned Decision of 1956 modifies only paragraph (a) of the "occupations" column in Schedule 4 (benzolism) of the Ministerial Order No. 24699/1-164 of 30 May 1952. In this respect it would be desirable for the group "diseases caused by benzene and benzol" in Schedule 4 (benzolism) to also be modified in order to include "poisoning by benzene or its homologues, their nitro- and amido-derivatives, and its sequelae", in conformity with the list of diseases and toxic substances set out under Article 2 of the Convention.

The Committee would be grateful if the Government would indicate, in its next report, what measures it considers taking with a view to bringing the national legislation into harmony with the Convention.

*Hungary* (ratification : 17.6.1935). Since the report for 1955-56 has not arrived in time for examination, the Committee refers to the Government's statement to the Conference Committee in 1956 to the effect that the competent authorities are proceeding with the revision of, and any necessary modification to, the groups of occupations enumerated in the appendix to the Decree No. 195 of 1951 and that the amendments suggested by the Committee of Experts will also be taken into consideration.

It expresses the hope that the Government will be able to promulgate these amendments in the near future and would be glad to be kept informed of future developments in this respect.

*Mexico* (ratification : 20.5.1937). In reply to the observations made on several occasions by the Committee, the Government states that it is considering adopting new regulations to ensure the application of the provisions of the Convention. The Committee takes note of this information and hopes that the regulations in question will shortly be issued and that they will eliminate all the discrepancies which have been noted in previous years in the national legislation respecting compensation for occupational diseases.

*Poland* (ratification : 29.9.1948). Referring to the observations made in 1956, the Committee notes that, according to the Government's report, the discrepancies between the schedule of occupational diseases in the Convention and that in the Ordinance of 17 July 1954 have been eliminated by the new Ordinance of the Council of Ministers of 14 May 1956, which provides that all diseases caused by industrial poisoning shall be considered occupational diseases. The Committee observes with satisfaction that, by virtue of the aforesaid legislation, compensation is payable in respect of poisoning both by mercury amalgams and by halogen derivatives of hydrocarbons of the aliphatic series (and no longer only chlorinated derivatives).

The Committee notes, however, that in the new Ordinance, among the carcinogenic agents which give rise to a claim for compensation in the case of tumours (No. 18 in the schedule), bitumen, mineral oil, and the compounds, products or residues of these substances are not included, although they are listed in the Convention and were also scheduled in the repealed Ordinance of 17 July 1954. Furthermore, as regards No. 24 (g) of the schedule (anthrax infection), the Committee draws attention to the fact that the Convention provides for the payment of compensation in the case of the loading and unloading or transport of merchandise, but that the national legislation does not mention these operations.

The Committee would accordingly be grateful if the Government would indicate in its next report what measures it intends to take to complete the schedule to the Ordinance in respect of the two matters mentioned above.

*Sweden* (ratification : 24.2.1937). The Committee noted the information, provided in compliance with the request it had made in 1956, regarding the new scheme of compensation for occupational diseases which was introduced in Sweden in 1954. In order

to obtain a precise idea of the extent to which this scheme is in conformity with the provisions of the Convention, the Committee would be grateful if the Government would state in its next report whether a disease is considered as an occupational disease without proof in all cases where a worker suffers from a disease or poisoning set out in the first column of the schedule to Article 2 of the Convention when employed in a trade, industry or process listed in the second column thereof.

*Uruguay* (ratification : 18.3.1954). The Committee notes with interest the first report submitted by the Government. Although it appears that compensation is provided for in respect of certain occupational diseases not included in the schedule to Article 2 of the Convention, the information supplied does not make it possible for the Committee to ascertain whether all the occupational diseases set out in the first column of this schedule are covered by national regulations. Accordingly, the Committee would be grateful if the Government would in its next report specify in detail the exact provisions of the various laws and regulations which provide for compensation in respect of each of the various diseases and poisonings set out in the first column of the schedule to Article 2 of the Convention. The Committee would be glad if precise information could similarly be given for each of the trades, industries or processes set out in the second column of the said schedule.

*Convention No. 43 : Sheet-Glass Works, 1934.*

Number of reports requested : 9.

Number of reports received : 9.

*Bulgaria* (ratification : 29.12.1949). The Committee takes note with interest of the information supplied by the Government in reply to the observation made in 1955.

It notes that a system of four shifts of six hours has been established for work at "Fourco" furnaces and machines in virtue of Decree No. 1502 of 21 March 1951, and that, in specific categories of glass works, a seven-hour working day or a working day averaging seven hours over a period of one week has been introduced in virtue of a number of orders issued in 1951-55. The Committee would be glad if the Government would state in its next report (a) whether the system of four shifts is effective as regards all persons employed in successive shifts in necessarily continuous operations in sheet-glass works (Article 1 of the Convention); (b) whether hours of work of these persons do not exceed an average of 42 hours per week, calculated over a period not exceeding four weeks (Article 2 of the Convention); and (c) whether, in the glass works where a seven-hour working day has been introduced, the working week is calculated on the basis of six or of seven days.

As regards Article 3 of the Convention, the Committee notes that section 9 of the Ordinance respecting overtime approved on 3 May 1952, prohibits overtime in the case of persons employed in dangerous or unhealthy industries or operations. It would be glad to know whether this definition also covers the persons employed on the four shift system established by Decree No. 1502 of 21 March 1951. If this is the case, the Committee would be glad to know whether it is right in assuming that any extension of the hours of work is prohibited for all the workers covered by the Convention, even in the cases specifically mentioned

in Article 3 of the Convention, i.e. accidents, *force majeure*, unforeseen absence of a member of a shift, etc.

*Czechoslovakia* (ratification : 19.9.1938). The Committee notes the Government's statement that as from 1 October 1956 the hours of work for all workers were to be reduced to 46 per week and that a seven-hour day was to be introduced before 1960, starting in industries where the work is dangerous or unhealthy.

The Committee is pleased to note that it has been possible to reduce the general hours of work despite the shortage of labour indicated in previous reports and trusts that there now exists no obstacle to the immediate introduction of the 42-hour week in sheet-glass works and glass-bottle works, thus giving full effect to this Convention and to Convention No. 49, which were ratified by Czechoslovakia almost 19 years ago.

*France* (ratification : 5.2.1938). The Committee takes note of the national collective agreement for the glass industry and its appendices, dated 23 July 1954, which have been examined with interest. It understands that the sole cases in which hours in excess of an average 42-hour week may be worked by the persons covered by Article 1 of the Convention are those set out in section 6, paragraph 1 of the decree of 13 February 1937 (which decree is mentioned in section 3, paragraph 1 of the appendix to the collective agreement, respecting production workers) and in section 5, paragraph 4 of this appendix. The Committee would be grateful if the Government would confirm this in its next report.

The Committee also noted that compensation for overtime is paid at the rate of time-and-a-quarter or time-and-a-half, in accordance with section 31 of the collective agreement and with the relevant legislation, subject to possibly higher rates in individual undertakings, established in virtue of section 5, paragraph 4 of the above-mentioned appendix.

*Mexico* (ratification : 9.3.1938). The Committee notes that, in reply to the request for detailed information on the manner in which the Convention is applied in the smaller glass works in Mexico, the Government has referred to a single clause in a collective agreement regulating conditions of work in one of these undertakings. The Committee finds this information insufficient to show the manner in which the Convention is applied in the individual glass works. It recalls the Government's statement in previous reports that the glass industry is not within the competence of the federal authorities and it assumes therefore that the sole provisions regulating hours of work in this industry are the collective agreements.

Consequently the Committee would be glad if the Government would supply : (a) a list of all the automatic sheet-glass works (Article 1 of Convention No. 43) and all the glass works where bottles are produced by automatic machinery (Article 1 of Convention No. 49); and (b) the texts of the collective agreements which regulate hours of work in these undertakings.

As regards Article 4, paragraph (c) of the Convention, the Committee takes note of the system whereby the head of a shift notes additional hours worked by a worker on the latter's card but it points out that this does not ensure full compliance with the requirement laid down in the Conventions that the employer must

keep a record of the additional hours and the relevant compensation in order to facilitate the effective enforcement of the Conventions.

*United Kingdom* (ratification : 13.1.1937). The Committee notes the Government's statement that additional hours have been worked during the past year in circumstances not authorised under the Convention. The Committee hopes that steps will be taken to prevent the recurrence of such deviations from the provisions of the Convention.

*Uruguay* (ratification : 18.3.1954). The Committee notes from the Government's first report that hours of work in the automatic sheet-glass works are at present fixed by agreement and that regulations on the subject are to be adopted. The Committee would be glad if the Government's next report would include the text of the above agreement, the text of the regulations, if adopted, and detailed information on the following points :

*Article 1.* The Committee notes that the Convention is applicable to only one undertaking; it would be glad to know the definition of the categories of workers in this undertaking, covered by the Convention.

*Article 2.* In virtue of what provisions are workers guaranteed an eight-hour day, a 42-hour week and a 16-hour rest period between spells of work? Has a system providing for at least four shifts been established and are the average weekly hours calculated over a period not exceeding four weeks?

*Article 3.* In virtue of what provisions are the additional hours referred to in the Government's report permitted (paragraph 1) and what compensation is given for additional hours worked (paragraph 2)?

*Article 4.* In virtue of what provisions are employers required to notify the hours at which each shift begins and ends (paragraph (a)) and not to alter notified hours of work (paragraph (b))? What forms have been prescribed for the record of additional hours (paragraph (c))?

*Convention No. 44 : Unemployment Provision, 1934.*

Number of reports requested : 8.

Number of reports received : 8.

*Bulgaria* (ratification : 29.12.1949). The Committee notes with regret that the last two reports supplied by the Government contain no new information. In these circumstances, it can only refer to the observations made in 1955, which were as follows :

The Committee notes that the Government's first report is confined to the following statement : under the Constitution of the People's Republic, every citizen has the right to work; there is work for everyone who wishes to work; as there is no unemployment whatever in the country, Convention No. 44 cannot be applied in a practical manner.

The Committee must draw the attention of the Government to the obligations which it has assumed under the Convention, Article 1 of which requires each ratifying State to maintain a scheme ensuring benefits or allowances to persons who are involuntarily unemployed.

*Czechoslovakia* (ratification : 12.6.1950). The Committee takes note of the statement made before the Conference Committee by a Government representative and reproduced in the Government's report, according to which the competent authorities in Czechoslovakia had been requested to examine the advisability of introducing measures which would ensure the payment of benefits or allowances to persons who might be involuntarily unemployed.

The Committee would be grateful if the Government would keep it informed of the action taken in this connection. It points out that, as already indicated in 1956, 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".

*Convention No. 45 : Underground Work (Women), 1935.*

Number of reports requested : 38.

Number of reports received : 35.

Reports not received : 3.

(Hungary, Peru, Venezuela.)

*Afghanistan* (ratification : 14.5.1937). See under Convention No. 4.

*China* (ratification : 2.12.1936). The Committee notes that a report has been supplied by the Government after a number of years. Since a copy of the Mines Act of 1936 as amended in 1950 was not annexed to the report, the Committee would be grateful if the Government would append such a copy to its next report to enable the Committee to examine whether the Convention is applied.

*Federal Republic of Germany* (ratification : 15.11.1954). The Committee takes note with interest of the information supplied in the first report.

It draws the attention of the Government to the fact that the only exceptions authorised by the Convention are those provided for under Article 3; consequently the more extensive exceptions permitted under section 28 of the Ordinance of 30 April 1938 respecting hours of work are not in conformity with the Convention. The Committee would therefore be grateful if the Government would indicate in its next report what measures it is considering with a view to bringing its legislation into full conformity with the Convention, and if it would state what use has been made of this provision of the legislation.

*Greece* (ratification : 30.5.1936). The Committee took note of a letter from the Greek General Confederation of Labour to the Ministry of Labour containing observations on the alleged infringements of the provisions of the Convention, which the Government was good enough to transmit to the I.L.O. The Committee would be grateful if the Government would indicate in its next report whether any action has been taken on these allegations and whether the activities of the Labour Inspection Service have been co-ordinated with those of the Mining Inspection Service of the Ministry of Industry.

*Hungary* (ratification 19.12.1938). Since the report for 1955-56 has not arrived the Committee cannot but repeat its previous observation which read as follows :

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.

The Committee hopes that the Government will take, at an early date, the action called for above.

*Convention No. 48: Maintenance of Migrants' Pension Rights, 1935.*

Number of reports requested : 7.

Number of reports received : 5.

Reports not received : 2.

(Hungary, Spain.)

*Czechoslovakia* (ratification : 12.6.1950). The Committee notes with satisfaction that, following the observation made in 1956, the Government has taken the necessary steps to ensure the payment, in accordance with Article 10 of the Convention, of the full amount of pensions, including increases introduced as a result of the abolition of rationing, to the nationals of States having ratified this Convention.

*Hungary* (ratification : 10.8.1937). The Committee has noted the view expressed by the Government in writing to the Conference Committee in 1956, to the effect that the Convention cannot be applied in practice without bilateral agreements.

The Committee can only recall, as it had already done in 1955 and 1956, that the Convention is an independent instrument, and may therefore be applied without conclusion of bilateral agreements between the States which are parties to it. The Committee must again express the hope that the Government will soon take the action required to apply this instrument.

*Poland* (ratification : 21.3.1938). The Committee notes with interest the information contained in the report, from which it appears that, in accordance with Articles 2 and 10 of the Convention, periods of insurance or employment during which the worker was subject to the legislation of another State which has ratified the Convention are taken into consideration to determine rights to insurance benefits. The Committee would, however, be grateful if the Government would state in its next report whether or not the aggregation of periods of employment depends on the existence of a bilateral agreement.

*Spain* (ratification : 8.7.1937). The Committee notes that the Government's report for 1954-55 is limited to a statement that the Convention has not yet been applied in Spain.

The Committee would be glad if the Government would in its next report provide detailed information, in accordance with the report form, on the measures which the Government intends to take with a view to giving effect to the various Articles of the Convention.

*Convention No. 49: Reduction of Hours of Work (Glass-Bottle Works), 1935.*

Number of reports requested : 7.

Number of reports received : 7.

*Bulgaria* (ratification : 29.12.1949). The Committee notes the Government's statement that "workers employed in glass-bottle works do not work continuously". It would be glad if the Government would state in its next report (a) whether this means that in Bulgaria it has not been found necessary to operate glass-bottle works on a continuous basis

and (b) what shift-system is applied to the workers employed in these works.

*Czechoslovakia* (ratification : 19.9.1938). See under Convention No. 43.

*France* (ratification : 25.1.1938). See under Convention No. 43.

*Mexico* (ratification : 21.2.1938). See under Convention No. 43.

*New Zealand* (ratification : 29.3.1938). The Committee notes that the penal rates provided for in agreements are paid for the hours in excess of 40 per week and apply to the extra shift rostered in each four-weekly period. It is pleased to note the statement that any other overtime worked in excess of this would be worked only in the circumstances set out in Article 3 of the Convention, but it would be glad if the Government would indicate in its next report the manner in which this restriction on overtime is guaranteed since it is not prescribed in the relevant collective agreements.

*Convention No. 50: Recruiting of Indigenous Workers, 1936.*

Number of reports requested : 6.

Number of reports received : 6.

No observations.

*Convention No. 52: Holidays with Pay, 1936.*

Number of reports requested : 18.

Number of reports received : 17.

Report not received : 1.

(Egypt.)

*Argentina* (ratification : 14.3.1950). Since the Government's report contains no new information, the Committee finds it necessary to repeat the observations made in 1955, which read as follows :

The Committee takes note with interest of the decision given by the Supreme Court of the Province of Buenos Aires in which it is ruled that periods of illness must be included in the qualifying period for holidays. It points out, however, that this decision is not directly relevant to the provisions of Article 2, paragraph 3 (b) of the Convention, which lays down that interruptions of attendance at work due to sickness shall not be included in the annual holiday with pay.

The Committee therefore expresses the hope that the Government will keep it informed of the measures taken to give effect to this provision by including it in the draft Code of Social Laws, as indicated in the Government's report for 1952-53.

The Committee refers to the general observation on Argentina and urges the Government to take the action called for above, at an early date.

*Bulgaria* (ratification : 29.12.1949). The Committee thanks the Government for the detailed information supplied, in reply to the observation made in 1955, particularly as regards the payment of the cash equivalent of remuneration in kind (Article 3 of the Convention), the scope of the relevant legislation (Article 1, paragraph 3), the provisions relating to persons who engage in paid employment during their holiday (Article 5), and the provisions relating to young persons, public holidays and progressively longer holidays (Article 2, paragraphs 2, 3 (a) and 5).

However, the Committee finds it necessary to refer to the observation made in 1955 in which note was taken of the fact that a worker who has not received the holiday to which he is entitled for reasons within the control of the undertaking shall receive compensation

in lieu of the holiday (sections 84 and 85 of the Labour Code and sections 12 *et seq.* of the Ordinance approved on 9 July 1952). It points out once again that no provision is made in the Convention for exceptions to the rule of annual holidays, even if compensation is given and, moreover, that Article 4 of the Convention provides specifically that any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void. The Committee would therefore be glad to know what steps the Government proposes to take to eliminate this discrepancy.

In this connection the Committee also notes that section 18 (third paragraph) of the Ordinance approved on 9 July 1952, which was attached to the Government's report for 1955-56, provides that "the management shall not be responsible if no use has been made of the right to holidays, provided that the holiday had been offered to the worker and that the latter had refused to benefit from it". The Committee points out that such a situation is in complete contradiction with the provisions of Article 4 of the Convention and it would be glad if the Government would indicate what measures it envisages taking to ensure that the workers should in fact be able in all cases to take the annual holidays to which they are entitled and that they should not be permitted to forgo such holidays.

*Burma* (ratification: 21.5.1954). The Committee takes note of the first report supplied by Burma on this Convention. It would be glad if, in its next report, the Government would supply the information requested below or indicate what action has been taken in the cases where this is considered necessary.

Article 1 of the Convention. Is the Leave and Holidays Act, 1951, applicable throughout the national territory or have different dates been appointed for its entry into force in certain areas, in virtue of section 1, paragraph 2, of the Act.

What provision is made, or what steps are being considered, to ensure the application of the Convention to the following persons:

(a) persons whose wages or basic pay exceeds 400 rupees a month and who are excluded under section 2, paragraph 4 of the Act;

(b) workers in respect of whom leave and holidays are provided under the Minimum Wages Act, 1949 (which does not fix the minimum duration of the holiday) and who are specifically excluded under section 2, paragraph 4 (d) of the Holidays Act;

(c) workers employed in factories employing less than ten workers and where a process is carried on with the aid of power, and in factories employing less than 20 workers and where power is not used, who are excluded in virtue of paragraph 1 of the schedule attached to the Leave and Holidays Act;

(d) workers employed in construction work of all kinds;

(e) workers employed in transport by road or air;

(f) workers employed in hospitals and similar establishments;

(g) workers employed in hotels and restaurants.

Since section 2, paragraph 4 (e) of the Leave and Holidays Act excludes all employees in the offices or undertakings of, or under, the Government or a local authority (not including factories or offices of factories), the Committee would be glad to know what arrangement exists to ensure that these persons enjoy an annual holiday with pay at least equal in duration to

that prescribed by the Convention, in accordance with paragraph 3 (b) of Article 1 of the Convention.

Article 2. Section 3, paragraph 2 of the Leave and Holidays Act provides that if a public holiday falls on any other holiday, an alternative holiday shall not be allowed, while Article 2, paragraph 3 (a), of the Convention provides specifically that public and customary holidays shall not be included in the annual holiday with pay. The Committee would therefore be glad if the Government would take steps to ensure the necessary modification of this provision of the Act. It would also appear necessary that the Government should adopt a measure to ensure that interruptions of attendance at work due to sickness should not be included in the annual holiday with pay, in accordance with paragraph 3 (b) of this Article of the Convention.

Article 3. In virtue of section 2, paragraph (vi) (a), of the Payment of Wages Act, read with section 4, paragraph 5 and section 2, paragraph 9, of the Leave and Holidays Act, the holiday remuneration does not include payments corresponding to the value of house accommodation, supply of light, etc. The Committee would be glad if the Government would take steps for the modification of this provision of the legislation, so as to ensure conformity with Article 3 of the Convention, which provides for the payment of the cash equivalent of any remuneration in kind.

Article 4. Section 4, paragraph 3, of the Leave and Holidays Act provides that, by agreement between the employer and worker, accumulated leave may be granted "at any time during any period not exceeding three years". Since this might entail that a worker would forgo his right to annual leave for a period of three years—while the Convention provides that any agreement to forgo a holiday shall be void—and since the Convention provides for annual holiday, the Committee would be glad if the Government would consider the modification of this provision of the legislation so as to ensure that the worker is granted every year the leave to which he is entitled.

Article 7. The Committee would be glad to know what prescriptions have been made under section 11 of the Leave and Holidays Act regarding the records and registers to be kept by employers.

Finally, the Committee would be grateful if, in its next report, the Government would supply the information requested under point V of the report form, including, "for instance, extracts from the reports of the inspection services, and, if such statistics are available, information concerning the number of workers (classified into adults and young persons under 16 years of age, including apprentices) covered by the relevant legislation, the number and nature of contraventions reported, etc."

*Cuba* (ratification: 20.7.1953). The Committee takes note of the information furnished in reply to the observation made in 1956, indicating how Article 7 of the Convention is implemented.

The Committee appreciates the fact that the annual holiday prescribed in Cuba is considerably longer than the minimum required under the Convention; it is of the opinion that, in countries where the minimum holiday is sufficiently long to cover the longer duration of the holiday for young persons and the progressive increase in the holiday prescribed in the Convention, these latter provisions may be considered as complied with. However, the Committee points out that the Convention contains provisions quite independent of those fixing minimum durations of the annual holiday,

and which must be specifically implemented even in the countries where the annual holiday is longer than the minimum prescribed in the Convention; this is the case, for example, with Article 2, paragraph 3, which provides that interruptions of work due to sickness shall not be included in the holiday, and Article 4, which provides that any agreement to relinquish the right to a holiday shall be void. It is for this reason that the Committee finds it necessary to pursue the observations already made in 1956.

Thus the Committee takes due note of the Government's statement that public holidays are not included in the holiday; it would, however, be glad if the Government would also indicate whether interruptions of attendance at work due to sickness are not included in the holiday with pay, as required under Article 2, paragraph 3 (b) of the Convention.

The Committee is pleased to note the Government's statement that no use is made of section X of Act No. 40 of 1935, which authorises a reduction or postponement of the period of leave; it would therefore be grateful if the Government would ensure full legislative conformity with Article 4 of the Convention by arranging for the repeal of section X of Act No. 40 of 1935 and of section 9 of the decree of 1953 which contains a similar provision.

*Czechoslovakia* (ratification : 12.6.1950). The Committee notes the Government's statement that the question of granting to workers on holiday the cash equivalent of remuneration in kind (Article 3 of the Convention) is to be reconsidered in connection with new holiday regulations. It expresses the hope that the steps in this connection will be described in the next report.

*Finland* (ratification : 23.8.1949). Since the Government's report contains no new information, the Committee finds it necessary to repeat the observation made in 1956, which read as follows :

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.

The Committee would be glad to know what progress has been made with regard to the above-mentioned Bill, which was to be tabled in 1955.

*France* (ratification : 23.8.1939). The Committee notes the Government's statement that interruptions of attendance at work (sickness, etc.) are not normally included in the working period with regard to which holidays are due; it would be glad, however, if the Government would indicate in its next report whether such interruptions are excluded from the holiday itself, as required under Article 2, paragraph 3 (b) of the Convention.

The Committee would also be glad to know what use, if any, has been made of section 54 (m) of the Labour Code, based on the Act of 1942, in virtue of which the annual holiday in certain undertakings may be suspended in whole or in part by decision of the Secretary of State for Labour.

*Greece* (ratification: 13.6.1952). The Committee refers to the observations made in 1955 and 1956 and notes that no steps have as yet been taken to modify section 5, paragraph 3 of the Act of 1945, which authorises suspensions in the granting of holidays, and that decisions authorising such suspensions in bakeries are still being taken on the basis of this Act. The Committee also notes the Government's statement that it was willing to abolish the relevant legislative provisions, provided the employers' and workers' organisations agreed to this step.

The Committee notes the Government's statement that it is the employers and workers in the baking trade who desire the continuation of the suspension of holidays, but it points out that this does not justify such suspensions since it was precisely with a view to preventing any relinquishment of the right to holidays by agreement between employers and workers that Article 4 of the Convention provides : "any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void."

The Committee therefore feels that the abrogation of section 5, paragraph 3 of the Act of 1945 is necessary and it would be glad if the Government would now take the necessary measures in this connection.

The Committee takes due note of the statement made by a Government representative before the Conference Committee in 1956 indicating that in the event of an amendment of the legislation, the Government would take the necessary steps to eliminate the small discrepancy noted with regard to the payment of the cash equivalent of remuneration in kind (Article 3 of the Convention).

*Israel* (ratification : 22.8.1951). The Committee notes that the Bill amending section 35 of the Annual Holidays Act, 1951, is still pending before Parliament. It hopes that it will be informed as soon as the amendment enters into force.

*Italy* (ratification : 22.10.1952). Having taken note of the information furnished by the Government in reply to the observation made in 1956, the Committee finds that the position of wage earners, as opposed to salary earners, in Italy with regard to the Holidays with Pay Convention may be summarised as follows : the principle of the right to an annual holiday with pay is laid down in the Constitution and the Civil Code; the duration of the holiday is not fixed by either of these texts but is determined by collective agreements or, failing agreements, in accordance with custom or equity; the Government informed the Conference Committee that it had no authority to check whether the minimum duration of the holiday prescribed in the Convention, or any of the other provisions of the Convention, were included in collective agreements.

The Committee finds therefore that, although the principle of an annual holiday with pay is prescribed for all workers in Italy, it is not certain that, for example, the holiday always constitutes at least six working days (Article 2, paragraph 1), that all young workers are entitled to 12 working days' holiday (Article 2, paragraph 2), that public holidays and interruptions of attendance at work due to sickness are not included in the holiday (Article 2, paragraph 3), that any agreement to relinquish the right to an annual holiday with pay or to forgo such a holiday shall be void (Article 4), that every employer shall be required to keep records in a form approved by the competent authority (Article 7), etc.

Consequently, the Committee refers to the opinion which it expressed in 1956; it considers that in the

present circumstances it is not apparent that all the provisions of the Convention are fully applied in Italy to all the workers concerned by means of the collective agreements in force; it therefore draws the attention of the Government to the necessity of adopting legislation ensuring the application of the minimum requirements of the Convention, in so far as they may not be already clearly implemented by existing provisions of the legislation or collective agreements, it being understood that higher standards could be fixed by collective agreements.

*Mexico* (ratification : 9.3.1938). The Committee takes note with much satisfaction of the modifications made in section 82 of the Labour Code, so as to ensure a minimum holiday with pay, to be taken continuously, of at least six working days for adults and 12 for young persons under 16 years, to prescribe a specified increase in the duration of the holiday according to the length of service, and to provide that employers shall deliver to their workers a note regarding holidays due. The Committee thanks the Government for the action taken in this connection which ensures fuller implementation of the provisions of the Convention.

It would, however, be glad if the Government would indicate in its next report—

(a) what are the provisions which ensure that public holidays and interruptions of attendance at work due to sickness shall not be included in the holiday (Article 2, paragraph 3);

(b) in what manner the holiday remuneration is fixed (Article 3); and

(c) what measures ensure that any agreement to relinquish the right to annual holidays with pay or to forgo such holidays shall be void (Article 4) and that compensation should not be given in lieu of holidays.

*Uruguay* (ratification : 18.3.1954). The Committee takes note with interest of the Government's detailed first report.

As regards Article 1 of the Convention, the Committee notes that section 1 of the Act of 17 December 1945 provides for annual holidays with pay in the case of "every salaried and wage-earning employee under contract of service with a private individual or privately-owned public utility undertaking". The Committee would be glad if the Government would indicate in its next report what provisions govern the granting of holidays to employees in public undertakings or establishments, which fall within the scope of the Convention.

With regard to Article 4 of the Convention, which provides that any agreement to relinquish the right to holidays shall be void, the Committee notes that the corresponding prohibition laid down in section 9 of the Act of 17 December 1945 allows certain exceptions; thus section 10 of this Act provides that, in the case of skilled workers, regulations shall lay down rules for the granting of cash compensation for holidays not taken. It appears to the Committee that the legislation permits a cash compensation to be substituted for the whole of the holiday and it points out that such an exception would not be in conformity with the Convention.

Finally, the Committee would be glad if the Government would indicate in its next report what provisions ensure that public holidays and interruptions of attendance at work due to sickness shall not be included in the annual holiday, as prescribed in Article 2,

paragraph 3 of the Convention. It would also be glad to know what are the provisions requiring employers to keep records of the data prescribed in Article 7, paragraphs (a) and (c), and if the Government would supply specimen copies of the form of record approved in this connection by the competent authority.

*Viet-Nam* (ratification : 6.6.1953). The Committee took note with interest of the first annual report supplied by the Government on this Convention.

The Committee found that section 208 of the Labour Code of 1952, whilst providing that any agreement to relinquish the right to holidays shall be void, nevertheless authorises the wage earner to postpone all or part of his holiday until the end of his contract. The Committee points out that this provision, which might entail the postponement of the holiday for a prolonged period, is not compatible with the Convention, which establishes the right to an annual holiday with pay, without any exceptions. In this connection it should be noted that Article 4 of the Convention lays down that "any agreement to relinquish the right to an annual holiday with pay, or to forgo such a holiday, shall be void". The Committee hopes that the Government will take steps to prevent any such undue postponements.

The Committee would also be glad if the Government would supply further information on the following points :

1. The special legislation, mentioned in section 1 of the Code, governing persons employed on aircraft (Article 1, paragraph 1 (c) of the Convention).

2. The measures ensuring the application of Article 2, paragraph 3, of the Convention which provides that public and customary holidays and interruption of work due to sickness shall not be included in the holiday.

3. Information on the practical application of the relevant legislation, including in particular information on the organisation and working of inspection (point III of the report form), and extracts from the reports of the inspection services and any available statistics (point V of the report form).

*Yugoslavia* (ratification : 29.3.1953). The Committee notes with interest the information supplied by the Government in reply to the observation made in 1956. It takes due note of the statement that no use is made, in practice, of section 5 of the decree of 4 July 1946, which authorises certain exceptions in the granting of annual holidays, and expresses the hope that the Bill respecting labour relations which, according to the report, is to modify this provision of the decree of 4 July 1946, will shortly come into force.

As regards Article 3 of the Convention, the Committee notes the statement that no workers in Yugoslavia receive any part of their remuneration in kind; it points out, however, that this term includes such payments in kind as the supply of board, lodging, light, etc., and it would be grateful if the Government would state in its next report whether no such payments are in fact granted to workers in Yugoslavia.

*Convention No. 53 : Officers' Competency Certificates, 1936.*

Number of reports requested : 12.

Number of reports received : 12.

*Bulgaria* (ratification : 29.12.1949). The Committee notes the information supplied by the Government in its report for 1954-55 and, in particular, the require-

ments prescribed in the relevant regulations with regard to the duties of captain, engineer, mechanic and pilot, and the exceptions provided for in the case of ships of less than 20 registered tons or of ships having engines of less than 30 horsepower.

The report however does not indicate in detail, and in the manner requested in the report form, the legislation or regulations by which Articles 3, 4, 5 and 6 of the Convention are applied. The Committee would therefore be glad if the Government would in its next report supply the information requested in the form.

*Egypt* (ratification : 20.5.1939). The Committee notes that 2½ per cent. of the persons occupying junior positions still do not hold the prescribed certificates of competency (Article 3 of the Convention). The Committee would be grateful if the Government would indicate, in the next report, the number of persons covered by the percentage given and whether this includes masters or skippers, navigating officers in charge of a watch, chief engineers or engineer officers in charge of a watch.

*Mexico* (ratification : 1.9.1939). The Committee thanks the Government for the information supplied concerning the national legislation which empowers the administrative authorities to detain vessels registered in the country on account of a breach of the provisions of the Convention (Article 5 of the Convention).

*Convention No. 55: Shipowners' Liability (Sick and Injured Seamen), 1936.*

Number of reports requested : 6.

Number of reports received : 6.

*Bulgaria* (ratification : 29.12.1949). The Committee thanks the Government for the information supplied regarding the measures giving effect to the provisions of Articles 5, 6, 7 and 8 of the Convention.

*France* (ratification : 19.6.1947). The Committee thanks the Government for the information supplied in reply to the request made in 1956; it notes with interest that in the two judgments pronounced in 1956, the Supreme Court of Appeal concluded that an accident having occurred at a port of call should be considered as an industrial accident. The Committee would be grateful if the Government would keep it informed of the judgment to be given in the similar case which is still pending before the Council of State.

*Italy* (ratification : 22.10.1952). The Committee takes note with interest of the information communicated by the Government, according to which the Bill which is to bring the national legislation into conformity with Articles 6 and 11 of the Convention has been approved by the Ministry of the Mercantile Marine.

The Committee therefore once again expresses the hope that the Act which is to ensure full conformity between the national legislation and the Convention, will shortly come into force.

*Mexico* (ratification : 15.9.1939). The Committee thanks the Government for the information supplied in reply to last year's observation to the effect that Article 8 of the Convention is applied by section 684, paragraph X, of the Commercial Code of 7 October 1889, as amended on 3 May 1946 and 6 January 1954, the provisions of which are of general application and cover all types of vessels.

*Convention No. 56: Sickness Insurance (Sea), 1936.*

Number of reports requested : 4.

Number of reports received : 4.

*Bulgaria* (ratification : 29.12.1949). The Committee notes with interest the information supplied by the Government on the measures giving effect to Articles 4, 6 and 7 of the Convention and on its practical application.

*Convention No. 58: Minimum Age (Sea), 1936.*

Number of reports requested : 15.

Number of reports received : 15.

*Belgium* (ratification : 11.4.1938). The Committee notes with interest that the Bill to amend the Act of 5 June 1928 was to be presented to Parliament at the beginning of 1957, and looks forward to receiving information concerning its enactment.

*Bulgaria* (ratification : 29.12.1949). See under Convention No. 7.

*Cuba* (ratification : 20.7.1953). The Committee notes that only a few permits to work on board ship were granted to children under 15 years of age, and that these permits were granted only after it was ascertained that such employment would not interfere with the children's education nor injure their health. The Committee notes, however, that no specific legislation exists on this subject, as all provisions to which the Government refers fix the minimum age for admission of children to maritime work at 14 years. It would accordingly be grateful if the Government would take measures at an early date to raise the age for employment from 14 to 15 years, so as to bring its legislation into conformity with Article 2 of the Convention.

*Uruguay* (ratification : 18.3.1954). The Committee notes that no legislation has yet been enacted to give effect to the provisions of the Convention, but that the question is being examined by a special committee set up in October 1955. It trusts that the work of this committee will lead to the adoption of the necessary legislation in the near future, and would be grateful if the Government would then supply the information requested under each point of the report form.

*Convention No. 59: Minimum Age (Industry) (Revised), 1937.*

Number of reports requested : 6.

Number of reports received : 6.

*China* (ratification : 21.2.1940). The Committee notes that under sections 3 and 4 of the Factory Act, factories are requested to submit to the competent authorities for information a register of all workers, including young workers (Article 8, paragraph 4 of the Convention). As the Convention also applies to young persons employed in mines, the Committee would be glad if the Government would supply in its next report the information requested in 1956 as regards the definition of the term "young worker" in section 5 of the Mines Act and as regards the keeping of registers of young miners.

The communication with the next report of the text of the Mines Act as amended in 1950, as requested under Convention No. 45, would also be appreciated.

*Cuba* (ratification: 7.9.1954). The Committee thanks the Government for the information contained in

its first report on the application of this Convention. The Committee observes that the legislation of Cuba accords with the provisions of the Convention, except that section 1 of Decree No. 883 fixes the minimum age for work in industry at 14 years instead of 15 years (Article 2 of the Convention) and notes that the Government intends to prepare a presidential message to the Congress of the Republic suggesting that it would be appropriate to add a paragraph to Decree No. 883 forbidding the employment of children under 15 years of age in industry.

The Committee would be grateful to the Government if it would indicate in its next report the progress made in this respect.

*Italy* (ratification: 22.10.1952). The Committee took note of the information supplied by the Government concerning the Bill which is to raise to 15 years the minimum age for the admission of children to employment, and the statement in the report that the difficulties regarding the employment of children after they leave school at 14 years will soon be overcome. The Committee expresses the hope that it will be possible to adopt this new legislation at an early date so as to ensure full conformity with the provisions of the Convention.

*New Zealand* (ratification: 8.7.1947). The Committee thanks the Government for the information supplied in its annual report in reply to the observations made in 1956, from which it appears that a Bill to amend the Factories Act, which would forbid the employment of children under the age of 15 years, and which would thus bring the legislation into conformity with Article 2 of the Convention, is now before Parliament. The Committee would be grateful if the Government would in its next report indicate the progress made in this respect.

*Uruguay* (ratification: 18.3.1954). See under Convention No. 58.

*Convention No. 60: Minimum Age (Non-Industrial Employment) (Revised), 1937.*

Number of reports requested: 5.

Number of reports received: 5.

*Bulgaria* (ratification: 29.12.1929). The Committee thanks the Government for the information which it has supplied as regards the questions raised by the Committee of Experts in 1955 in regard to Articles 5, 6 and 7 of the Convention.

As regards Article 2 of the Convention, the Committee notes that while the report states that the age for the admission of young persons to employment is in fact 16 years, section 113 of the Labour Code only prohibits young persons below the age of 14 years from being admitted to employment, whereas the Convention fixes the minimum age at 15 years.

The Committee further notes that young persons between 14 and 16 years of age may be admitted to employment in exceptional cases with the special permission of the labour inspector (section 113, paragraph 3, of the Labour Code) and after a medical examination. However—as was pointed out by the Committee in 1955—the Labour Code does not stipulate, as does Article 3, paragraph 1, of the Convention, that children over 13 years of age may be employed outside the hours fixed for school attendance only on light work which is not harmful to their health and normal development, and provided such employment

is not likely to prejudice attendance at school or capacity to benefit from the instruction there given.

In addition, the Labour Code does not specify the number of hours per day during which children over 14 years of age may be employed on light work (Article 3, paragraph 3) or that light work shall be prohibited on Sundays and legal public holidays (Article 3, paragraph 4 (a)), nor does it specify what form of employment may be considered to be light work, or what are the preliminary conditions to be complied with as safeguards before children may be employed on light work (Article 3, paragraph 6).

The Committee hopes that the necessary amendments will be made to bring the national legislation into full conformity with the Convention.

*Cuba* (ratification: 7.9.1954). The Committee thanks the Government for the information supplied in its first report. The Committee observes that, as the legislation fixes 14 years as the minimum age for non-industrial employment, it does not conform to Article 2 of the Convention, which fixes that age at 15 years. The Committee would be grateful if the Government would indicate what measures it intends to take to bring the legislation into harmony with the Convention.

The Committee would further be glad to know whether measures have been taken for the identification and supervision of children in the employments and occupations covered by Article 6 (itinerant trading, etc.), as required by Article 7 (c) of the Convention.

*Italy* (ratification: 22.10.1952). See under Convention No. 59.

*New Zealand* (ratification: 8.7.1947). Since the report again indicates that no amendments have been made in the legislation, the Committee would urge that steps be taken at an early date to eliminate the following discrepancies first referred to in 1953:

Article 3 of the Convention only allows the employment of children over 13 years of age outside school hours on light work and under specified conditions, whereas Regulation No. 10 of the Education (School Age) Regulations, 1943, allows such employment of children—even those between 7 and 15 years—on the production of a certificate of exemption, or of satisfactory evidence that they are exempted from the obligation to be enrolled as pupils in any school.

Article 4 provides for safeguards for the employment of children under 15 years of age as entertainers or actors, whereas the Infants' Act, 1908 only prescribes a licence and safeguarding conditions for children between 7 and 10 years of age. The same observation applies as regards the provision of this Article ensuring for children under 15 years of age adequate rest and the continuation of their education (paragraph 2 (b)).

Article 5 lays down the obligation of fixing a higher age or ages than 15 for dangerous work, whereas it would appear that boys can be admitted to such employment at the age of 14.

Article 6 provides for the fixing of a higher age than 15 years for the admission to employment to itinerant occupations, whereas the Infants' Act fixes this age at ten years.

Article 7 of the Convention provides for measures to enforce its provisions, whereas the New Zealand legislation does not appear to provide for suitable measures for facilitating the identification and super-



vision of young persons engaged in the occupations covered by Article 6.

The Committee recalls that a Government delegate stated before the Conference Committee in 1953 that the existing discrepancies between the legislation and the Convention were merely formal in character, and gave an assurance that child labour was in no way exploited in New Zealand. Since the Government also indicated at that time that it had the firm intention of bringing the legislation into line with the Convention, the Committee hopes that steps to this end will be taken without delay.

*Uruguay* (ratification : 18.3.1954). See under Convention No. 58.

*Convention No. 62 : Safety Provisions (Building), 1937.*

Number of reports requested : 9.

Number of reports received : 9.

*Belgium* (ratification : 3.10.1951). The Committee notes with interest that, as regards the adaptation of the provisions of the general regulations concerning the protection of workers to those of Article 7, paragraph 8, and of Article 13 of the Convention, draft orders are shortly to be submitted to the Council of State. It expresses the hope that the next report of the Government will contain detailed information on this question.

*Bulgaria* (ratification : 29.12.1949). The Committee thanks the Government for its report and for providing copies of the "Rules and Standards for Occupational Safety in Construction and Erection Work" and the "Regulations concerning Hoisting Appliances", which were appended to the report. The Committee regrets that these regulations were received too late to permit detailed study. It notes, however, that this legislation gives effect to a considerable extent to the requirements of the Convention.

However, the Committee ventures to point out that the above-mentioned legislation and the Labour Code, 1951, do not appear to contain any provisions giving effect to the following requirements of the Convention :

Article 7, paragraph 1 (provision of scaffolds for all work which cannot be safely done from a ladder or by other means).

Article 7, paragraph 6 (special precautions to test strength and stability of scaffolds before installing lifting gear).

Article 8, paragraph 1 (a) (construction of working platforms, gangways and stairways so as to prevent undue or unequal sagging).

Article 13, paragraph 2 (minimum age to be prescribed by national legislation for operators of hoisting appliances).

Article 17 (provision of rescue equipment where there is a risk of drowning).

The Committee finds that partial effect only is given to the following provisions of the Convention :

Article 7, paragraph 2 (a). The Rules and Standards for Occupational Safety (sections 285, 286, 300, 301) require, in the case of construction and alteration of scaffolds, only the previous approval of plans and inspection after construction, by competent persons, and section 306 of the Rules and Standards requires supervision only for the taking down of scaffolding and not during its construction or substantial alteration as provided for in this paragraph of the Convention.

Article 12. The Regulations concerning Hoisting Appliances (sections 100, 114, 115, 116, 117, 126 and 129) provide for initial and periodical inspection and testing. There is, however, no prescription concerning the intervals between periodical inspections.

Article 14, paragraph 1. The Regulations concerning Hoisting Appliances (sections 100, 114, 117, 126, 129 and 143) require the measurement of deflection under the maximum permissible load, the inspection, testing and certification of hoisting appliances. However, the Regulations do not specify that the testing and certification shall aim at the determination of the safe working load.

The Committee would be glad if the Government would be good enough to reconsider the regulations in force as regards Article 7, paragraph 4; Article 11, paragraphs 1(b) and 2; and Article 16—which appear to be largely, but not completely, applied—so as to give full effect to these provisions of the Convention. It also appears that in respect of Article 18 more information is necessary.

The Committee would also be glad if the Government would take the necessary measures to give effect to the various requirements of the Convention enumerated above, and to provide information on these measures in its next report. The Committee would also be grateful if the Government would, in accordance with Article 6 of the Convention, "communicate annually to the International Labour Office the latest statistical information relating to the number and classification of accidents occurring to persons occupied on work within the scope of the Convention".

*Finland* (ratification : 8.4.1947). The Committee notes with satisfaction that the amendments made in the Finnish legislation eliminate most of the divergencies which had existed. It appears, however, that full effect is not given to Article 15, paragraph 3, of the Convention which provides that "adequate precautions shall be taken to reduce to a minimum the risk of any part of a suspended load becoming accidentally displaced". The Committee hopes that the Government will find it possible to supplement the regulations on this point and would be grateful if it would indicate, in its next report, what measures have been taken in this connection.

*France* (ratification : 16.12.1950). The Committee notes with interest that the legislative revision which will ensure conformity between the legislation and the various articles of the Convention is now taking place, and expresses the hope that it will shortly be completed.

*Mexico* (ratification : 4.7.1941). The Committee has noted the accident statistics for the building industry furnished in the report and the information received with respect to the state of Guerrero, indicating that safety measures are taken and observed in the building industry, and with respect to the state of Morelos, indicating that the Government calls upon the persons connected with construction undertakings to ensure compliance with the provisions of the Convention. The Committee would be happy if more complete information could be furnished in the next report with regard to the practical effect given to the Convention in the states mentioned above and in the other states.

The Committee also notes, with respect to Article 13, paragraph 2, of the Convention, that the minimum age prescribed for persons in control of hoisting machinery corresponds to the age limit of 16 years established by the Federal Labour Act.



The Committee would be grateful to the Government, however, if it would furnish in its next report details concerning the measures taken to give effect to the following provisions of the Convention, some of which were the subject of requests for information in 1953, 1954 and 1955.

1. In what manner are employers required to bring the laws and regulations referred to in the Convention to the notice of all persons concerned (Article 3 (a))?

2. How are the persons responsible for compliance with such legislation defined (Article 3 (b))?

3. What are the national laws or regulations relating to working-platforms, gangways and stairways? In particular, what are the provisions determining the height above which working-platforms and gangways must be closely boarded and suitably fenced (Article 8, paragraphs 1 and 2)?

4. What provisions in the national laws or regulations prescribe the required measures to prevent the fall of persons or material through openings in floors or working-platforms and fix the height above which special precautions must be taken to prevent the fall of persons or material when persons are employed on a roof? What precautions are taken to prevent persons being struck by articles which might fall from scaffolds or other workplaces (Article 9, paragraphs 1, 2 and 3)?

5. What measures are taken to ensure adequate lighting of all workplaces and of the means of approach thereto and to prevent materials on the site being so stacked or placed as to cause danger to any person (Article 10, paragraphs 3 and 5)?

6. What are the legal provisions or regulations relating to the quality, strength, etc., of hoisting machines and ropes (Article 11)?

7. What are the national laws or regulations which prescribe the intervals at which hoisting machines and tackle, and chains, rings, hooks, etc., used as means of suspension shall be re-examined and tested (Article 12, paragraphs 1 and 2)?

8. What means are prescribed to determine the safe working-load of hoisting machines, chains, rings, etc., to mark hoisting machines with the safe working-load and to prevent the same from being loaded beyond the safe working-load (Article 14)?

9. What measures are prescribed to ensure the efficient safeguarding of motors, gearing, electric wiring, etc., of hoisting appliances and to reduce to a minimum the risk of the accidental descent or displacement of the load (Article 15, paragraphs 1, 2 and 3)?

10. What measures are taken to ensure the prompt rescue of any person in danger of drowning when work is carried on in proximity to any place where there is a risk of drowning (Article 17)?

11. What measures are prescribed to ensure prompt first-aid treatment for any person injured during the course of the work (Article 18)?

*Poland* (ratification : 17.4.1950). The Committee notes with interest that provisions relating to safety in the building industry are in course of preparation and looks forward to receiving copies thereof as soon as possible, so that it may be ascertained to what extent effect is given to those Articles of the Convention which, as indicated in last year's observation, are not yet applied (Article 8, paragraph 2 (b) and Article 17).

The Committee is glad to note that the Order of the Ministries of Labour and Social Welfare and of Health respecting occupational safety and hygiene

in the operation of cranes dated 20 March 1954 (sections 26 and 27) gives effect to the requirements of Article 14, paragraph 2 of the Convention.

As the report does not contain any information regarding the practical application of the Convention, the Committee would be grateful if the Government would in future reports be good enough to supply the information requested in the form of report.

*Uruguay* (ratification : 18.3.1954). The Committee thanks the Government for its first report, from which it appears that, with the exception of certain important provisions, most of the requirements of the Convention are met by national legislation. The Committee would accordingly be grateful if the Government would indicate in its next report what measures it intends to take to ensure the application of the following provisions of the Convention :

Article 3 (a) : employers' obligation to bring the laws and regulations applying the Convention to the notice of all persons concerned;

Article 10, paragraph 2 : ladders securely fixed and providing secure handhold and foothold at every position;

Article 11, paragraphs 1 and 2 : sound construction of all hoisting machines and tackle and hoisting ropes; good quality, strength and working order of these machines;

Article 12, paragraphs 1 and 2 : examination and testing of hoisting machines at intervals prescribed by national legislation, and periodical examination of chains, rings, hooks, etc., used in hoisting or lowering materials or as a means of suspension;

Article 14, paragraphs 1, 3 and 4 : ascertainment of the safe working-load of all hoisting machines, chains, rings, hooks, etc., and indication of the safe working-load where it is variable; prohibition of loading hoisting machines beyond the safe working-load;

Article 15, paragraphs 2 and 3 : adequate precautions to reduce to a minimum the risk of descent or displacement of loads.

The Committee would also be glad if the Government would in its next report supply the information on the practical application of the Convention requested by the report form, particularly as to the number and nature of contraventions and the number, nature and causes of accidents.

*Convention No. 63 : Convention concerning Statistics of Wages and Hours of Work, 1938.*

Number of reports requested : 20.

Number of reports received : 19.

Report not received : 1.

(*Mexico.*)

*Australia* (ratification : 5.9.1939). The Committee notes from the Government's report that commencing with the March quarter of 1956 statistics of wage rates in agriculture are no longer published. The Committee would be glad if the Government would indicate in its next report what steps are to be taken to ensure continued compliance with Article 22 of the Convention, which provides for the compilation of wage statistics in respect of wage earners engaged in agriculture.

*Ceylon* (ratification : 25.8.1952). The Committee wishes to thank the Government for the information supplied in response to the observation made in 1956. It notes with interest that statistics of average earnings,

actual hours of work, time rates of pay and normal hours of work for mining (plumbago mining) are compiled and published in accordance with Articles 5 and 13 of the Convention; that index numbers of the general movement of time rates of pay are compiled and are shortly to be published in accordance with Article 12; and that index numbers of the general movement of average earnings have been compiled and published in accordance with Article 21.

The Committee notes, on the other hand, that it is not proposed to compile and publish statistics of average earnings separately for juveniles. It must point out that this is required to be done at least once every three years under Article 10, paragraph 2, of the Convention and hopes that the Government will find it possible to comply with this provision.

*Cuba* (ratification : 7.9.1954). The Committee wishes to thank the Government for its first report on the application of the Convention, from which it appears that progress is being made, with technical assistance supplied by the I.L.O., in compiling and publishing statistics of wages and hours of work.

The Committee would be glad to be informed in the next report of the measures taken to give effect to the following requirements of the Convention :

(a) extension of statistics of average earnings to the building and construction industry (Article 5 of the Convention);

(b) compiling of statistics of hours actually worked by the workers covered by the statistics of average earnings (Article 5);

(c) computation of index numbers showing the movement of average earnings (Article 12);

(d) provision of information as to the nature and source of statistics of wage rates, the definition of the term "wage rates", and the area covered by these statistics (Articles 11, 14 and 18);

(e) provision of statistics of wage rates for female workers, to the extent that the source of information on wage rates provides such data (Article 17);

(f) computation of index numbers showing the general movement of wage rates (Article 21); and

(g) provision of statistics of wages in agriculture (Article 22).

The Committee would also be grateful if the Government would include in its next report detailed information on the effect given to the various provisions of Part III of the Convention (statistics of time rates of wages and of normal hours of work in mining and manufacturing industries), because the report merely states that an attempt is being made to give effect to this Part, whereas hourly rates of pay of adult male wage earners in selected occupations are, in fact, being regularly transmitted to the I.L.O. by the Government.

*Czechoslovakia* (ratification : 12.6.1950). The Committee notes that the only new information supplied in the report consists of statistics of average monthly wages for industry and for building and construction respectively. The Committee is bound, therefore, to repeat once again its previous observation drawing attention to the obligation under the Convention to compile statistics of time rates of wages and normal hours of work (Articles 13 to 21 of the Convention), as well as statistics of average earnings and of hours of work (Articles 5 to 10 and 22 of the Convention).

The Committee was nevertheless informed in this connection that statistics of average earnings, as

called for, *inter alia*, by Part II of the Convention, are now being published by the Government and regularly transmitted to the International Labour Office.

In these circumstances the Committee would be grateful if the Government would find it possible in its next report to indicate in detail the effect which is given to the various Articles of the Convention, in accordance with the report form adopted by the Governing Body.

*Denmark* (ratification : 22.6.1939). The Committee notes that the statistics of hours actually worked published in the *Statistical Year Book for 1955* refer to September 1953. It hopes that the Government will endeavour, in future, to publish data collected at intervals of 12 months during the succeeding 12 months as required in Article 1 (b) of the Convention.

*Egypt* (ratification : 5.10.1940). Referring further to its observation of 1956, the Committee was glad to learn that index numbers showing the general movement of earnings per week are shortly to be compiled in conformity with Article 12 of the Convention.

In respect of the compilation of separate statistics of earnings according to sex and age, as required by Article 10, paragraph 2, of the Convention, the Committee notes that such data are not compiled because women comprise about 3 per cent. of total employment in Egyptian industry, and juveniles no more than 9 per cent. The Committee observes that Article 10 calls for the compilation of separate statistics by age and sex, except when "all but an insignificant number of the wage earners" belong to the same sex or age group. As the above-mentioned percentages of women and juveniles in relation to total employment do not appear to be insignificant, the Committee trusts that the Government will find it possible to compile and publish the statistics provided for in Article 10, paragraph 2, of the Convention.

*Finland* (ratification : 8.4.1947). The Committee was glad to learn that statistics of average hourly earnings in the building industry were being prepared (Article 5 of the Convention) and were to be published during 1956. The Committee would be grateful if the Government's next report would indicate the date of publication of these statistics.

*France* (ratification : 28.6.1951). The Committee notes with interest that separate statistics of earnings were compiled for juveniles in 1955, as provided for in Article 10, paragraph 2 of the Convention.

Referring further to its observation of 1956, the Committee notes that it has not yet been possible to extend the inquiry on occupational wage rates to industries other than the mining and metallurgical industries. The Committee hopes that it will be possible to extend the inquiry to the main occupations in the other important industries, as provided in Article 15, paragraph 1, of the Convention.

*Federal Republic of Germany* (ratification : 22.6.1954). The Committee wishes to thank the Government for its particularly comprehensive and detailed first report on the application of the Convention. It would be grateful if the next report would also indicate:

(a) when it will be possible to supplement statistics of average earnings in the mining industry by particulars of allowances in kind (Article 7 of the Convention);

(b) when figures for the mining industry are to be included in the index numbers of average earnings (Article 12);

(c) whether collective agreements in the mining industry provide for time rates of wages to be supplemented by particulars of payments in kind (Article 20); and

(d) when the proposed index numbers of time rates of wages will be compiled (Article 21).

*Mexico* (ratification : 16.7.1942). Since the report for 1955-56 has not arrived, the Committee feels obliged to repeat its previous observation which read as follows :

The Committee notes 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.

The Committee hopes that the Government will be able, at an early date, to take the action called for above.

*Norway* (ratification : 29.3.1940). The Committee noted with interest from the Government's reply to the observation made in 1956 that statistics of hours actually worked were prepared in connection with the wage census and would be published in September 1956. Because the Government adds, however, that no concrete plans have been made concerning the compilation of such statistics on a yearly basis, the Committee ventures to point out that Article 10, paragraph 1, of the Convention provides for the preparation of these data at least once every year. The Committee would be glad to be informed of the Government's decision in this connection.

*Sweden* (ratification : 21.6.1939). The Committee noted from the information supplied to the Conference Committee in 1956, in reply to the observation of the same year, that the question of the compilation of statistics of hours of work in the building and construction industries (Article 5, paragraph 1, of the Convention) was to be considered in connection with a proposal on statistics of production, employment, etc., submitted by the Board of Trade. The Committee would be glad to be kept informed of any action taken in compliance with the above Article.

As regards statistics of actual hours of work in manufacturing industries provided for in the same Article, the Committee notes that no reference to them is made in the Government's report. It would be glad if particulars on their compilation and publication could be supplied in the next report.

*Union of South Africa* (ratification : 8.8.1939). The Committee notes with interest from the Government's reply to the observation made in 1956 that the " interim index of wage rates " satisfies the requirements of the

index to be compiled and published in compliance with Articles 1 (b) and 21 of the Convention.

*Uruguay* (ratification : 18.3.1954). The Committee notes from the Government's first report that, while the substantive Articles of the Convention have not yet been applied, a Committee has been set up to study its application, and statistics complying with the different Articles of the Convention will be made available in 1957 and 1958. The Committee would be glad to learn, on the occasion of the next report, what progress has been made in giving effect to the Convention.

*Convention No. 64: Contracts of Employment (Indigenous Workers), 1939.*

Number of reports requested : 3.

Number of reports received : 3.

No observations.

*Convention No. 65: Penal Sanctions (Indigenous Workers), 1939.*

Number of reports requested : 2.

Number of reports received : 2.

No observations.

*Convention No. 67: Hours of Work and Rest Periods (Road Transport), 1939.*

Number of reports requested : 2.

Number of reports received : 2.

*Cuba* (ratification : 20.7.1953). The Committee notes from the first report on the application of this Convention that the Government refers to Decree No. 2513 of 1933, which ante-dates the present national Constitution and which contains provisions that do not concur fully with article 66 of the Constitution. The Committee would be glad to know whether the decree in question is still in force, or whether the decree has been declared unconstitutional in whole, or in part, in conformity with article 194 of the said Constitution. In the latter case the Committee would be glad to have the text of the declarations of unconstitutionality together with the modified text of the decree of 1933 as it is now enforced. The Committee would be glad to have the same information regarding the Order of 4 January 1934 respecting the eight-hour day, which provides for the weekly rest day, and regarding Legislative Decree No. 800 of 1936 which is mentioned in the Government's report.

The Committee would be grateful if, in its next report, the Government would supply information on the following points :

(a) the provisions by which the competent authority has fixed the maximum number of hours which may separate the beginning and end of the working day, and the hours so fixed (Article 8);

(b) the provisions which specify that no driver may drive for more than five hours at a time and the minimum duration of the rest interval fixed in this connection (Article 14, paragraphs 1 and 2);

(c) the provisions which prescribe a daily rest period of at least 12 consecutive hours (Article 15);

(d) the form of the record to be kept by employers and the individual control books to be issued to the persons covered by the Convention (Article 18, paragraphs 2 and 3).

*Uruguay* (ratification : 18.3.1954). The Committee took note with interest of the very detailed first report submitted on the application of this Convention.

Article 1 of the Convention. The Committee notes that section 9 of the decree of 15 May 1935 provides that the limitation of the hours of work shall not apply to the "drivers of hackney carriages (horse and motor vehicles)". The Committee would therefore be glad if the Government would take the necessary steps to ensure the application of the hours of work provisions to the drivers of such vehicles.

Article 8. The Committee notes that the maximum number of hours which may separate the beginning and the end of the working day is not fixed by regulations but is sometimes provided for by agreement. It points out that this Article of the Convention provides that this shall be done by the competent authority in all cases and it would be glad if the Government would ensure that the maximum spread-over of the working day is fixed for all road transport workers.

Article 13. With regard to the overtime which may be authorised under this Article, the Government refers to the decree of 1935. Since, however, it is not clear from this decree whether overtime in excess of the 48-hour week may be worked, the Committee would be glad to know if such overtime is authorised in Uruguay. If this is the case, the Committee would like to know what provisions regulate the authorisation of overtime and, if the maximum number of additional hours is not fixed, what measures exist to ensure that time-and-a-half rates are paid for overtime to all road transport workers, in accordance with paragraph 3 of this Article.

Finally, the Committee would be grateful if the Government would include in its next report supplementary information on the following points :

(a) the measures taken to ensure that the exclusion of owners and members of the family from the relevant provisions should only be granted subject to certain protective measures (Article 3, paragraphs (a) and (b));

(b) what provision is made to ensure that the drivers of road transport vehicles (other than the collective transport vehicles mentioned in the Government's report) shall not drive for more than five hours, and what rest interval has been fixed in this connection (Article 14, paragraphs 1 and 2);

(c) what provision ensures that a rest period of at least 12 consecutive hours shall be granted daily (Article 15, paragraph 1);

(d) the measures taken to consult the employers' and workers' organisations concerned with respect to exceptions authorised by decree (Article 17).

#### *Convention No. 69 : Certification of Ships' Cooks, 1946.*

Number of reports requested : 11.

Number of reports received : 10.

Report not received : 1.

(*Portugal.*)

*Belgium* (ratification : 5.12.1951). The Committee notes with interest that the Bill to give effect to the provisions of the Convention was laid before the Senate on 30 May 1956, and would be glad to be kept informed of the progress made by this Bill.

*Bulgaria* (ratification : 29.12.1949). The Committee notes the resolution of the Council of Ministers, dated 31 August 1956, which provides for the organisation

of practical and theoretical examinations for cooks, including ships' cooks, and the issue of certificates to successful candidates. The Committee however considers that this resolution at most gives only partial effect to Article 4, paragraph 1 of the Convention, and notes that the report does not indicate whether there exists any provision corresponding to Article 3, paragraph 1, which constitutes the basic provision of the Convention.

The Committee would therefore be grateful if the Government would in its next report supply fuller information on the provisions of Bulgarian legislation relating to the following Articles of the Convention :

(a) Article 1, paragraph 1 (scope);

(b) Article 1, paragraph 2 and Article 3 (definitions of "seagoing vessels" and "ships' cooks");

(c) Article 3, paragraphs 1 and 2 (only persons holding certificates of qualification shall be engaged as ships' cooks);

(d) Article 4, paragraph 2 (conditions required in connection with the granting of a certificate of qualification);

(e) Article 4, paragraph 3 (tests to be included in the written examination); and

(f) Article 6 (recognition of certificates of qualification issued in other territories).

*France* (ratification : 9.12.1948). The Committee notes the information supplied by the Government indicating that 29 July 1956 was the final date prescribed in section 5 of Order No. 25 of 29 July 1953, under which certificates of qualification for cooks could be issued to persons not holding a certificate of occupational aptitude, provided certain minimum requirements of age and length of service were complied with.

The Committee would be grateful if the Government would indicate in its next report whether the issue of certificates of capacity (by the Technical Educational Services) or of end of apprenticeship certificates (by the Chambers of Industry) is subject to the passing of an examination, as required by Article 4, paragraph 2(c) of the Convention. If so, the Committee would be grateful if the Government would indicate whether the examination includes the tests prescribed in paragraph 3 of this Article.

*Italy* (ratification : 22.10.1952). The Committee thanks the Government for the information supplied on the progress made towards the adoption of the regulations concerning examinations and certificates (Article 4 of the Convention). The Committee hopes that the Government will be able to indicate in its next report that these regulations have come into force.

*Poland* (ratification : 13.4.1954). See under Convention No. 74.

*Portugal* (ratification : 13.6.1952). Since the report for 1955-56 has not arrived, the Committee cannot but repeat its previous observation, which read as follows :

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.

The Committee trusts that the Government will be able, at an early date, to take the action called for above.

*Convention No. 73 : Medical Examination (Seafarers), 1946.*

Number of reports requested : 10.

Number of reports received : 9.

Report not received : 1.

(Argentina.)

*Belgium* (ratification : 5.12.1951). The Committee thanks the Government for its first report and would like to draw attention to the following points :

It is stated in the report that the existing regulations do not prescribe, as provided in Article 4, paragraphs 1, 2 and 3 (a) of the Convention, the particulars to be included in the medical certificate. The Committee hopes that it will be possible for the Government, after consultation with the shipowners' and seafarers' organisations concerned, to prescribe the nature of the medical examination and the particulars to be included in the certificate in conformity with this Article.

As regards Article 5 of the Convention, there does not appear to be any provision prescribing the period of validity for medical and colour vision certificates. As regards Article 6, paragraph 1, the exemptions provided in section 21 of the Law of 1928 do not appear to be limited to a single voyage; and no information has been supplied on the effect given to paragraphs 2 and 3 of this Article.

Finally, the report does not indicate the arrangements, if any, which are made to enable a person who has been refused a certificate to apply for a further examination by a medical referee or referees, as required in Article 8 of the Convention.

The Committee would be grateful if the Government would supply, in its next report, the information requested above, and expresses the hope that the necessary measures will be taken to give full effect to the Convention.

*Bulgaria* (ratification : 29.12.1949). The Committee thanks the Government for its first report and notes that although the Government has taken action to apply the basic principles of the Convention, the following information is required before the Committee can decide if the Convention has been applied in full.

Article 3. Section 5 of Ordinance No. 16 of 16 February 1953 excludes temporary wage or salary earners entering employment for not more than three months from the obligation of undergoing the preliminary medical examination provided for in section 1 of the Ordinance. Consequently such persons may be engaged for employment in a vessel without producing the medical certificate required under this Article of the Convention.

Article 4. There is no indication whether due account is taken in the medical examination of the age of the person to be examined and of the duties to be performed; and whether the existing general rules were laid down after consultation with the shipowners' and seafarers' organisations.

Article 5. The relevant legislation does not seem to prescribe periods of validity of medical and colour vision certificates.

Article 8. It is not at all clear if the existing arrangements enable a person who may not be sick but is

refused a certificate to apply for a further examination. There is also no indication whether the medical referee or referees are independent of any shipowner or any organisation of shipowners or seafarers.

The Committee would therefore be grateful if the Government would supply information on the above-mentioned points in its next report, and expresses the hope that in the meanwhile necessary measures will be taken to ensure full conformity between the provisions of the national law and those of the Convention.

*France* (ratification : 9.12.1948). The Committee thanks the Government for the information supplied in its first report. It would be glad if the Government would indicate in its next report—

(a) what is the nature of the medical examination and what are the particulars to be inserted in the certificate and whether these were prescribed after consultation with the shipowners' and seafarers' organisations concerned (Article 4 of the Convention);

(b) whether the provisions in force ensure that the period of validity of medical certificates in no case exceeds the limits fixed in Article 5;

(c) the text of the provisions of the decree of 13 September 1926 which, according to the report, entitle the seamen to an examination by a special committee (Article 8).

*Italy* (ratification : 22.10.1952). The Committee thanks the Government for its detailed first report and is glad to note that it has applied the Convention fully except in respect of the following requirements :

there does not appear to be any provision prescribing the nature of the medical examination and the particulars to be included in the certificate, as required by Article 4 of the Convention;

there is also no formal provision prescribing the periods of validity of medical and colour vision certificates, as required by Article 5 of the Convention.

The Committee would therefore be glad if the necessary action could now be taken to ensure full compliance with the provisions of Articles 4 and 5 as stated above.

*Poland* (ratification : 13.4.1954). The Committee is glad to note from the first report supplied by the Government that the Ministry of Health is about to issue a decree reproducing the provisions of the Convention and that the latter is, at present, partially applied by an Order of the Ministry of Industry and Commerce, dated 20 August 1936.

The Committee hopes that the legislative provisions designed to give full effect to the Convention, will be adopted at an early date.

*Portugal* (ratification : 13.6.1952). The Committee thanks the Government for its first report and is glad to note that the Convention is substantially applied. The Committee would however be glad if the Government would be good enough to supply further information regarding Article 1, and also to take consequential action regarding Articles 4 and 5, as indicated below.

Article 1 of the Convention. The Committee notes that section 13 of the Legislative Decree No. 24235 of 27 July 1934 gives a detailed classification of vessels, including sea-going vessels, but it should be clarified whether these provisions apply to "every sea-going vessel whether publicly or privately owned, which is engaged in the transport of cargo or passengers for the purpose of trade", as required under paragraph 1 of this Article.

Article 4. No specific provisions appear to exist prescribing, after consultation with shipowners' and seafarers' organisations concerned, the nature of the medical examination and the particulars to be included in the medical certificate as required by paragraph 1 of this Article. Such specific provisions should obviously be made.

Article 5. The Committee is also glad to note the Government's assurance that future legislation will prescribe the same periods of validity for certificates as required by Article 5.

The Committee trusts that the adoption of the necessary legislation will be expedited.

*Uruguay* (ratification : 18.3.1954). The first report supplied by the Government states that the Convention at present applies only to masters, navigating and engineering officers and pilots, but the Committee is glad to note that one of the special committees set up to co-ordinate the national legislation with the provisions of the Conventions ratified by Law No. 12030 of 27 November 1953 has been preparing the necessary legislation to enforce the Convention.

The Committee hopes that the enactment of this legislation will be expedited.

*Convention No. 74 : Certification of Able Seamen, 1946.*

Number of reports requested : 8.  
 Number of reports received : 7.  
 Report not received : 1.  
 (Portugal.)

*Belgium* (ratification : 5.12.1951). See under Convention No. 69.

*Poland* (ratification : 13.4.1954). The Committee notes from the first report supplied by the Government that the Minister of Marine is about to issue an order applying the provisions of the Convention. The Committee looks forward to receiving a copy of this order with the next report and would be grateful if the detailed information requested by the report form could then be supplied.

*Portugal* (ratification : 13.6.1952). Since the report for 1955-56 has not arrived, the Committee cannot but repeat its previous observation, which read as follows :

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.

The Committee trusts that the Government will be able, at an early date, to take the action called for above.

*Convention No. 77 : Medical Examination of Young Persons (Industry), 1946.*

Number of reports requested : 9.  
 Number of reports received : 8.  
 Report not received : 1.  
 (Guatemala.)

*Bulgaria* (ratification : 29.12.1949). The Committee thanks the Government for the information supplied, in reply to the observations made in 1955, with regard to Articles 6 and 7 of the Convention.

*Cuba* (ratification : 13.1.1954). The Committee took note with interest of the first report on this Convention and would be grateful if the Government

would supply, in its next report, information on the following points :

Article 4 of the Convention : (a) the provisions in virtue of which medical examinations and re-examinations for fitness for employment are required until at least the age of 21 years in the case of occupations which involve high health risks (paragraph 1); (b) has the list of occupations or categories of occupations in which the above-mentioned examinations are required until at least the age of 21 years been established? If so, the Committee would be glad if the Government would supply it in its next report (paragraph 2).

Article 6. Since no measures have been taken as yet with regard to the occupational guidance or rehabilitation of children and young persons, the Committee expresses the hope that the Government will be able to adopt such measures in the near future, as required in paragraphs 1 and 2 of this Article.

*France* (ratification : 28.6.1951). With reference to the observations respecting the scope of the Convention made during previous years, the Committee notes with interest that a Bill dealing with the organisation of the medical services in mines was tabled by the Government on 15 March 1956. The Committee expresses the hope that the above-mentioned text will shortly be adopted and it would be grateful if the Government would indicate in its next report what progress has been made in this connection.

*Iraq* (ratification : 13.1.1951). The Committee regrets to have to point out that, in spite of the assurance given by the Government delegate to the Conference Committee in 1956, no information whatsoever has been communicated in this year's report concerning the following observations first made in 1954 :

Article 1. Section 1, paragraph 1 (3), and section 7, paragraph 3 of the Labour Law exempt from its scope the undertakings in which only the family members of the owner of the undertaking are employed and section 23 of the Regulation for Workshops and Factories exempts workshops and factories which are the property of or are administered by the Government, whereas the Convention does not provide for such exceptions.

Article 3. Section 18 (b) of the Regulation for Workshops and Factories provides that only in specified dangerous and unhealthy industries—instead of in all industrial undertakings covered by the Convention—all employees shall be subject to medical inspection, at the place of work.

Article 6. It is not indicated whether appropriate measures are taken to ensure vocational guidance and physical and vocational rehabilitation of children and young persons not suitable for certain types of work or with physical handicaps or limitations.

Article 7, paragraph 1. National legislation provides that records of the medical inspection of employees must be maintained at the factory or workshop, for supervision by the local health authority, only in dangerous and unhealthy industries, and not, as provided by the Convention, in all the industrial undertakings.

The Committee expresses the earnest hope that the Government will supply a detailed reply and that the necessary steps will be taken, at an early date, to ensure full conformity between the national law and the above-mentioned provisions of the Convention.

*Israel* (ratification : 23.12.1953). The Committee has examined with interest the information supplied by the Government in response to the observation of 1956 and notes that regulations to give effect to Article 4, paragraph 2 of the Convention, will be put into effect within the next two years. It will be glad to be informed of the adoption of these regulations.



With regard to Article 6 of the Convention, the Committee will be glad to have additional information in the next report on the measures taken for the "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".

*Italy* (ratification : 22.10.1952). The Committee notes with interest that due account has been taken of the observation made in 1955, in a Bill prepared by the Ministry of Labour—and now in the final stages of revision—with a view to replacing the existing legislation (Act No. 653 of 26 April 1934) relating to the protection of women and young workers.

The Committee expresses the hope that it will be possible to promulgate the new legislation in the near future and would be glad to be kept informed of the progress made in this direction.

*Uruguay* (ratification : 18.3.1954). See under Convention No. 58.

*Convention No. 78: Medical Examination of Young Persons (Non-Industrial Occupations), 1946.*

Number of reports requested : 8.

Number of reports received : 7.

Report not received : 1.

(*Guatemala.*)

*Bulgaria* (ratification : 29.12.1949). The Committee took note of the information supplied in reply to the observations it made in 1955 with regard to Articles 6 and 7 of the Convention.

As regards the measures of identification to be adopted for ensuring the application of the system of medical examination for fitness for employment to children and young persons engaged in itinerant trading or in any other occupation carried on in the streets (Article 7, paragraph 2 (a)), the Committee notes the Government's statement in the report on Convention No. 60 that the majority of activities in the country, including the occupations mentioned above, are carried out by public or state undertakings and that these avoid the employment of young persons. The Committee hopes that it will be possible for the Government either to prohibit such employment by law or to take the measures of identification referred to above.

*Cuba* (ratification : 7.9.1954). The Committee took note with interest of the first report on this Convention and would be grateful if the Government would supply, in its next report, information on the following points :

Articles 4 and 6 of the Convention. See under Convention No. 77.

Article 7, paragraph 2 (a). The Committee would be grateful if the Government would supply information in its next report on the measures of identification for ensuring the application of the system of medical examination for fitness for employment to children and young persons engaged either on their own account or on 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.

*France* (ratification : 28.6.1951). The Committee refers to its earlier observations, and wishes to thank the Government for the information supplied to the

last Conference Committee by its representative and confirmed in its report.

As regards Article 1, paragraph 1, the Committee is glad to note that Act No. 55/1032 of 4 August 1955 applies the legislation relating to industrial health to work in hotels, restaurants, public and private hospitals, etc. It notes however that no legislation appears to require the medical examination of children and young persons employed in domestic service and that, as indicated in the report, persons working on their own account are considered as independent workers and are not covered by the provisions relating to industrial health. The Committee wishes to reiterate that the scope of the Convention extends to the above-mentioned work.

As regards children and young persons engaged in itinerant trading or any other occupation carried on in the streets or in places to which the public have access, the Committee refers to the observations made in 1956 as to the measures of identification required for this type of work by Article 7, paragraph 2 (a) of the Convention.

The Committee would be grateful if the Government would keep it informed of the progress made in the extension of medical protection to children and young persons not yet covered, and trusts that it will be able to take the necessary measures at an early date.

*Israel* (ratification : 23.12.1953). See under Convention No. 77.

*Italy* (ratification : 22.10.1952). See under Convention No. 77.

*Poland* (ratification : 11.12.1947). With reference to the observations made in previous years regarding the scope of the Convention (Article 1, paragraph 2), the Committee notes with interest the information supplied in the Government's report, from which it appears that a draft order concerning the prohibition of work by young persons and prohibiting particularly the employment of young persons in domestic work has recently been submitted to the legislative committee of the Council of Ministers.

The Committee expresses the hope that the Government will be able to state in its next report that this legislation has been adopted.

*Uruguay* (ratification : 18.3.1954). See under Convention No. 58.

*Convention No. 79: Night Work of Young Persons (Non-Industrial Occupations), 1946.*

Number of reports requested : 8.

Number of reports received : 8.

*Bulgaria* (ratification : 29.12.1949). The Committee took note with interest of the information supplied by the Government as regards some of the observations made in 1955. It notes that the national legislation (Labour Code and the Ordinance of 1953 respecting work books) contains measures for inspection and supervision and the keeping of registers, etc. (Article 6 of the Convention).

As regards Article 3, paragraph 1, the Committee notes that section 113 of the Labour Code prohibits employment at night of young persons between 14 and 16 years of age only but not of those between 16 and 18 years of age as laid down in the above Article. The Committee hopes that the Government will be able to ensure, at an early date, full conformity between



the national law and the provisions of the Convention in this respect.

The Committee also took note of the Government's statement that there are no provisions in Bulgarian legislation which correspond to those of Article 5 of the Convention (authorities empowered to grant individual licences to enable young persons under 18 years of age to appear at night in public entertainment, etc.) and assumes that no exception to the general prohibition of night work may therefore be authorised in such cases. The Committee would be grateful if the Government would state in its next report whether or not this is the case.

As regards paragraph 1 (c) of Article 6 (identification of young persons under 18 years of age engaged in employment or occupations carried on in the streets, etc.) the Committee refers to its observation regarding Convention No. 78.

*Cuba* (ratification : 7.9.1954). The Committee thanks the Government for the information supplied in its first report and points out that the legislative provisions which oblige every employer to record in a special register the names and age of the persons under 18 years of age employed by him (section 17 of Legislative Decree No. 883), do not seem to require, as provided in Article 6, paragraph 1 (b) of the Convention, that the hours of work of such persons shall be included in this register if they work in the streets or in places to which the public have access. The Committee would be grateful if the Government would indicate, in its next report, how effect is given or to be given to this requirement.

*Dominican Republic* (ratification : 22.9.1953). The Committee takes note with satisfaction of Resolution No. 4/56 of 28 August 1956 of the Secretary of State for Justice and Labour which ensures the application of Article 1, paragraph 4 (b), of the Convention. It also wishes to thank the Government for the detailed information supplied in reply to the observations concerning state officials and employees (Article 1, paragraph 1, of the Convention) and concerning the guarantees prescribed with a view to ensuring the protection of children and young persons who perform at night in public entertainments (Article 5, paragraph 4 (b) and (c)).

With regard to the application of Article 3, paragraph 1, of the Convention, which provides for a rest period of 12 consecutive hours for young persons under 18 years of age, the Government states that section 224 of the Labour Code which prohibits employment at night between 10 p.m. and 6 a.m., read with section 225 which provides that the working day of young persons under 18 years of age shall in no case exceed eight hours, ensure the application of this provision of the Convention. The Committee points out in this connection that if account is taken of the distribution of hours of work in the day, particularly in the case of the changeover of shifts in undertakings which operate continuously and where the workers are changed after eight hours of work (section 148 of the Labour Code), it follows that workers having been employed one day up to 10 p.m. may be required to work on the following day as from 6 a.m.; in such cases young workers might benefit from only eight hours' rest at night and not 12 consecutive hours' as required in the Convention.

The Committee therefore points out that the national legislation is not in full conformity with Article 3, paragraph 1, of the Convention and it would be grateful

if the Government would state in its next report what measures it intends to take with a view to bringing the legislation into harmony with this provision.

*Israel* (ratification : 23.12.1953). The Committee wishes to thank the Government for the detailed reply to the request for information it made last year concerning Article 2, paragraph 1, of the Convention as well as to the observations on Articles 3 and 6, in respect of which observations it would, however, like to make the following comments :

With regard to Article 3, the Committee again refers to section 25 (a) of the Youth Labour Law permitting employment at night up to 11 p.m. of adolescents between the ages of 16 and 18 years working in shifts, which provision does not appear to comply with that of paragraph 1 of this Article of the Convention. Since, according to the report, such permits are only granted by the Ministry of Labour "in exceptional circumstances and after consultation with the employers' and workers' organisations concerned" as authorised by Article 3, paragraph 2, the Committee hopes that the above-mentioned section of the Youth Labour Law will be amended to include expressly these provisos, so as to achieve full conformity with the Convention.

With regard to the register of young workers to be kept by the employer as required under Article 6, paragraph 1 (b), the Committee believes that the existing legal provisions contained in the Work Books Regulations of 1934 do not fully comply with the requirements laid down in the Convention and trusts that it will be possible for the Government to put into effect the regulations which, pursuant to section 31 of the Youth Labour Law, have already been drafted to that effect.

*Italy* (ratification : 22.10.1952). See under Convention No. 77.

*Convention No. 81 : Labour Inspection, 1947.*

Number of reports requested : 20.

Number of reports received : 20.

*Austria* (ratification : 30.4.1949). The Committee noted with interest that comments made by the Austrian Workers' Chamber (the statutory institution representing the workers) deploring the fact that the Mines Inspectorate lacks a medical expert to help combat silicosis, have led the Mines Authority to examine the advisability of expanding its present arrangements for the protection of the miners' health.

Since Article 9 of the Convention deals with the association of specialists in the work of inspection, the Committee would appreciate it if the Government would indicate the results of this examination in its next report.

*Bulgaria* (ratification : 29.12.1950). The Committee thanks the Government for the additional information regarding various Articles of the Convention which it was good enough to supply in response to the observation of 1955. It would be grateful if certain points could be further clarified in the Government's next report :

(a) The report for 1954-55 states that under a decision of the Presidium of the National Assembly, published in *Izvestia* of 19 February 1954, labour inspectors have the status of organs of public authority. The Committee would be glad to know whether this

status is enjoyed only by the 198 labour inspectors employed by the Central and Regional Committees of the Trade Unions or also by the 49,000 worker-inspectors in the undertakings, establishments and organisations (Article 6 of the Convention). It would also be interested to know what are the inspection functions assigned respectively to the labour inspectors and to the worker-inspectors, i.e. whether both categories of inspectors secure simultaneously the enforcement of the legal provisions relating to hours, wages, safety, health and welfare, the employment of children and young persons, etc. (Article 3, paragraph 1 (a)) or whether labour inspectors are responsible for enforcing certain types of protective legislation and worker-inspectors are responsible for enforcing other types.

(b) What provision requires inspectors to treat as absolutely confidential the source of complaints (Article 15 (c))?

(c) Does the Government compile the annual general report on the work of the inspection services which a ratifying Member is required, under Articles 20 and 21 of the Convention, to publish and to transmit to the Director-General of the International Labour Office?

*Cuba* (ratification : 7.9.1954). The Committee took note of the first report on the application of the Convention. Since the information supplied as regards some of the Articles is not sufficiently complete or precise, the Committee would be grateful if the Government would supply, in its next report, further information concerning the following :

Article 3 of the Convention. Do labour inspectors perform the technical advisory functions mentioned in paragraph 1 (b) and what, if any, are the further duties entrusted to the inspectors (paragraph 2)?

Article 9. How many technical experts and specialists are associated in the work of inspection?

Article 10. What is the strength, composition and geographical distribution of the inspection staff?

Article 12. What national provisions confer upon inspectors the powers provided for in paragraph 1 (c) of this Article?

Article 13. What national provisions confer upon inspectors the powers provided for in this Article?

Article 14. What national provisions require industrial accidents and cases of occupational disease to be notified to the Labour Inspectorate?

Article 15. Under what provisions are labour inspectors prohibited from having any interest in the undertakings they supervise (subparagraph (a)) and required to treat the sources of complaints as confidential (subparagraph (c))?

Article 16. What measures have been taken to ensure the necessary frequency and thoroughness of inspection?

Articles 20 and 21. The Committee hopes that the annual general report on the work of the inspection services will be published, that copies thereof will be transmitted to the International Labour Office and that this report will deal with the various subjects enumerated in Article 21.

*Dominican Republic* (ratification : 22.9.1953). The Committee wishes to thank the Government for the information supplied as regards the effect given to Articles 12 and 14 of the Convention. It notes with interest that studies are being made in the field of

industrial safety and hygiene with a view to strengthening the present powers of the labour inspectors and trusts that it will be possible in this way to give full effect to Article 13, paragraph 2, of the Convention.

The Committee also notes that the annual general report on the work of the inspection services (Article 20) was in preparation and was to be transmitted to the I.L.O. at a later date. As this document has not yet been received the Committee trusts that it will be published in the near future and will in any case be appended to the Government's next report.

*France* (ratification : 16.12.1950). Following the Committee's repeated observations, a Government representative had informed the Conference Committee in 1956 that the annual report on the work of the inspection services was still in preparation. The Committee notes that the Government's present report contains statistical and other information, for the period 1953-54, dealing with the various subjects enumerated in Article 21 of the Convention.

As this information has not been published, however, the Committee can only stress once again the fundamental importance of the obligations laid down in Articles 20 and 21 of the Convention, which require the publication, within 12 months after the end of the relevant year, of an annual general inspection report dealing with a specified list of subjects. The Committee expresses the sincere hope that the Government will find it possible to complete the preparation of this document, in the absence of which the results of the work of the inspection service will not be available either to the general public or to the other Members which have ratified this Convention.

*Guatemala* (ratification : 13.2.1952). The Committee noted with interest the detailed information supplied by the Government in its first report. It has taken due note of the statement that the information on practical application of the legal provisions, requested in point IV of the report form, will be sent at a later date, and hopes that this information will be included in the Government's next report.

The Committee also looks forward to receiving the annual general report on the work of the inspection services which, the Government states, is to be published by the General Labour Inspectorate (Article 20 of the Convention) and which is to deal with the subjects mentioned in Article 21.

With regard to Article 3, paragraph 1 (c), Article 12, paragraph 1 (c) (iv), Article 14 and Article 15 (a) and (c) of the Convention in respect of which there exist no legislative provisions, the Committee would be grateful if the Government would indicate, in its next report, what steps it intends to take to give effect to these requirements of the Convention.

*Haiti* (ratification : 31.3.1952). The Committee wishes to thank the Government for the detailed information supplied in response to the observations made in 1956. It notes that measures will be taken to publish, in the Annual Report of the Director-General of the Labour Bureau, the information concerning the work of inspection provided for in Article 21 of the Convention as well as in section 16 of the Act of 13 September 1947. Since this information includes statistics of industrial accidents and occupational diseases the Committee would be glad if the Government would indicate, in its next report, under what legislative provisions cases of such accidents and diseases must be notified to the Labour Inspectorate (Article 14 of the Convention).

The Committee noted the Government's statement that labour inspectors in the Port au Prince region have been relieved of all responsibilities for the conciliation of labour disputes, thus being enabled to devote more of their time to actual inspection (Article 3, paragraph 2), and that they are under instruction to place increased emphasis on their advisory rather than their police functions.

*India* (ratification : 7.4.1949). The Committee took note with interest of the information which the Government was good enough to supply in response to the Committee's general observation in 1956, as regards labour inspection in commercial workplaces which was excluded from India's acceptance of the Convention (Article 25, paragraph 3, of the Convention).

*Iraq* (ratification : 13.1.1951). Further to its general observation of 1956 concerning Article 25, paragraph 3, of the Convention, the Committee learned with interest that it is proposed to give effect to Part II of the Convention (Labour Inspection in Commerce) which was excluded from Iraq's acceptance of the Convention, as soon as the new Labour Act has been approved by Parliament.

The Committee notes, however, with regret that no information whatever is given in the Government's report concerning the implementation of certain other provisions of the Convention in spite of attention having been drawn to this since 1954: 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 and to divulge the source of any complaints); Articles 20 and 21 (publication of an annual general report on the work of the inspection service).

Since the Government stated in writing at the 1956 Session of the Conference that a detailed reply to the points raised would be communicated in its next report, the Committee must therefore urge the Government to supply these particulars at the next session of the Conference and to include detailed information in this connection in its next report.

*Ireland* (ratification : 16.6.1951). Further to its general observation of 1956 the Committee notes that since the Government's first report on the application of this Convention, in 1953, no information has been supplied on the extent to which effect has been given, or is proposed to be given, to Part II of the Convention which deals with labour inspection in commerce and which was excluded from Ireland's acceptance of the Convention. The Committee would be grateful, therefore, if the Government would find it possible to include such information in its next report in accordance with Article 25, paragraph 3, of the Convention.

*Italy* (ratification : 22.10.1952). Further to its observation of 1956, the Committee is glad to find that the report on the work of the inspection service during 1954, published in 1956, contains statistics on the number of workers employed in the undertakings inspected (Article 21 (c) of the Convention). The Committee also takes note with interest of the Government's statement that it will be possible in the near future to include in the report statistics of industrial accidents and occupational diseases (Article 21 (f) and (g)).

The Committee finally notes the Government's intention to publish the inspection report for 1955 within the period of one year laid down in Article 20.

*Japan* (ratification : 20.10.1956). The Committee took note with interest of the additional information supplied as regards the effect given to Articles 9 and 12 of the Convention. It notes that the publication of the most recent annual general report on the work of the inspection services (Article 20) has been delayed for administrative reasons and that it was to be published in the autumn of 1956. As this document has not as yet been received in the International Labour Office, the Committee trusts that, in accordance with Article 20, paragraph 2 of the Convention, its publication will not be unduly delayed.

*Netherlands* (ratification : 15.9.1951). The Committee notes with interest that the statistical data on the number of workplaces liable to inspection and of workers employed therein are now being assembled for insertion in the Labour Inspection Report covering the year 1956 (Article 21 (c) of the Convention).

*Pakistan* (ratification : 10.10.1953). The Committee notes with interest, from the information supplied by the Government in reply to the observation made in 1956, that amendments are to be introduced in the Factories Act, 1934, in order to give full effect to Article 12, paragraph 1 (c) and Article 15 (b) of the Convention. It points out, however, that the proposed amendments to the Factories Act do not appear to give effect to Article 15 (c) and trusts that it will be possible to take account of this provision which requires labour inspectors to treat sources of complaints as confidential. It further notes that steps are also to be taken to amend the Mines Act, 1923, to bring it into conformity with Article 12, paragraph 1 (c) and Article 15 (c) of the Convention.

The Committee would be grateful if the Government would supply the additional information requested in the observation of 1956 as regards Articles 5, 6, 9, 10, 14, 16, 20 and 21 of the Convention, so as to enable the Committee to ascertain how effect is given to these important provisions.

*Switzerland* (ratification : 13.7.1949). Further to its general observation of 1956, the Committee notes that since the Government's first report on the application of this Convention, in 1951, no information has been supplied on the extent to which effect has been given, or is proposed to be given, to Part II of the Convention which deals with labour inspection in commerce and which was excluded from Switzerland's acceptance of the Convention. The Committee would be grateful, therefore, if the Government would include such information in its next report in accordance with Article 25, paragraph 3, of the Convention.

*Turkey* (ratification : 5.3.1951). The Committee notes that work on the administrative regulations respecting labour inspection is still continuing. It trusts that the adoption of these regulations will be possible at an early date so as to enable the Government to give effect to Article 13, paragraph 2 (b), and Articles 20 and 21 of the Convention, which relate respectively to the powers of labour inspectors and to the publication of an annual inspection report.

*United Kingdom* (ratification : 28.6.1949). The Committee took note with interest of the information which the Government was good enough to supply in response to the Committee's general observation in 1956, as regards labour inspection in commercial

workplaces which was excluded from the United Kingdom's acceptance of the Convention (Article 25, paragraph 3, of the Convention).

*Convention No. 82: Social Policy (Non-Metropolitan Territories), 1947.*

Number of reports requested : 3.

Number of reports received : 3.

No observations.<sup>1</sup>

*Convention No. 84: Right of Association (Non-Metropolitan Territories), 1947.*

Number of reports requested : 3.

Number of reports received : 3.

No observations.<sup>2</sup>

*Convention No. 85: Labour Inspectorates (Non-Metropolitan Territories), 1947.*

Number of reports requested : 3.

Number of reports received : 3.

No observations.<sup>2</sup>

*Convention No. 86: Contracts of Employment (Indigenous Workers), 1947.*

Number of reports requested : 2.

Number of reports received : 2.

No observations.

*Convention No. 87: Freedom of Association and Protection of the Right to Organise, 1948.*

Number of reports requested : 16.

Number of reports received : 16.

*Austria* (ratification : 18.10.1950). The Committee takes note with interest of the information supplied by the Government in writing to the Conference in 1956 on the position of officials respecting trade union rights.

*Belgium* (ratification : 23.10.1951). The Committee notes that the Government has forwarded observations made by an occupational organisation (General Council of Belgian Liberal Trade Unions), which makes complaint that it is "not recognised" by the Government with regard to its representation on all joint committees.

In order to be in a position to form an opinion as to the effect of this observation, the Committee would be grateful if the Government would supply in its next report any comments which it considers useful in this connection.

*Cuba* (ratification : 25.6.1952). The Committee has noted with interest the further information furnished by the Government with respect to : (a) the election of trade union officers; (b) the rules applicable to workers' and employers' organisations with respect to the freedom of meeting; (c) the rules applicable to affiliation with international federations and confederations.

With regard to the three other points mentioned in the observation made in 1956, the Committee considers that it must make the following remarks :

1. As regards the right to organise of civil servants, the Government emphasises that in its view a clear

distinction should be drawn between the general right to associate and the right to associate for trade union purposes; that, further, civil servants do not seem to present demands for changes in the special system established with respect to them by articles 105 *et seq* of the Constitution; that, further, it is not the function of the Government to amend existing legislation; finally, that it is willing to address a message to Congress requesting it to make the necessary amendments when it has been specifically established which are the provisions of the national legislation that are in conflict with the Convention. The Committee notes the Government's statement that it is ready to take the necessary measures and wishes to emphasise that when a State has voluntarily assumed international obligations, the internal distribution of competence between the executive and legislative powers cannot constitute an obstacle to the implementation of its obligations by the State. As the Government itself has pointed out, there is an important difference between the right of association, properly so called, and the right to organise in trade unions, which is the subject of the Convention. The Committee finds itself obliged to observe : (1) that Decree No. 2605 of 7 November 1933 respecting industrial trade unions (section 2) excludes from its application civil servants and persons employed by the State, a province or a municipality; (2) that this prohibition is confirmed by the provisions of Decree No. 65 of 1934; (3) that the Convention relates specifically to "freedom of association and protection of the right to organise" and that it is clear from the text of Articles 2 and 9 of the Convention that the only persons who may, in any given case, be excluded from this right are members of the armed forces and police; (4) that there is no doubt that civil servants and persons employed by the State must be included among those entitled to enjoy the rights and guarantees laid down in the Convention; (5) that under the provisions of the Convention (Articles 2 and 10) those to whom it applies shall have the right "without distinction whatsoever" and "without previous authorisation" "to establish and join organisations of their own choosing" the purpose of which shall be "to further and defend the interests" of their members. In these circumstances, the Committee must urge once again that the legislation in force which specifically denies these rights to civil servants should be abrogated or amended in the manner indicated above.

2. In 1955 the Committee observed that section 14 of the decree of 7 November 1933 provides that "industrial associations shall not engage in political activities". In 1956 the Government having indicated that this prohibition was of little practical importance, the Committee took the view that in these circumstances there would appear to be no real difficulty in amending it so as to avoid any possibility of abuse. In its report, the Government emphasises again that this provision, as at present interpreted, leaves very considerable freedom of action to trade unions. The Committee observes that under the provisions of Article 3 of the Convention workers' and employers' organisations shall have the right to organise their activities and to formulate their programmes in freedom; further, the public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof; finally, while organisations are naturally bound, according to the terms of Article 8, to respect the law of the land, "the law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this

<sup>1</sup> See Part One, p. 7, paragraph 35.

<sup>2</sup> See under observations on the application of Conventions in Non-Metropolitan Territories (section VIII).

Convention". It appears to the Committee that any prohibition prescribed in terms as general as those which are used in section 14 of Decree No. 2605 of 7 November 1933 might be interpreted and applied in a manner incompatible with the provisions of the Convention referred to above. For this reason, although the interpretation at present placed on this provision in practice in Cuba may, as the Government affirms, not cause the rights of workers' and employers' organisations to be restricted in practice, the Committee considers that it should urge that the necessary measures be taken to abrogate or to amend this text. In this connection, the Committee can only refer to the resolution adopted by the International Labour Conference in 1952 and leave it to the Government to decide, within the limits of the control laid down in the Convention, the manner and type of which might have to be exercised in appropriate cases in the event of abuse by any trade unions which might fail to recognise that their "fundamental mission should be the economic and social advancement of the workers" and devote themselves to purely political activities.

3. With respect to the presence of a public official at trade union meetings, the Government points out that the nomination of such a person is always made after the receipt of a request from a workers' organisation itself and that there exists no difficulty to prevent organisations having recourse, in preference, to notaries. The Committee notes the Government's statement as to the manner in which, in practice, the provisions of section 15 of Decree No. 2605 are applied. It observes, nevertheless, that this section gives the Secretariat of State for Labour a discretionary power to "appoint a delegate who shall attend trade union meetings to ensure that the legal provisions in force are observed". In view of the fact that, as the Committee pointed out in 1956, such a provision might permit of acts of interference in the activities of organisations and is, therefore, not compatible with Article 3, paragraph 2 of the Convention, according to which the public authorities shall refrain from any interference which would restrict or impede the exercise of the rights of organisations, the Committee must urge that section 15 of Decree No. 2605 be abrogated or, if appropriate, amended, so as to provide specifically, for example, that the appointment of a delegate of the Secretary of State for Labour can be made only if an express request therefore is made by the organisations concerned, a solution which could not occasion difficulty because its effect would be simply to make the legislation accord with the practice which, according to the Government's statements, is at present followed.

*Denmark* (ratification : 13.6.1951). The Committee has taken note of the information furnished by the Government in response to the request made to it with respect to the laws and regulations applicable to civil servants as regards the right to organise.

The Committee notes that, under Act No. 301 of 6 June 1946 :

(a) a single organisation of civil servants may be recognised by the Administration;

(b) this recognition carries with it a twofold right for the recognised organisation;

(i) the right to be consulted and to represent civil servants in joint consultative bodies;

(ii) the right to "negotiate", to the exclusion, however, of matters relating to the "appointment or dismissal of any individual".

It has appeared to the Committee that, while the "recognition" of an organisation for the purposes of representation in joint bodies or of previous consultation may, in certain circumstances, be admissible, the fact that the law itself authorises this recognition in the case only of a single organisation of civil servants and grants to that organisation alone the right to "negotiate" may in certain cases limit the possibility of action by non-recognised organisations. Further, the fact that the "recognised" organisation may alone be in a position to "further and defend the interests" of its members may not be reconcilable with the principle laid down in Article 2 of the Convention, that the persons concerned shall have the right to establish and to join the organisations "of their own choosing". The Committee would accordingly be grateful to the Government if it would be good enough to specify in its next report the means of "furthering and defending the interests" of their members (Article 10 of the Convention) which are available in these circumstances to non-recognised organisations of civil servants.

Further, the Committee has also been obliged to consider to what extent the fact that even recognised organisations may not negotiate on "the appointment or dismissal of any individual" may result, especially in the case of dismissal, in considerably restricting "the exercise of the right to organise" (Article 11), since the very purpose of occupational organisations is to be able to defend the interests of their members.

*France* (ratification : 28.6.1951). The Committee notes with interest the coming into operation of Act No. 56-416 of 27 April 1956, further assuring the free exercise of trade union rights.

*Guatemala* (ratification : 13.2.1952). The Committee has noted with interest the first report of the Government, which arrived too late in 1956 to be examined. The report for the current year reproduces textually the previous one. The Committee has observed that the legislation in force contains provisions which are not compatible with the standards laid down in the Convention. This is the case, for example, with respect to the two following texts, which draw distinctions between workers, whereas, under Article 2 of the Convention, workers shall enjoy the rights and guarantees provided for "without distinction whatsoever" :

1. section 9, paragraph 2 of the decree of 29 February 1956 prohibits civil servants, public employees and workers in the service of the State from "constituting trade union organisations";

2. again, the provisions of sections 235 to 238 of the Labour Code considerably restrict the rights of agricultural workers by providing, among other things, that such workers may conclude collective agreements only if their union fulfils certain particularly stringent conditions (the union must exist within an estate employing at least 500 workers or be an organisation having at least 50 members, of whom 60 per cent. at least must be able to read and write, and must first of all have organised a co-operative society or established an institution for assistance and social welfare);

3. it would also appear that section 222 (a), which limits the period of office of trade union officers to a maximum of four years, with interdiction of immediate re-election, is not compatible with paragraph 1 of Article 3 of the Convention, which provides that organisations shall have the right "to elect their representatives in full freedom";

4. whereas, under Article 2 of the Convention, workers and employers shall have the right to establish organisations “without previous authorisation”, section 217 of the Labour Code provides that “an industrial association shall not have the right to begin its activities as such until it has procured an authorisation from the Executive”. Moreover, according to section 211 (c) of the Labour Code, the Minister may refuse authorisation “for reasons of public interest and in order to avoid serious disputes between industrial association . . . if another association comprising more than three-fourths of the total number of employees in the undertaking has already been legally recognised therein”. In this connection, the Committee would be glad if the Government would be good enough to indicate whether “reasons of public interest” are alone sufficient to give rise to such refusal, or whether it is necessary for the two other conditions (possibility of inter-union disputes and existence of a union with a majority membership in the undertaking) also to subsist before a new trade union can be refused authorisation;

5. section 227 permits the Government, in certain cases, to order itself the dissolution of an organisation; this provision does not appear to be compatible with Article 4 of the Convention, which provides that organisations shall not be liable to be “dissolved by administrative authority”.

The Committee would be grateful, therefore, if the Government would be good enough to indicate what measures it intends to take to repeal or amend the provisions referred to above.

The Committee would be grateful, also, if the Government would be good enough to indicate in its next report what measures are adopted for the purpose of applying the provisions of section 211 (a) and (b) of the Labour Code, according to which the Government must “exercise the strictest possible supervision over industrial associations” and “ensure the best orientation of their activities”.

Finally, the Committee would be grateful to the Government if it would be good enough to furnish in each of its annual reports detailed information as to the cases of dissolution ordered pursuant to section 226 (a) of the Labour Code.

*Mexico* (ratification : 1.4.1950). The Committee has observed with regret that the Government's report contains no information in response to the request made to it in 1956. The Committee must, therefore, repeat its request to the Government to be good enough to furnish without further delay supplementary information on the laws and regulations in force with respect to the right to organise of public officials and workers employed by the State. It would also be grateful to the Government if it would be good enough to indicate the rules applicable to workers' and employers' organisations as regards the freedom of meeting.

*Netherlands* (ratification : 7.3.1950). The Committee would be glad if the Government would indicate in its next report what reasons of “public interest” may, in virtue of the Act of 1855 (section 7) give rise to a refusal to grant legal personality to an organisation (Article 7 of the Convention).

*Norway* (ratification : 4.7.1949). The Committee has noted with interest the information furnished by the Government in response to the request made to it in 1956 on the laws and regulations applicable to civil servants as regards the right to organise.

*Pakistan* (ratification : 14.2.1951). The Committee has noted with interest the solutions arrived at with respect to the different complaints the examination of which was pending before the competent bodies. It observes, however, that in certain cases the new information furnished by the Government does not coincide exactly with the information previously communicated. This is the case, for example, with respect to the complaint of the Karachi Airport Workers' Union. According to the information furnished by the Government to the Conference in 1955, a committee of inquiry 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; in its report for the present year, the Government declares that on subsequent inquiry from the Labour Ministry it was revealed that the dismissals of the persons concerned were justified for reasons related to their work; nevertheless, the Government adds that it has issued strict instructions not to allow persons to be penalised because of their trade union activities.

This information has caused the Committee to consider that it might be appropriate, in accordance with the provisions of Article 11 of the Convention, to take measures to ensure that workers may exercise freely the right to organise, by establishing, for example, appropriate machinery “for the purpose of ensuring respect for the right to organise”, as provided for in Article 3 of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), which has also been ratified by Pakistan.

The Committee has also noted with interest the information furnished by the Government with respect to the right to organise of workers employed by public or semi-public undertakings of an industrial character. It observes with regret, however, that the information requested with respect to civil servants in the strict sense and their organisations has not yet been supplied. The Committee wished to know what can be the activities of a trade union organisation of civil servants which is not recognised “in cases where a recognised organisation already exists”. Referring to the information furnished by the Government to the Conference in 1955 to the effect that “when there were no recognised unions account was taken of the observations of the other organisations”, the Committee understands the position to be that the “recognition” accorded by the Government by virtue of the Cabinet Secretariat's Notification of 30 August 1948 results in practice in a considerable limitation of the possible scope for activities by organisations which are not recognised in cases where a “recognised” organisation already exists and renders it impossible for such organisations to “further and defend” the interests of their members (Article 10 of the Convention).

Further, the Committee recalls the observations which it made earlier, pointing out that the provisions of paragraphs 2 and 3 of the Notification of 30 August 1948, under which separate associations of government employees must be set up for each of the various categories into which government servants are broadly classified and the latter may belong only to the associations representing their category, did not appear to be in harmony with Article 2 of the Convention, which provides that workers “without distinction whatsoever” shall have the right to establish and join organisations of their own choosing.

The Committee would be grateful if the Government would be good enough to give consideration to the



adoption of the necessary measures to deal with the different points mentioned above.

*Philippines* (ratification : 29.12.1953). The Committee has noted with interest the detailed information furnished by the Government in response to the request made to it in 1956. The Committee notes that only registered organisations can have legal personality and that, under Republic Act No. 875 of 17 June 1953, registration may be refused or withdrawn, according to the political opinions of the officers of an organisation, the result of such measures being to deprive the organisation of legal personality and consequently to render its members liable to prosecution for trade union activities. This provision does not appear to be compatible with Article 7 of the Convention, which provides that "the acquisition of legal personality by organisations... shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4" of the Convention. In particular, it would seem that registered organisations do not fully enjoy the right "to elect their representatives in full freedom" provided for in Article 3 of the Convention. The Committee would be grateful if the Government would be good enough to indicate what measures it intends to take to bring its legislation into harmony with the Convention.

*Sweden* (ratification : 25.11.1949). The Committee notes with satisfaction that the Government supplies each year, appended to its reports, detailed information on decisions taken by courts of law and other bodies, relating to the protection of trade union rights.

*Convention No. 88 : Employment Service, 1948.*

Number of reports requested : 22.

Number of reports received : 21.

Report not received : 1.  
(*Egypt.*)

*Belgium* (ratification : 16.3.1953). The Committee notes with interest the information supplied by the Government to the effect that the staff of the National Employment and Unemployment Office enjoy a status and conditions of service which are in accordance with Article 9 of the Convention and that their position will be further strengthened when the regulations regarding semi-public bodies come into operation.

*Bulgaria* (ratification : 29.12.1949). The Committee thanks the Government for the information contained in its report for 1955-56. It would be grateful, however, if the Government would be good enough to furnish further information in its next report on the following points :

Article 2 of the Convention. In view of the suppression on 1 July 1956 of the Manpower Reserves Administration and the transfer of its functions with respect to manpower recruitment and training to the People's Regional Councils, it should be indicated whether the said functions are now performed by the manpower departments of the People's Regional Councils and the manpower registration and training offices in a completely decentralised manner at the regional level, or whether a national authority directs the said departments and offices.

Further, it should be indicated whether the manpower registration offices come under the regional manpower departments (or sections thereof in certain industrial centres) or whether they function independently of the said departments or sections.

Article 3. What measures are taken to constitute in each geographical area of the country a sufficient network of local offices for employers and workers (paragraph 1) and to ensure the review, and, if necessary, the revision, of the organisation of the network (paragraph 2)?

Article 6. The functions and duties of the employment service (paragraphs (a) to (e)) should be described and, in particular, it should be indicated whether a distinction is made between the tasks related to "recruitment and distribution of manpower" and those relating to "registration and placement of free manpower".

Article 7 (a). Are measures taken to facilitate within the various employment offices specialisation by occupations and by industries?

Article 8. Are special arrangements made for juveniles within the framework of the employment and vocational guidance services?

Article 9. The provisions relating to the status, recruitment, selection and training of staffs of manpower departments and manpower registration and vocational guidance offices should be described.

Finally, the Committee hopes that the Government will furnish in its next report information concerning the application of the legislation (point III in the form for the report) and all statistical information that may have been published with reference to the number of public employment offices established, the number of applications for employment received, the number of vacancies notified and the number of persons placed in employment by such offices (point IV in the form).

*Cuba* (ratification : 29.4.1952). In 1956 a Government representative informed the Conference Committee that the organisation of the employment service would require an administrative reconstruction and legislative reforms calling for prior technical assistance. The report also mentions the necessity for such assistance. The Committee would be grateful if the Government would indicate what measures it has taken to request that an expert be made available so that advice on the spot might lead to the adequate application of the Convention.

*Czechoslovakia* (ratification : 12.6.1950). The Committee thanks the Government for the supplementary information furnished in reply to the requests made in 1956.

*Dominican Republic* (ratification : 22.9.1953). The Committee thanks the Government for the detailed information supplied in answer to the observations made in 1956. It notes with interest that a plan for the reorganisation of the employment service has been drawn up with a view to increasing its efficiency, by establishing a system more in keeping with local needs and with the spirit of the Convention. The Committee would be grateful if the Government would keep it informed of progress made in this connection, particularly as regards the setting up of advisory committees in accordance with Article 4 of the Convention.

The Committee would further be grateful if the Government would in its next report indicate—

(a) the measures taken by the employment service to facilitate any movement of workers from abroad, whether from Haiti or elsewhere, which may have been approved by the governments concerned (Article 6 (b) (iv)); and



(b) the action taken to ensure that the staff of the employment service shall be adequately trained for the performance of their duties (Article 9).

*Federal Republic of Germany* (ratification : 22.6.1954). The Committee thanks the Government for its report which together with the annexes supplies a clear picture of the organisation of the Federal German employment service. It notes, however, that no information is supplied regarding Article 1, paragraph (2) (extent to which the employment service helps to achieve and maintain full employment as well as to develop the use of productive resources) nor regarding Article 6 (e) (employment service assistance to other public and private bodies in social and economic planning calculated to ensure a favourable employment situation).

The Committee has also taken note of the comments on the Government's report submitted by the German Confederation of Trade Unions, to the effect that "an employment service has to perform functions, partly of a political nature, broader than those entrusted to the Federal Institution for Placement and Unemployment Service", and that as a result the latter is "definitely not the employment service". The Government indicates in reply that the functions of the Institution "do not include the execution of employment policy or other political functions connected with the employment market or the employment service" which in its view fall rather within the competence of the Federal Government.

Since the broader functions of the employment service arise primarily from Article 1, paragraph 2 and Article 6 (e) of the Convention, additional information on the implementation of these provisions would be most helpful to the Committee in further clarifying the situation and it would be appreciated if this information could be given in the next report.

*Iraq* (ratification : 22.6.1951). The Committee notes with regret that the Government has again supplied a report which, apart from the figure of workers registered at the public employment offices, merely repeats information given in 1953 in its first report, despite the undertaking given by a Government representative at the 1955 Conference and repeated in writing at the 1956 Conference that the additional information requested by the Committee would be given in the next report.

The Committee therefore urges that the Government should supply information on the following points which have already been mentioned on three previous occasions :

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 notes from the Government's reply to its observation of 1956 that private employment agencies for domestic servants are generally conducted with a view to profit.

The Committee also notes that following an exchange of views concerning the question of equal representation of employers and workers on the advisory committees provided for in Articles 4 and 5 of the Convention, the Conference Committee asked the Committee of Experts to give further consideration to the matter in the light of this discussion.

It appears from the information given in the Conference Committee as well as in the Government's reports that the position is briefly as follows : the advisory committees of the Italian employment service as provided for by a law of 29 April 1949 contain three more workers' than employers' members but this discrepancy is made good, in the opinion of the Government, by the presence in the committees of three members representing respectively handicrafts, peasant proprietors and managers of undertakings, i.e. of members who are either employers or closely connected with the latter's interests. The General Confederation of Italian Industry considers this situation as unduly favourable to the workers while the Government fears that any change in the present system of representation would be contrary to article 19, paragraph 8 of the Constitution, which provides that ratification shall not affect any law ensuring "more favourable conditions to the workers concerned than those provided for in the Convention".

The Committee feels that the numerical composition of advisory bodies is essentially an administrative matter involving, as stated in Article 4 of the Convention, "arrangements" for associating the employers and workers in the organisation and operation of the employment service and in the development of its policy. The Committee trusts therefore that it will be possible to make these arrangements on a mutually agreed basis and in conformity with the terms of the Convention and would be glad to be kept informed of future developments in the Government's next report.

*Japan* (ratification : 20.10.1953). The Committee thanks the Government for the detailed information furnished in reply to the observation made in 1956.

*Philippines* (ratification : 29.12.1953). The Committee thanks the Government for the information supplied in reply to the observations made in 1956. However, it notes with much regret that, as a result of restrictions in budget expenditure, nine of the ten employment offices have been closed and that the only existing advisory committee was abolished on 1 July 1955, so that no effect is given to Articles 1, 2, 3 (paragraph 1), 4, 5, 6, 7, 8, 10 and 11 of the Conven-

tion, and it would appreciate it if the Government would indicate what steps it intends to take to ensure the application of the Convention.

Since no information is available respecting Article 6, paragraph (d)—co-operation in the administration of unemployment insurance and assistance and of other measures for the relief of the unemployed—the Committee would also be grateful if the Government would indicate in its next report what effect is given to this provision.

*Convention No. 89: Night Work (Women) (Revised), 1948.*

Number of reports requested : 18.

Number of reports received : 18.

*Austria* (ratification : 5.10.1950). The Committee notes with interest the information supplied by the Government in reply to the observations made in 1956, from which it appears that ratified Conventions have by virtue of the Austrian Constitution the force of municipal law and that requests for permission to employ women at night are considered in conformity with the provisions of this Convention, which assures their application in practice. Further, the Government has stated that it would make every effort to have a Bill taking full account of the provisions of the Convention adopted by the National Council.

The Committee once more expresses the hope that this legislation, which has been under consideration since 1954, will be adopted at an early date, and requests the Government to be good enough to indicate in its next report the progress made in this direction.

*Belgium* (ratification : 1.4.1952). The Committee thanks the Government for the information supplied in its report in answer to the request made by the Committee in 1956, to the effect that amending legislation which is now being studied will contain provisions regarding the consultation of employers' and workers' organisations before any suspension of the prohibition of night work for women.

*Czechoslovakia* (ratification : 12.6.1950). The Committee notes the information supplied by the Government in its report in reply to the observations made in 1956. As regards the requirement of a nightly rest period of at least 11 consecutive hours contained in Article 2 of the Convention, the Government states that, under the provisions relating to night work, an interval of eight hours included in the night period forms part of the complete cessation of work between two shifts, and that therefore the legislation in fact assures a nightly rest period of 16 consecutive hours. The Committee would be grateful if the Government would in its next report specify the legislative provisions which produce this result.

As regards Article 5, paragraph 1, of the Convention and the exceptions to the prohibition of night work by women which are permitted by Government Ordinance No. 19 of 1951, the Committee notes that the Government once more states that it intends to abolish these exceptions as soon as the economic situation and the available labour force permit it, and adds that the competent authorities are at present examining the possibility of taking the necessary measures. Referring to its earlier observations, the Committee hopes that the Government will find it possible to eliminate this important discrepancy at an early date.

So long as the said Ordinance remains in force, the Committee would be grateful if the Government would indicate, as requested by the report form, for what industries, periods and regions the prohibition of night work by women has been suspended and what measures have been taken to consult the organisations of employers and workers concerned.

*Dominican Republic* (ratification : 22.9.1953). The Committee notes that, in reply to the observation made in 1956 respecting the duration of the night period (Article 2 of the Convention), the Government states that account should be taken not only of section 219 of the Labour Code, which prohibits the employment of women between 10 p.m. and 6 a.m., but also of section 137, which limits the hours of work to eight per day, so that women are entitled to a rest period of over 11 hours, in which is included the period between 10 p.m. and 6 a.m.

The Committee ventures to point out that, if account is taken of the distribution of working hours in the day, and particularly of the case of the change-over of shifts in undertakings which operate continuously and where shifts are changed after eight hours (section 148 of the Labour Code), it follows that women workers who have been employed one day up to 10 p.m. may be required to work on the following day as from 6 a.m. In such circumstances women would be entitled to only eight hours rest at night, and not 11 consecutive hours as prescribed in the Convention. The Committee therefore points out that the legislation of the Dominican Republic is not in conformity with Article 2 of the Convention and it would be glad if the Government would indicate in its next report what measures it intends to take in order to bring the national legislation into harmony with his provision.

The Committee also notes that no use has been made of the provision of section 219, paragraph 6, of the Labour Code which authorises exceptions to the prohibition of night work for special reasons, and that in practice it is interpreted as referring only to particularly serious circumstances which would affect the national interest. The Committee would be grateful if the Government would keep it informed, in its future reports, of any exceptions which might be authorised in virtue of this provision.

*France* (ratification : 21.9.1953). With reference to the observation made in 1956, the Committee has noted that the derogations authorised by section 22 (a) of Book II of the Labour Code represent exceptional measures justifiable only in case of a state of war or of marked international tension, and that, if this provision were to be invoked, the employers' and workers' organisations concerned would be consulted "as they are according to practice".

However, the Committee recalls that a representative of the Government on the Conference Committee in 1953 declared, with respect to Convention No. 4, that labour inspectors had received formal instructions to consult the organisations of employers and workers concerned in the event of its becoming necessary to apply the provision in question, and that the law on this point would be amended when Convention No. 89 was ratified. The Committee would be grateful to the Government, therefore, if it would indicate whether these instructions are still in force and whether it intends to take the necessary measures to put the legislation into full harmony with the Convention.

Further, the Committee has noted that, according to the report on the application of Convention No. 6 furnished by the Government, "small-scale food industries" are not covered by sections 21 and 22

of Book II of the Labour Code—provisions which also relate to the prohibition of night work of women. The Committee refers, therefore, *mutatis mutandis*, to point (a) of the observation made with respect to the application of Convention No. 6.

*Guatemala* (ratification : 13.2.1952). The Committee notes with interest the information supplied by the Government in its first report. It ventures to draw the attention of the Government to the following matters :

(a) section 116 (5) of the Labour Code provides for a rest period of only nine hours (from 8 p.m. to 5 a.m.), whereas the Convention prescribes a period of at least 11 consecutive hours including an interval of at least seven hours falling between 10 p.m. and 7 a.m. (Article 2 of the Convention);

(b) section 122 of the Labour Code permits the prolongation of the working day beyond 12 hours in the event of a public disaster, but does not make this exception subject to the prior consultation of the employers' and workers' organisations concerned, as required by Article 5 of the Convention;

(c) section 148 (b) of the Labour Code provides that regulations or, in default thereof, the labour inspectorate, may permit exceptions to the prohibition of the employment of women at night. The Committee would be grateful if the Government would state to what extent use has been made of these provisions, and would in its future reports mention any exceptions so authorised;

(d) section 124 of the Labour Code provides that the limitation of hours of work shall not apply, among others, to employees in posts of supervision or posts which entail mere attendance, to employees who, as agents paid on a commission basis, perform work outside the premises of the undertaking, nor to employees who perform work which by its nature cannot be kept within the limits of a fixed working day. These provisions authorise exceptions which, in so far as they apply to women, are not provided for by the Convention, which in Article 8 provides for the exclusion only of women holding responsible positions of a managerial or technical character and women employed in health and welfare services who are not ordinarily engaged in manual work. The said section 124, in its last paragraph, provides that the Executive shall issue the necessary orders to specify in detail the cases covered by the section, and the Committee would be grateful if the Government would state whether such orders have been made.

The Committee trusts that the Government will be able to take the necessary measures to bring its legislation into harmony with the Convention on the matters mentioned above, and that its next report will contain information on the action which it intends to take to this end. The Committee also notes that the Government intends to supply information on the practical application of the Convention in its next report.

*Netherlands* (ratification : 22.10.1954). The Committee thanks the Government for the detailed information supplied in its first report, and notes with interest the laws and regulations made to bring the legislation into conformity with the Convention.

The Committee observes however that, under section 83 (6) of the Labour Act 1919, the employment of women at night may be allowed "if justified by the circumstances" and provided it is immediately reported to the competent authority; however, the exception allowed by Article 4 (a) of the Convention

is more strictly limited to cases of "*force majeure*" when in any undertaking there occurs an interruption of work which it was impossible to foresee and which is not of a recurring character.

The Committee hopes that the Government will be able to indicate in its next report the measures which it intends to take to make the national legislation accord with the provisions of the Convention in this respect.

*Pakistan* (ratification : 14.2.1951). The Committee notes with interest the information communicated by the Government in its letter of 7 November 1956, to the effect that efforts were being made to complete all the formalities before the next session of the Assembly for the introduction of the Mines (Amendment) Bill. The Committee hopes that this Bill will be enacted at an early date, and would be grateful if the Government would indicate the progress made in this direction and would supply a copy of the Bill.

*Philippines* (ratification : 29.12.1953). The Committee notes with interest the information supplied by the Government in its last report, in answer to the observations made in 1956. It notes that national legislation contains a definition of the term "industrial undertaking", and defines the line of division which separates industry from agriculture, commerce and other non-industrial occupations.

As regards the application of Article 2 of the Convention, the Government states that, although section 7 (b) (3) of the Act No. 679 forbids work only during eight consecutive hours (between 10 p.m. and 6 a.m.), women workers in fact have a longer rest period since women employed on the last shift (2 p.m. to 10 p.m.) do not work on the first shift of the following morning. The Committee, however, draws the attention of the Government to the fact that a discrepancy between the Act and Article 2 of the Convention continues to exist, and would be grateful if the Government would indicate in its next report what measures it intends to take to establish complete conformity between the legislation and the provisions of the Convention.

Finally, the Government states that it will submit to the next session of Congress an amendment of section 7 (b) (3) of Act No. 679 in order to make it accord with Article 5, paragraph 1 of the Convention, which provides that the prohibition of night work for women may be suspended only after consultation with the employers' and workers' organisations concerned. The Committee would be grateful to be kept informed of the progress made in this connection.

*Uruguay* (ratification : 18.3.1954). See under Convention No. 58.

*Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948.*

Number of reports requested : 10.

Number of reports received : 10.

*Czechoslovakia* (ratification : 12.6.1950). The Committee notes the information supplied by the Government in reply to the observations made by the Committee in 1956.

As regards the night period, required by Article 2 of the Convention to be a period of at least 12 hours, the Government refers to its report on Convention No. 89, in which it states that in fact the legislation ensures a nightly rest period of 16 hours. As in the case of Convention No. 89, the Committee would be

grateful if the Government would in its next report specify the legislative provisions which produce this result.

As regards the exceptions provided for in Article 3, paragraph 2 of the Convention for purposes of apprenticeship or vocational training, the Committee notes that in reply to its observations the Government states that the exceptions concern "pupils" of the States Labour Reserves Training Centres who, like apprentices, may exceptionally be employed at night during the last year of their training and are for the most part over 16 years of age. It follows that in certain cases young persons under 16 years of age may be required to work at night, and the Committee ventures to point out once more that the Convention permits this exception only in respect of young persons who have reached the age of 16 years.

The Committee also notes with interest that as from 1 October 1956 young persons under 16 years of age work only six hours per day and that, in the Government's opinion, this may make it possible to ensure that work by apprentices in bakeries takes place during the day. The Committee trusts that these new regulations will make possible application of the Convention in bakeries where, in accordance with Article 3, paragraph 4, work should not commence before 4 a.m.

The Committee further observes that the report does not state whether the Government intends shortly to repeal the provisions of ordinance No. 19 of 1951 which permit the employment at night of young persons between 16 and 18 years, as the report for 1954-55 suggested. Referring to the observations made in 1956, the Committee once more expresses the hope that the Government will be able to supply information on this point. Pending the repeal of the provisions the Committee would be grateful if the Government would indicate in its next report for which industries, periods and regions night work by young persons has been permitted under the Ordinance.

Finally, the Committee notes that the obligation for undertakings to maintain lists of employees, as required by Article 6, paragraph 1 (e) of the Convention, arises under the Trades and Industries Regulations Act No. 227. The Committee would be grateful if the Government would supply a copy of this Act.

*India* (ratification : 27.2.1950). The Committee notes with interest that in reply to the observations made in 1956 the Government states in its report that it intends shortly to take the necessary measures to amend the rules made under the Employment of Children Act relating to railways and major ports, so that under section 4 (a) the Government will be under an obligation to consult organisations of employers and workers before approving schemes of apprenticeship or vocational training in respect of which exceptions to the prohibition of night work may be authorised, as required by Article 3, paragraph 2 of the Convention.

The Committee trusts that the next report will contain information on the measures which have been taken.

*Israel* (ratification : 23.12.1953). With reference to the observation made in 1956, as regards Article 3 of the Convention, the Committee notes with satisfaction that the Minister of Labour has issued an Order to the Chief Labour Inspector not to grant permits under section 25 (c) of the Youth Labour Law without

prior consultation with the Working Youth's Organisation and the employers' organisation concerned. The Committee also notes that, should a Bill be submitted in the future to amend the law on other points, an amendment concerning consultation in respect of permits under section 25 (c) will be included.

As regards the register of juveniles (Article 6), see under Convention No. 5.

*Italy* (ratification : 22.10.1952). See under Convention No. 77.

*Netherlands* (ratification : 22.10.1954). The Committee thanks the Government for the information contained in its first report and notes with interest the laws and regulations made to bring the legislation into conformity with the Convention.

The Committee however considers it necessary to make the following observations :

(a) The scope of the legislation mentioned by the Government does not coincide entirely with that laid down in Article 1, paragraph 1 of the Convention, as none of this legislation refers to road transport undertakings or airports.

(b) Under section 83 (6) of the Labour Act 1919 and section 20 (8) of the Act concerning the loading and unloading of ships, any contravention of the prohibition of the employment of children at night is not punishable "if it is justified by the circumstances" and provided it is reported immediately to the competent authority; however, Article 4, paragraph 2 of the Convention permits exceptions only in respect of work by young persons between the ages of 16 and 18 years, and then only in the case of emergencies which are not of a periodical character and which interfere with the normal working of the industrial undertaking.

The Committee hopes that the Government will be able to supply more detailed information on the above-mentioned points in its next report, and in particular on the measures which it intends to take to bring about full conformity between the national legislation and the before-mentioned provisions of the Convention. The Committee would also be grateful if the Government would indicate in its next report what measures are taken to bring the provisions of the Convention to the knowledge of the persons concerned, in accordance with Article 6, paragraph 1 (a) of the Convention.

*Pakistan* (ratification : 14.2.1951). The Committee notes that in reply to the observations made in 1956 the Government states that its observations have been noted with a view to the necessary measures being taken.

As the report indicates neither the nature of these measures nor the stage reached by them, the Committee can only once again draw the Government's attention to the discrepancies arising under the Employment of Children Rules (section 8), Rule 13 of the Consolidated Mines Rules, and section 46 (2) of the Mines Act.

The Committee trusts that the Government will shortly be able to provide more detailed information on the measures taken to eliminate these discrepancies, particularly on the progress made by the Bills mentioned in its report, and to supply copies of the Bills.

*Philippines* (ratification : 29.12.1953). The Committee thanks the Government for the information supplied in its report in reply to the observations made in 1956, to the effect that the Labour Department intends to present to Congress in 1957 a Bill to amend

section 5 (b) of Act No. 679 with a view to making it conform to the provisions of the Convention. The Committee would be grateful if the Government would indicate in its next report what progress has been made in this respect.

*Uruguay* (ratification : 18.3.1954). See under Convention No. 58.

*Convention No. 92: Accommodation of Crews (Revised), 1949.*

Number of reports requested : 11.

Number of reports received : 10.

Report not received : 1.

(*Portugal.*)

*Brazil* (ratification : 8.6.1954). The Committee notes that the final adoption of regulations and their putting into effect require considerable time. The Committee hopes that this work can now be completed and detailed information supplied without further delay.

*Cuba* (ratification : 29.4.1952). The Committee notes the information supplied by the Government to the Conference Committee in 1956, and confirmed in the report for 1955-56, from which it appears that the Directorate-General of Social Insurance of the Ministry of Labour has been given administrative responsibility for the measures necessary to apply the Convention.

The Committee would be grateful if the Government would include in the next report further information as to the progress made in implementing paragraph 2 of Resolution No. 74, regarding the measures to be taken in order to bring national legislation into full conformity with the provisions of the Convention.

*Poland* (ratification : 13.4.1954). The Committee notes from the report that detailed legislation applying the provisions of the Convention has not yet been adopted, but that an Order on the subject was to be promulgated by the end of 1956 or the beginning of 1957.

The Committee trusts that the Government's next report will contain information on this Order.

*Portugal* (ratification : 29.7.1952). Since the report for 1955-56 has not arrived, the Committee cannot but repeat its previous observation, which read as follows :

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.

The Committee trusts that the Government will be able, at an early date, to take the action called for above.

*Convention No. 94: Labour Clauses (Public Contracts), 1949.*

Number of reports requested : 12.

Number of reports received : 11.

Report not received : 1.

(*Guatemala.*)

*General observations.* The Committee observes that certain reports have again alluded to the problem of applying the Convention discussed by the Committee in its general observations in 1956.

The Committee finds itself unable to accept the view that, where legislation and collective agreements apply to all workers, a government is freed from the obligation to insert labour clauses in public contracts in accordance with the Convention. The insertion of such clauses constitutes the basic requirement of the Convention, and the Committee considers that exceptions cannot be permitted. Moreover, even in the circumstances mentioned above, the insertion of labour clauses in public contracts may have positive advantages, particularly where legislation merely establishes minimum standards capable of being exceeded by collective or individual agreements or where collective agreements are not generally binding.

Even assuming that the Committee were entitled to determine in particular cases whether or not labour clauses are to be inserted in public contracts, it could do so only after elaborate and difficult investigations into conditions obtaining in the countries concerned. The Committee considers that this would be neither desirable nor feasible.

The Committee, however, recalls the observation which it made in 1956, that where labour legislation effectively applies to all workers—and this holds good for collective agreements also—a simple reference in public contracts to the provisions in question would be sufficient to give effect to the Convention and to remove all uncertainty.

The Committee is pleased to note that, following the General Observations made by it in 1956, Finland and the Netherlands have taken measures to insert labour clauses in public contracts, and that in Belgium also steps have been taken with a view to giving effect to the Convention. It trusts that any remaining difficulties in applying the Convention will shortly be overcome.

*Austria* (ratification : 10.11.1951). The Committee notes that withdrawal of the draft regulations intended to give full effect to the Convention has been requested by the Austrian Assembly of Chambers of Labour, because the Assembly doubts their constitutionality and also objects to their content as not fully applying the Convention. The Committee notes further that the competent Federal Ministries intend to resume discussions as soon as possible with a view to overcoming the existing difficulties and bringing Austrian standards into line with the Convention. The Committee trusts that it will be possible to take the necessary measures at an early date, and would be glad to be kept informed of progress made in this direction.

*Belgium* (ratification : 13.10.1952). The Committee has studied the statement made to the Conference Committee in 1956 by a Government representative and the information contained in the Government's report.

The Committee refers to its General Observations above, and notes with interest that two Royal Orders of 5 October 1955 have given effect to certain provisions of the Convention. Paragraph 30 of the schedule to one of these Orders confirms the application to public works contracts of statutory and other provisions relating to industrial health and labour protection. The Committee is pleased to observe that the Government has deemed it advisable and practicable to insert such a clause in public contracts. It would be grateful if the Government would consider amplying this clause by adding a brief reference in similar terms to the provisions of legislation or collective agreements concerning wages, hours of work, and other

conditions of work, thus meeting in full the requirements of Article 2 of the Convention.

*Cuba* (ratification : 29.4.1952). The Committee notes that Order No. 73 of 1956 was issued with a view to implementing the Convention. The Committee observes, however, that the Order fails to give effect to the Convention, since it relates to contracts of employment made by public authorities whereas the Convention is intended to protect, not the employees of public authorities but the employees of contractors, subcontractors, etc., who are carrying out public works. This is made clear by the definition of the scope of the Convention in Article 1, paragraph 1, according to which the Convention applies to contracts which, first, involve the expenditure of funds by a public authority and the employment of workers by the other party to the contract (subparagraph (b)) and, secondly, are contracts for the construction, alteration, repair or demolition of public works; the manufacture, assembly, handling or shipment of materials, supplies of equipment; or the performance or supply of services (subparagraph (c)).

The Committee trusts that the Government will take the necessary measures to apply the Convention with respect to the contracts specified in the provisions referred to above.

*Finland* (ratification : 22.12.1951). The Committee is pleased to learn that labour clauses are now inserted in contracts for construction work and in transport licences, and notes with particular interest that the clauses inserted in construction contracts conform to paragraphs 1 and 2 of Article 2 of the Convention. The Committee trusts that it will be found possible to insert similar clauses in all contracts falling within Article 1, paragraph 1 (c), of the Convention, and would be grateful if the Government would indicate in its next report the steps taken to this end.

The Committee would be glad if in its next report the Government would also supply information regarding the following provisions of the Convention : Article 1, paragraph 3 (application of the Convention to subcontractors or assignees); Article 2, paragraph 3 (consultation of employers' and workers' organisations on the terms of labour clauses); Article 2, paragraph 4 (measures to bring labour clauses to the attention of persons tendering); Article 4 (publicity, records, etc.); and Article 5 (sanctions, etc.).

*Israel* (ratification : 30.3.1953). The Committee notes with interest the Government's detailed first report. It would be glad if the Government would in its next report indicate the measures taken to apply the Convention to work by subcontractors or assignees (Article 1, paragraph 3), and to consult employers' and workers' organisations on the terms of labour clauses (Article 2, paragraph 3).

As regards Article 4, paragraph (a) (iii), the posting of notices would appear to be required by the Regulations of 11 January 1955, a copy of which has been supplied in connection with Convention No. 1. The Committee would be grateful if the Government would, with its next report, forward specimen copies of such notices and of the forms of record mentioned in respect of Article 4, paragraph (b) (i).

Finally, the Committee would be glad if the Government would append to its next report copies of the Financial Regulations of the Treasury and other administrative regulations referred to in its reports.

*Netherlands* (ratification : 20.5.1952). The Committee is pleased to note that, to meet the requirements of Article 2, paragraph 1, of the Convention, specifications for public contracts now contain a clause providing for the payment of current wage rates and the observance of other conditions of work, and that the specifications form an integral part of the contracts.

*Philippines* (ratification : 29.12.1953). The Committee notes that steps are being taken by the Department of Labour and the Department of Public Works and Communications with a view to the insertion of labour clauses in public contracts. The Committee refers to the observations made by it in 1956, when it expressed the hope that, in taking such steps, account would be taken of the other provisions of the Convention, particularly as regards 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, referring to the observations made in 1956, would be glad if the Government would in its next report indicate the provisions of national laws, regulations, collective agreements or arbitration awards relating to the health, safety and welfare of the workers concerned; and, where no such provisions exist, give information concerning any measures that have been taken to ensure fair and reasonable conditions in such matters (Article 3 of the Convention).

*Uruguay* (ratification : 18.3.1954). The Committee notes with interest the information supplied by the Government in its first report. However, as the report was drafted in general terms, the Committee 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.

#### *Convention No. 95 : Protection of Wages, 1949.*

Number of reports requested : 12.

Number of reports received : 12.

*Austria* (ratification : 10.11.1951). The Committee notes the observations made by the Austrian Assembly of Chambers of Labour, to the effect that in its view Austrian legislation does not give effect to Article 11, paragraph 2 of the Convention, because it does not require "privileged" claims for wages to be paid in full before other claims are even investigated. The Committee also notes the contrary views expressed by the Federal Ministry of Justice in this respect.

After careful consideration of the question, the Committee has come to the conclusion that the Convention does not lay down a special procedure for the establishment of claims in bankruptcy proceedings. The Convention only provides that wage claims are to constitute privileged debts (Article 11, paragraph 1), and accordingly are to be paid in full before distribution of the net assets among ordinary creditors (Article 11, paragraph 2). It is for national law to determine the formal steps for establishing claims, the period within which they are to be made, and the proof required for their establishment.

*Cuba* (ratification : 29.4.1952). The Committee thanks the Government for the detailed information supplied in answer to the observations made in 1956.



*Ecuador* (ratification : 6.7.1954). The Committee wishes to thank the Government for its detailed first report on this Convention. It observes that express provision does not appear to be made in national legislation to prohibit the payment of wages in the form of liquor of high alcoholic content or of noxious drugs (Article 4, paragraph 1) or to ensure that workers are free from any coercion to use works stores or services (Article 7, paragraph 1). It would be grateful if the Government would indicate in its next report what measures it intends to take to give effect to these provisions of the Convention. The Committee would also be glad if in its next report the Government would specify the legislation which prohibits employers from limiting the worker's freedom to dispose of his wages (Article 6), and which creates the employer's obligation to give the worker details of his wages, at the time of engagement and upon payment, which are mentioned in the report with reference to Article 14.

*Guatemala* (ratification : 13.2.1952). The Committee wishes to thank the Government for its detailed first report. The Committee would be grateful if, in its next report, the Government would indicate what measures it proposes to take to give effect to Article 8, paragraph 2 of the Convention (dealing with the giving of information to workers regarding deductions from wages), and would also supply the requested additional information on the following matters :

Article 9. Payments to employers for obtaining or retaining employment are prohibited by section 62 of the Labour Code. What provisions exist prohibiting deductions for similar payments to representatives of employers or to intermediaries?

Article 12, paragraph 2. Section 99 of the Labour Code, to which the Government refers in its report, provides that the employer shall be entitled to make a final settlement on termination of employment. Under what conditions and within what time may workers claim such settlement?

Article 15 (a). The rules of employment mentioned in the report do not deal with all the matters covered by the Convention, and only employers with ten or more workers are obliged to draw up such rules. By what means are the laws and regulations giving effect to the provisions of the Convention made available to (i) employees of undertakings with less than ten workers, and (ii) employees in larger undertakings in so far as their rules of employment do not refer to such legislation?

*Italy* (ratification : 22.10.1952). The Committee notes with interest the results of the Government's inquiry into works stores, canteens and other services provided by undertakings. The Committee observes that, in the Government's view, existing services are provided for the benefit of the workers concerned, and trusts that the Government will keep the position under review to ensure, in accordance with Article 7, paragraph 2, of the Convention, that the conditions revealed by the inquiry continue to obtain.

*Philippines* (ratification : 29.12.1953). The Committee notes with interest the information supplied by the Government in answer to the request made in 1955.

The Government confirms that the Minimum Wage Law, which gives effect to certain provisions of the Convention, excludes from its scope employees of retail or service enterprises which employ not more than

five persons, farm tenancy, domestic servants and related services, but refers to the Eight Hour Labour Law and article 1695 of the Civil Code. It is noted that this legislation relates to hours of work and holidays, but is not relevant to the protection of wages. Legislation accordingly seems necessary to give effect to the Convention in respect of the categories of workers excluded from the Minimum Wage Law.

The Government states that the prohibition of the payment of wages in the form of liquor of high alcoholic content or noxious drugs (Article 4, paragraph 1) is implicit in the requirement that wages be paid in legal tender. The Committee observes, however, that section 2 (g) of the Minimum Wage Law envisages allowances in respect of "board, lodging or other facilities customarily furnished by the employer to the employee". This provision could make payment in the form of liquor, etc., possible in certain cases, and the enactment of an express prohibition therefore appears to be necessary.

With reference to Article 7, paragraph 2 of the Convention, the Government has referred to section 10 (d) of the Minimum Wage Law, which prohibits employers from compelling employees to make use of any store or services. This provision is relevant to paragraph 1 of Article 7, but does not ensure that, where access to other stores or services is not possible, appropriate measures are taken to ensure that goods and services are provided at fair and reasonable prices for the benefit of the workers concerned and not for the profit of the employer, as required by paragraph 2. Measures should therefore be taken to give effect to paragraph 2 of Article 7.

With reference to Article 10 of the Convention, the Government has referred to article 1708 of the Civil Code, which regulates execution and the attachment of labourers' wages. The Committee would be glad if, in its next report, the Government would indicate—

(a) the definition of "labourer" applicable in this context;

(b) the legislation regulating assignment of wages (which is not covered by the provision quoted);

(c) the provision prohibiting attachment or assignment to the extent deemed necessary for the maintenance of the worker and his family (as required by paragraph 2 of Article 10).

In so far as (b) and (c) above are not covered by existing laws, the enactment of appropriate provisions would appear to be called for.

The Committee notes the provisions cited with reference to Article 13 of the Convention, but observes that these do not require wages to be paid on working days, nor prohibit payment of wages in taverns, etc., as payment may be effected anywhere within one kilometre of the undertaking. Appropriate legislative provision would appear to be necessary in this connection.

The Committee would be glad if the Government would indicate in its next report what measures it proposes to take as regards the above matters, in order to give full effect to the provisions of the Convention.

*Poland* (ratification : 25.10.1954). The Committee notes with interest the information supplied in the Government's first report. The Committee observes that full effect appears not to be given to Articles 8 (deduction from wages), 13 (time and place of payment of wages) and 14 (measures to ensure that workers are informed of conditions governing wages, etc.) in



respect of workers in agriculture, forestry and horticulture, domestic servants and caretakers, as the Order of 1928 concerning wage-earning employees excludes them. The Government has stated that the provisions of the Order are in fact applied to all workers, but the Committee observes that Article 8 of the Convention, for example, requires deductions from wages to be regulated by laws or regulations, collective agreement or arbitration award. Application of the Order to the excluded categories of persons on an informal basis does not secure them their rights to this extent.

The Committee further observes that effect appears not to be given to Article 13 as regards workers covered by the Order of 1928 concerning intellectual workers, and that as regards employees of the State, etc., covered by the Order of 19 February 1949, no provision is made covering the Article's requirements as to place of payment.

The Committee will be pleased if the Government will indicate in its next report what measures it proposes to take to give full effect to the above-mentioned Articles of the Convention.

The Government's report does not contain information with respect to Article 4, paragraph 1 (as regards the prohibition of the payment of wages in the form of liquor of high alcoholic content or noxious drugs), Article 4, paragraph 2, Article 6, Article 8, paragraph 2, and Article 9. The Committee will be glad if the Government will in its next report supply information on the effect given to these provisions.

The Committee will also be glad if the Government will in its next report refer to the statutory or other provisions authorising the allowances in kind mentioned in the report for 1955-56 in respect of Article 4, paragraph 1.

Finally, as regards Article 14 of the Convention, it is noted that section 25 of the Order of 1928 concerning wage-earning employees provides for the issue of a wages book to employees in undertakings with more than four wage-earning employees. The Committee will be pleased if the Government will state in its next report what measures are taken to ensure that workers in undertakings with less than five employees are informed of their conditions in respect of wages and of the particulars of wages subject to change.

*Uruguay* (ratification: 18.3.1954). The Committee notes with interest the Government's first report on the application of this Convention. The Committee would be grateful if the Government would, in its next report, provide additional information on the following points and supply copies of any relevant legislation which has not already been made available:

(a) The Government states that no workers are to be excluded from the Convention under Article 2, paragraph 2. However, the legislation cited in respect of most Articles of the Convention consists of Acts providing for the fixing of minimum wages, and, as this legislation does not cover domestic workers other than chauffeurs, it is not clear whether, and by virtue of what legislation, the Convention is applied to such domestic workers.

(b) The above-mentioned legislation providing for the fixing of minimum wages appears to consist of six Acts (Nos. 9910, 9991, 10449, 10471, 10809 and 11718), each of which applies to different categories of workers. The Committee notes that in respect of Articles 3 (payment of money wages in legal tender) and 8 (deductions from wages) reference

is made to provisions in Act No. 10449 only. While the provisions of Act No. 10449 apply to workers covered by Act No. 10471 (under section 1 of the latter Act), it is not clear whether, and by virtue of what provisions, the said Articles are applied in respect of workers covered by Acts Nos. 9910, 9991, 10809 and 11718.

(c) Similarly, in respect of Article 4, paragraph 1 (payment of wages in kind), reference is made to provisions in Acts Nos. 10449 and 10809 only, and it is not clear whether, and by virtue of what provisions, this paragraph is applied to workers covered by Acts Nos. 9910, 9991, and 11718.

(d) The report does not state the legislation or practice which gives effect to the following provisions of the Convention: Article 4, paragraph 1 (so far as requiring the prohibition of payment of wages in the form of liquor of high alcoholic content or of noxious drugs); Article 4, paragraph 2 (measures to ensure that wages in kind are appropriate to the worker's needs and of fair value); Article 10, paragraph 2 (prohibition of attachment or assignment of wages to the extent necessary for the maintenance of the worker and his family); Article 12, paragraph 1 (as regards arrangements to ensure the payment of wages at regular intervals); Article 12, paragraph 2 (final settlement of wages on termination of employment).

(e) In the case of the following provisions of the Convention, the report refers to national legislation but fails to specify the Acts or regulations in question: Article 5 (direct payment of wages to workers); Article 6 (as regards the prohibition of works stores); Article 10 (as regards the three or four special laws permitting part retention of wages); Article 13, paragraph 2 (prohibiting payment of wages in taverns, etc.); Article 15 (c) (penalties).

*Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949.*

Number of reports requested: 13.

Number of reports received: 12.

Report not received: 1.

(*Bolivia.*)

*Finland* (ratification: 22.12.1951). The Committee thanks the Government for the information supplied in reply to the observation made in 1956 and would appreciate it if the next report would indicate whether the 14 associations authorised to carry on employment exchange work—

(a) place or recruit workers abroad and, if so,

(b) do so with the permission of the competent authority and under conditions determined by the laws or regulations in force (Article 6 (c) of the Convention).

*France* (ratification: 10.3.1953). The Committee thanks the Government for the information furnished in reply to a number of questions raised in 1956. It notes, however, that the Government indicates once again in its report that the closing of fee-charging employment agencies, prescribed in the legislation, has not yet been carried out, since the credits necessary for their indemnification were not available. The Committee hopes that it will be kept informed of any progress in this connection and it would like to know whether, as it asked in 1956, the provisions respecting the abolition of the right to assign or transfer fee-charging agencies are applied, pending the suspension of these agencies.

The Committee would also like to know, as it asked in 1956, what methods are used for the consultation of employers' and workers' organisations, as required in the Convention (Article 4, paragraph 3, and Article 5, paragraph 1).

The Committee would be grateful if the Government would indicate in its next report what measures might be taken to review and co-ordinate the legislative texts relating to the supervision of fee-charging employment agencies, which texts, as indicated in the report, no longer meet the present conditions and are to be dealt with in a new decree provided for under section 2 of the Ordinance of 24 May 1945 (Article 4).

Finally, the Committee notes that the report refers, under Article 5, to the existence of 25 employment agencies for domestic servants and 29 employment agencies for artistes but that the statistics attached to the report refer to 104 agencies for domestic servants and 28 for artistes. It would be grateful if the Government would indicate in its next report whether these statistics include agencies other than those whose supervision is required under Article 5.

*Federal Republic of Germany* (ratification : 8.9.1954). The Committee thanks the Government for the detailed information given in its first report and draws attention to the following points :

Article 5, paragraph 2(b) of the Convention. There appears to be a discrepancy between the Federal German practice of granting licences without limitation of validity to fee-charging employment agencies conducted for profit, and the Convention, which provides that such licences shall be renewable annually.

Article 5, paragraph 2(d) and Article 6(c). No information is given in the report concerning the granting of authorisations to fee-charging employment agencies to engage in placement abroad, or concerning the conditions which may have been determined by the laws or regulations in force and under which both placement and recruitment may be conducted abroad.

The Committee would therefore be grateful if the Government would indicate in its next report what steps have been or are to be taken to ensure conformity with the above-mentioned provisions of the Convention.

*Italy* (ratification : 9.1.1953). The Committee takes note of the information furnished in reply to the observation made in 1956, from which it appears that the Ministry of Labour has prepared a Bill regulating the engagement of domestic servants (these are the only category of workers for which private fee-charging employment agencies exist at present) but that this Bill will have to be submitted to various bodies and authorities before coming into force. The Committee hopes that the Government will supply information at an early date on the progress made in connection with this Bill.

Pending the adoption of the said Bill, the Committee hopes that the next report will supply additional information on certain aspects of the present system in regard to private employment agencies.

Article 3 of the Convention. Are the non-fee-charging employment agencies for domestic servants, dealt with in the above-mentioned Bill, intended to replace the existing private fee-charging agencies?

Article 4. In respect of the period preceding the abolition of the present private agencies, it should be indicated—

(a) whether the rates charged by these agencies are merely communicated to the public security authorities or whether they are submitted for approval to these authorities (paragraph 1);

(b) whether the supervision carried out by these authorities eliminates any abuses in the working of these agencies (paragraph 2);

(c) whether, in this connection, the competent authority consults, by appropriate methods, the employers' and workers' organisations concerned (paragraph 3).

Article 7. It should be indicated whether there are any private non-fee-charging employment agencies and, if so, what measures have been taken by the competent authority to satisfy itself that they carry on their operations gratuitously.

Article 8. It should be indicated what penalties are applied to the private agencies for domestic servants in cases of violation of the provisions of Part II of the Convention or of the provisions of the legislation giving effect to these provisions.

*Pakistan* (ratification : 26.5.1952). The Government states in its report that it has not yet received from the sources addressed the information requested by the Committee in 1955 regarding persons acting as intermediaries for the purpose of procuring employment (labour contractors, etc.) and regarding the abolition of such practices (Article 3 of the Convention).

The Committee hopes that this collection of information will be expedited and that it will be made available in the near future.

*Sweden* (ratification : 18.7.1950). Further to its observations of 1954 and 1956, the Committee notes with interest that action taken by the Government in granting licences to fee-charging agencies placing or recruiting musicians, theatrical artists, etc., abroad ensures compliance with Article 6(c) of the Convention.

*Turkey* (ratification : 23.1.1952). Further to its observations of 1955 and 1956 the Committee notes that the Bill to regulate the activities of persons acting as intermediaries has been redrafted to apply only to agricultural workers and agricultural employers, since no intermediaries exist in other branches of the economy. The Committee trusts that this Bill will now be promulgated at an early date so as to give effect to this Convention.

#### *Convention No. 97: Migration for Employment (Revised), 1949.*

Number of reports requested : 10.

Number of reports received : 9.

Report not received : 1.  
(*Israel.*)

*Belgium* (ratification : 27.7.1953). The Committee thanks the Government for the information furnished in reply to the request made in 1956.

*Cuba* (ratification : 29.4.1952). Further to its observations of 1955 and 1956 the Committee notes the Government's renewed statement that, owing to the restrictive character of the Act of 8 November 1933 on the nationality of workers, there is no immigration for employment in Cuba, except for immigration of directors, managers and administrators of undertakings and highly qualified technicians, and that the aliens in question perform such duties as representatives of their employer. Since this type of migrant is thus

employed "otherwise than on his own account" he falls clearly within the scope of Article 11 of the Convention.

The Committee also noted the figures of foreigners authorised to work in Cuba appended to the Government's report, and would appreciate confirmation that no other migrants have entered Cuba for employment in recent years (point V of the report form).

Finally, the Committee notes that, as in the previous report, no reference is made to emigration for employment, and hopes that in preparing its next report the Government will include full information on the application of the Convention to emigrants.

*France* (ratification : 29.3.1954). The Committee takes note with interest of the detailed information supplied in the Government's first report. It would be grateful if the Government would supply further information in its next report, about the questions dealt with in Article 6, on the regulations applied to immigrants and members of their family, with regard to allowances in cases where a family lives on a single salary, with regard to maternity allowance and with regard to apprenticeship.

Since no information is supplied with regard to workers emigrating from France with a view to working otherwise than as independent workers, the Committee points out that, in virtue of Article 11, paragraph 1, of the Convention, the term "migrant for employment" applies both to emigrants and immigrants. The Committee would therefore be grateful if the Government would supply information in its next report on the provisions and measures taken with regard to workers emigrating from France.

Finally, the Committee would appreciate it if the Government would supply some general information in its next report on the manner in which the Convention is applied in practice (point V of the report form).

*Netherlands* (ratification : 20.5.1952). The Committee wishes to thank the Government for the information which it was good enough to supply in response to the observation made in 1956.

*Uruguay* (ratification : 18.3.1954). The Committee notes that the Government's first report is rather summary in character and contains no information on the effect given to Articles 1, 4 and 11 of the Convention, nor to Annexes I, II and III of the latter. The report does not refer either to emigrants leaving Uruguay. The Committee would be grateful therefore if the Government would include this information in its next report, as well as give more detailed information on Articles 2, 3, 5 and 6 of the Convention on the taking of practical measures such as the conclusion of bilateral migration agreements (Article 10).

A booklet, *Immigration During the Last Twenty Years*, was mentioned in but not attached to the report. The Committee would also appreciate it if a copy of the booklet could be forwarded with the next report.

*Convention No. 98 : Right to Organise and Collective Bargaining, 1949.*

Number of reports requested : 17.

Number of reports received : 17.

*Belgium* (ratification : 10.12.1952). See under Convention No. 87.

*Brazil* (ratification : 18.11.1952). The Committee notes with interest the information supplied by the Government to the Conference in 1956, as amplified in its last report. It notes with satisfaction that sections 199 and 203 of the Penal Code and certain sections of the Labour Code, particularly section 543, appear to provide adequate protection for workers employed in the private sector against anti-trade union discrimination. The Committee would, however, be grateful if the Government would state whether, with the exception of civil servants who are not covered by the Convention (Article 6), all employees of public undertakings enjoy the guarantees established by the Code for workers in private undertakings.

*Dominican Republic* (ratification : 22.9.1953). The Committee notes with interest the information supplied by the Government regarding the provisions of the Labour Code which protect works unions against the acts of interference mentioned in Article 2 of the Convention.

As the Governing Body of the I.L.O. at its 134th Session (Geneva, March 1957), on the recommendation of the Committee on Freedom of Association, drew the Committee's attention to the provisions of section 104 and the following sections of the Labour Code, the Committee has carefully examined the provisions which provide for the prior approval of collective agreements by the Ministry of Labour. Bearing in mind that, under Article 4 of the Convention, the Government is bound "to encourage and promote the full development and utilisation of machinery for voluntary negotiation... of collective agreements", the Committee considers that the power given to the Government in all cases of refusing approval of a collective agreement can hardly be considered as an "encouragement" of "voluntary" negotiation. Instead of furthering "the full development and utilisation" of such negotiation, the existence of a power as general as this, even if subject to appeal to the courts, may discourage workers and employers from negotiating. The Committee would accordingly be grateful if the Government would indicate what measures it proposes to take to amend the aforesaid provisions.

*Egypt* (ratification : 3.7.1954). The Committee notes with regret that the Government's first report is extremely brief. It would be grateful if the Government would indicate in its next report how effect is given to Article 2 of the Convention, relating to the protection which workers' and employers' organisations should enjoy against all acts of interference by each other.

Referring to the observation which it made in 1956 in respect of Convention No. 11, the Committee notes that the measures of protection against anti-trade union discrimination provided for by section 39 *bis* of Legislative Decree No. 317 of 1952 do not apply to all workers, as required by Article 1 of the Convention. The Committee would be grateful if the Government would indicate whether it proposes to extend the scope of this decree.

*France* (ratification : 26.10.1951). See under Convention No. 87.

*Guatemala* (ratification : 13.2.1952). The Committee notes with interest the Government's first report. As regards workers (other than civil servants) employed in public undertakings, it can only refer to the observations made in respect of Convention No. 87, as it appears that these workers do not enjoy any right of

association. The Committee would also be grateful if the Government would indicate in its next report to what extent use is made of collective agreements in Guatemala.

*Pakistan* (ratification : 26.5.1952). In its previous reports the Government indicated that it was considering a draft amendment to the Trade Unions Act for the purpose of giving effect to the Convention. In 1955 a representative of the Government on the Conference Committee stated that the necessary amendments would be made within a period of one year. Since that time the position has remained unchanged, and the report furnished this year merely refers to the information given previously. The Committee would be grateful if the Government would be good enough to indicate, as soon as possible, whether it has been able to make any progress with a view to ensuring the application of the Convention. In this connection, having regard to the relatively large number of complaints of acts of anti-union discrimination referred to by the Government in its reports, the Committee considers, as it emphasised in the observation that it made on Convention No. 87, that the establishment of appropriate machinery, as provided for in Article 3 of the Convention, might appear to be necessary for the purpose of ensuring respect for the right to organise.

*Turkey* (ratification : 23.1.1952). The Committee has noted with interest the detailed information furnished by the Government to the Conference in 1956, which is repeated and clarified in the last report from the Government. It has noted with satisfaction that, according to the information furnished, the Trade Unions Act (No. 5018) of 20 February 1947, and more particularly, section 9 thereof, applies to all persons who perform "work which is either exclusively manual or both manual and intellectual", irrespective of the undertaking or branch of activity in which they are employed. With respect to purely intellectual workers, the Committee notes with interest that the Government intends to propose new legislative measures for the purpose of protecting such workers against acts of anti-union discrimination, as is provided for in Article 1 of the Convention. It would be glad if it might be kept informed of the steps taken with respect to such measures.

With regard to Article 2, on the other hand, it has appeared to the Committee that the Government's references to the provisions of the Civil Code relating to the autonomy of legal persons and to the fact that ratification of the Convention has given to it the force of a national enactment do not appear sufficient to ensure the application of Article 2 of the Convention. In fact, the Committee does not see very clearly how the principle of the autonomy of legal persons can be an obstacle to acts of interference of the kind mentioned in paragraph 2 of Article 2 (acts which are designed to promote the establishment of organisations under the domination of employers or to support organisations by financial or other means); further, the incorporation of the Convention in domestic legislation merely results in a definition being given of the measures of "adequate protection" against "any acts of interference" which organisations shall enjoy. The Committee would be grateful, therefore, if the Government would be good enough to indicate what measures it intends to take to give effect to Article 2 of the Convention.

*Uruguay* (ratification : 18.3.1954). The Committee notes with interest the additional information supplied

by the Government in its report and notes that a committee has been set up to study legislation designed to give fuller effect to Articles 1 and 2 of the Convention.

*Convention No. 99 : Minimum Wage Fixing Machinery (Agriculture), 1951.*

Number of reports requested : 11.

Number of reports received : 11.

*Austria* (ratification : 29.10.1953). In accordance with the request made by the Committee in 1956, the Government has supplied information regarding the number of collective agreements in force in agriculture, the number of workers covered by the agreements and wage rates payable under them. The Committee notes this information with interest.

*Federal Republic of Germany* (ratification : 25.2.1954). The Committee thanks the Government for its detailed first report on the Convention. It notes that the Act of 1952 providing for the establishment of minimum conditions of employment has not yet been applied, and that it is considered that practical effect is given to the Convention by collective agreements. The Committee will be pleased if the Government will in its next report, in accordance with Article 5 of the Convention, give particulars of the collective agreements in force covering workers in agricultural undertakings and related occupations, and will indicate—

(a) the approximate number of such workers covered by these agreements, and

(b) the approximate number of all employees in agricultural undertakings and related occupations, whether or not affected by collective agreements.

The Convention provides in Article 3, paragraph 4 that fixed minimum wage rates shall not be subject to abatement, and permits exceptions to this rule only in cases falling within Article 3, paragraph 5 (to prevent the curtailment of employment opportunities of handicapped workers). The Committee observes that abatements contrary to these rules may be possible under section 8 (2) of the Act of 1952 (which makes minimum conditions of employment subject to the provisions of collective agreements), and under section 8 (3) of the Act (which permits a waiver of rights arising under minimum conditions of employment as part of a compromise). It would be glad if the Government would state in its next report what measures it proposes to take to establish full conformity between the legislation and the Convention.

Finally, it is noted that the Provisional Agricultural Labour Act of 1919, to which the Government refers with respect to Article 2 of the Convention, does not contain provisions ensuring that allowances in kind should be appropriate for the personal use and benefit of the worker and his family, as required by paragraph 2 (a) of the Article. The Committee would be glad if the Government would indicate in its next report the means by which effect is given to this provision of the Convention.

*Netherlands* (ratification : 11.6.1954). The Committee notes the information supplied in the Government's first report. It would be glad if in the next report the Government would supply detailed references to the legislative provisions now in force which give effect to the various articles of the Convention in the manner mentioned in the current report, namely—

(1) the powers of the Conciliation Board to approve collective agreements or make wage regulations;

(2) the Board's procedure in making wage regulations, particularly as regards its acting on recommendations of trade corporations;

(3) the binding force of approved rates, and penalties for departure therefrom.

The Committee would be glad if the Government would also indicate the legislative or other provisions which govern the fixing of wages of apprentices and handicapped workers by individual agreement, and state what control is exercised over the wage rates so fixed.

The Committee would also be glad if the Government would indicate in its next report the measures taken to ensure that the employers and workers concerned are informed of minimum wage rates, as required by Article 4, paragraph 1, of the Convention.

*Philippines* (ratification: 29.12.1953). The Committee thanks the Government for the information supplied in answer to the observations made in 1956. It notes that the determination of the value of allowances in kind and the procedure in respect of claims for wages are governed by the Rules and Regulations implementing the Minimum Wage Law. The Committee would be pleased if the Government would append a copy of these Rules and Regulations to its next report.

The Committee notes that the report of the Wage Administration Service appended to the Government's report contains certain information regarding the practical application of the Convention. The Committee would, however, be glad if in its next report the Government would indicate (as required by Article 5)—

- (a) the categories of agricultural workers to whom the minimum wage fixing machinery has been applied,
- (b) the number of workers covered, and
- (c) the minimum rates fixed and important conditions relevant thereto.

*United Kingdom* (ratification: 9.6.1953). The Committee would be grateful if the Government would indicate in its next report why the Northern Ireland Agricultural Wages Board does not fix rates in respect of female workers.

*Uruguay* (ratification: 18.3.1954). The Committee thanks the Government for its first report on the Convention. The Committee would be glad if in its next report the Government would supply full information on the following matters:

1. What arrangements have been made for "full consultation" of organisations of employers (where they exist) and also of other persons specially qualified by their trade or functions before minimum wage rates are fixed (Article 3, paragraph 2)?
2. How are employers and workers associated with the wage fixing machinery (Article 3, paragraph 3)?
3. What measures are taken to inform employers and workers of the minimum wage rates in force (Article 4)?
4. Details of the practical application of the Convention should be supplied (Article 5).

*Convention No. 100: Equal Remuneration, 1951.*

Number of reports requested: 9.

Number of reports received: 9.

*Austria* (ratification: 29.10.1953). The Government stated in its report for 1954-55 that the total

number of collective agreements in force was approximately 1,300. In the information supplied to the Conference Committee in 1956 the Government stated that the principle of equal remuneration was then recognised in approximately 40 collective agreements. The Committee would be glad if the Government would indicate in its next report what steps it has taken or proposes to take, in accordance with Article 2 of the Convention, to promote the further application of the principle and what progress has been realised in putting it into effect, stating in particular the approximate numbers of workers covered, respectively, by the collective agreements which recognise the principle and by those which do not give effect to it.

In its report for 1954-55 the Government stated that, in the case of a number of collective agreements, differences in the wage rates of men and women were based on an objective appraisal of the quality and quantity of the work performed; it was stated to the Conference Committee that the employers' and workers' organisations made every effort to apply the principles of the Convention in making such appraisals. The Committee would be pleased if the Government would in its next report describe the actual methods of job appraisal (Article 3) followed in some of the cases mentioned in its earlier report.

*Cuba* (ratification: 13.1.1954). The Committee notes with interest the information supplied by the Government in its first report, from which it appears that the principle of equality of remuneration for men and women workers for work of equal value is laid down in the Constitution. The Committee would be grateful if the Government would indicate in its next report how, when wage rates are fixed, any appropriate objective appraisal of jobs on the basis of the work to be performed is carried out (Article 3 of the Convention).

*Dominican Republic* (ratification: 22.4.1953). The Committee thanks the Government for the information supplied in answer to the observations made in 1956, regarding the application of Article 3 of the Convention. It notes with interest that an advisory committee has been established to undertake research on the basis of which the National Wage Board may determine minimum wage rates. The Committee would be glad to be kept informed of the work of this advisory committee.

*France* (ratification: 10.3.1953). The Committee thanks the Government for the information supplied in its report in reply to the observations made in 1956. It notes with interest that generally jobs are defined and classified according to the work to be performed, its relative importance and the qualities required of the workers who are to perform it, but that there exists no uniform method of classification in view of the special conditions which frequently obtain in the different categories of employment.

*Mexico* (ratification: 23.8.1952). The Committee thanks the Government for the information supplied in response to the observations made in 1956 as regards job evaluation (Article 3). The Committee would be glad if the Government would in future reports supply additional particulars of the extent to which the principle of equal remuneration for work of equal value has been applied, and indicate the measures taken to promote its application (Article 2).

*Philippines* (ratification: 29.12.1953). The Committee thanks the Government for the information

supplied in answer to the observations made in 1956, and will be glad if in its next report the Government will give further particulars of the practical application of the Convention (Articles 2 and 3), such as :

(1) the number of collective agreements giving effect to the principle of equal remuneration (supplying copies of some of these agreements);

(2) the approximate number of women workers to whom the principle of equal remuneration is applied;

(3) particulars of job appraisals carried out by the job evaluators of the Wage Administration Service, and the action taken as a result of such evaluations;

(4) the results of any periodical surveys of sample establishments (supplying, if possible, copies of the reports submitted by the investigators); and

(5) any available statistics of inspections relating to enforcement of the relevant provisions of the Woman and Child Labor Law.

*Convention No. 101 : Holidays with Pay (Agriculture), 1952.*

Number of reports requested : 9.

Number of reports received : 9.

*Cuba* (ratification : 7.7.1954). See under Convention No. 52, last paragraph.

*France* (ratification : 29.3.1954). The Committee thanks the Government for the detailed first report supplied on this Convention; it would be glad to know in what manner effect is given to Article 8 of the Convention, which provides that any agreement to relinquish the right to an annual holiday shall be void.

*Sweden* (ratification : 12.8.1953). The Committee takes note with interest of the statistical information furnished by the Government in reply to the request made in 1956.

*Uruguay* (ratification : 18.3.1954). The Committee takes note with interest of the detailed first report supplied on the Convention. It would be glad if the Government would include in its next report information on the proposed regulations in virtue of which effect is to be given to Article 5, paragraphs (a) and (b) of the Convention (more favourable treatment for young workers, and increased holidays in the case of longer service), together with the statistical and other information requested under Article 11.

As regards Article 8, see under Convention No. 52, third paragraph.

*Convention No. 102 : Social Security (Minimum Standards), 1952.*

Number of reports requested : 4.

Number of reports received : 4.

*Norway* (ratification : 30.9.1954). The Committee noted with interest the first report provided by the Government on this Convention. As regards application of Parts II, V, VI, XII and XIII of the Convention, the Committee noted that in some cases the information provided in the report requires completion; in other cases it would appear that there are some discrepancies between Norwegian legislation and the Convention.

*Part II : Medical care.* Article 10. The Committee found that the Sickness Insurance Act contains no provision, and the report of the Government gives no information regarding prenatal care. It would be grateful if the Government would be good enough

to indicate in its next report whether and to what extent the prenatal care specified in Article 10, paragraph 1 (b) (i) is provided.

Furthermore, the Committee found that the regulations of 16 July 1954, issued under section 13 of the Sickness Insurance Act, provide that in case of certain morbid conditions the insured person is required to pay both a comparatively large share (two days' wages of a standard beneficiary) of the first 50 crowns of the cost of these supplies and 25 per cent. of the price of certain pharmaceutical supplies. Since Article 10, paragraph 2 of the Convention provides that "the rules concerning such cost sharing shall be so designed as to avoid hardship", the Committee would be grateful if the Government would indicate in its next report, as is requested in the report form under this part of the Convention, what action has been taken to ensure that the cost sharing does not involve hardship on the persons protected.

*Part V : Old-age benefit.* Article 28. The Committee noted that section 4 of the Old Age Insurance Act requires the pension to be "of an amount sufficiently high to ensure the subsistence of a person living alone in the locality for one year and having no other income", but that there appears to be no provision expressly providing for revision of benefits in case of considerable variation in the cost of living. The Committee also noted that, according to the information contained in the report, adjustment of benefit rates to variations in the cost of living are the subject of amendments to the Act. In these circumstances, so that it may be able to obtain a precise idea of the application of Article 28 of the Convention through Article 65, paragraph 10 (the rates of current periodical payments . . . shall be reviewed following substantial changes in the general level of earnings where these result from substantial changes in the cost of living), the Committee would be grateful if the Government would communicate each year, in its report, the statistical information asked for in the report form under Article 65, namely—

(a) the cost-of-living index and the index of earnings of the persons protected at the beginning of the period;

(b) the same two indexes at the end of the period;

(c) the percentage (a)/(b).

Article 30. The Committee found that, according to section 3 (a) of the Old Age Insurance Act, "a person who has been deprived by a conviction in a court of law of the civic rights mentioned in section 29 (2) of the Civilian Penal Code or in section 12 (2) (b) of the Military Penal Code, and has not subsequently recovered the said rights, shall be excluded from the right to any pension". The Committee would be grateful if the Government would indicate in its next report whether this exclusion from the right to pension takes effect only in cases where the person in question is maintained from public funds or at the expense of a social security institution or service.

Furthermore, the Committee noted that under section 3 (b) a person who "during the five years preceding the request for a pension has been sentenced to imprisonment or has served a term of imprisonment or has been detained in a compulsory labour establishment for infringement of the legislation respecting vagrancy, begging or drunkenness or for failure to comply with an order to maintain his spouse or children" shall also be excluded from the right to pension. The Committee would wish to draw the Government's attention to the fact that Article 69 of



the Convention (which enumerates the cases in which the right to pension may be suspended, and must be read together with Article 30) provides for no exclusion of this kind. It would therefore be grateful if the Government would indicate in its next report the action it intends to take in order to bring Norwegian legislation into full conformity with the Convention.

*Part VI: Employment Injury Benefit.* Article 36. Cf. request for cost of living statistics, made in connection with Article 28 in Part V.

Article 37. The Committee found that the Government's report does not contain the information requested in the report form under this Article. It would therefore be grateful if the Government would state in the next report whether—

(a) all employees protected who were employed in the territory at the time of the accident or at the time of contracting the disease are entitled to the benefits stipulated in Articles 34 and 36;

(b) the widow and children of an employee who was employed in the territory at the time of the accident or at the time of contracting the disease are entitled to the periodical payments stipulated in Article 36 without any conditions as to residence.

*Part XII: Equality of Treatment of Non-National Residents and Part XIII: Common Provisions.* The Committee found that the report contains no information regarding the application of these parts of the Convention. It would like to remind the Government that, under Article 2, each Member for which the Convention is in force has to comply with such provisions of Parts XII and XIII as are relevant to the parts of the Convention which it has undertaken to apply. The Committee would therefore be grateful if the Government would communicate in its next report the information asked for in the report form under each Article of Parts XII and XIII.

*Sweden* (ratification: 12.8.1953). The Committee takes note with interest of the first report supplied by the Government. With regard to the application of the Parts IV, VI, XII and XIII of the Convention, it notes that, as regards certain points which are indicated below, either the report does not contain sufficient information, or the national legislation shows some divergencies with the Convention.

*Part IV: Unemployment Benefit.* Article 21. The Committee notes that, with a view to showing that the percentage of the persons protected against the risks of unemployment amounts to the minimum of 50 per cent. required under Article 21, paragraph (a) of the Convention, the Government's report makes use of: (a) 1956 statistics on the number of persons affiliated to unemployment funds; (b) the figures of the 1950 census regarding the total number of wage earners. The Committee points out that the same period of reference should be used in both cases in order to prove that the minimum required under Article 21, paragraph (a) is complied with. It would therefore be grateful if the Government would supply, in its next report, statistics relating to the same period.

The Committee also notes that the membership of unemployment funds is voluntary for the persons concerned. In view of the provisions set out under Article 21, respecting protection by means of voluntary insurance, the Government must show, in conformity with Article 6, paragraph (b) of the Convention, that the system of voluntary insurance "covers a substantial part of the persons whose earnings do not exceed

those of the skilled manual male employee". In this connection, the statement made in the Government's report, indicating that a considerable number of wage earners whose earnings do not exceed those of the skilled worker are protected, cannot be considered as sufficient. It would therefore be grateful if the Government would indicate in its next report, as requested under Article 6 of the report form, the "number of persons insured whose earnings do not exceed the wage of the skilled manual male employee per cent. of the total number of persons insured".

Article 22. The Committee notes that the legislation respecting unemployment insurance does not fix a minimum rate for the benefits, since the selection of these rates is left to each insured person and each unemployment insurance fund. Thus, the Government's report does not show that every person earning the same wage as the standard beneficiary receives, as required under Article 21 read with Article 66 of the Convention, benefits the amount of which, increased by the amount of any family allowances payable during the contingency, is such as to attain 45 per cent. of the total of the standard wage and of the amount of any family allowances payable to a protected person with the same family responsibilities as the standard beneficiary. The Committee would therefore be grateful if, in its next report, the Government would supply appropriate statistics showing that every person earning the same wage as the standard beneficiary receives the benefits defined in Article 66.

Article 24. The Committee notes that the Ordinance of 15 June 1934, as amended, provides in section 22, paragraph 2, that "a recognised unemployment fund may prescribe in its rules a longer waiting period than that specified in the first paragraph" (six days during the 21 days immediately preceding). The Committee also notes that, according to the information supplied in the report, the rules of some funds provide for a waiting period of 12 days. The Committee draws the Government's attention to Article 24, paragraph 3, of the Convention which provides for a waiting period of seven days only and it would be grateful if the Government would indicate in its next report what measures it intends to take with a view to bringing its legislation into conformity with this article of the Convention.

*Part VI: Employment Injury Benefit.* Article 34. The Committee notes that, in virtue of section 11 of the Act of 14 May 1954, the scheme of insurance against employment injuries is combined with the sickness insurance scheme as regards the first 90 days following the accident or the beginning of the occupational disease; thus, the expenses of care given during this period are covered by the sickness insurance scheme. However, the sickness insurance scheme imposes on each insured person a given participation in the cost of medical care and pharmaceutical supplies, whilst Article 34 of the Convention does not provide for any direct participation by the beneficiaries in the cost of the various benefits received in connection with employment injuries. The Committee would therefore be grateful if the Government would indicate in its next report what measures it intends to take with a view to ensuring the full application of this Article of the Convention.

Article 36. The Government indicates in its report that, with regard to the calculation of benefits in respect of incapacity for work, it has selected as standard beneficiary, in conformity with the provisions of Article 65, paragraph 6 (b), of the Convention, a skilled worker in the engineering industry. The



Committee would be grateful if the Government would supply in its next report the reasons for this choice, indicating, as requested under Article 65 in the report form, (a) how the division and the major group of economic activity to which the typical skilled employee belongs are determined with regard to paragraph 7; and (b) how the typical skilled employee in the major group is chosen.

The Committee also notes that, with regard to the obligation incumbent upon the Government in virtue of Article 36 read with Article 65, paragraph 10, to review, following substantial changes in the general level of earnings, where these result from substantial changes in the cost of living, the rates of current periodical payments in respect of employment injury, the Government's report indicates that the legislation does not provide for an automatic review of benefits in connection with changes in the cost of living but that such adjustments are to be dealt with in amendments to the legislation. In these circumstances, and in order that it should be able to form a correct opinion as to the application of this article of the Convention, the Committee would be grateful if the Government would supply each year the statistical information requested under Article 65 in the report form, that is—

(a) the cost of living index and the index of earnings of the persons protected (that is, all wage earners) for the beginning of the period under review;

(b) these same two indices for the end of the period under review;

(c) the percentage  $(a)/(b)$ .

*Part XII: Equality of Treatment of Non-National Residents.* Article 68. The Committee notes that in virtue of sections 13 and 14 of the Ordinance of 15 June 1934, as amended, respecting recognised unemployment funds, the authority responsible for supervision (the employment market board) may, when it deems this advisable, fix individual restrictions on the right of foreigners to belong to an employment fund or to receive benefits from such a fund. It also notes that, according to the information supplied in the report, the employment market board has not so far made use of the powers thus conferred upon it. The Committee would be grateful if the Government would indicate in each of its annual reports whether, during the period under review, the employment market board has made any use of the rights conferred upon it under sections 13 and 14 of the Ordinance, with regard to non-national residents.

*Part XIII: Common Provisions.* Article 71. It appears to the Committee that Article 71, paragraph 3 of the Convention, which provides that "the member shall accept general responsibility for the due provision of the benefits provided in compliance with this Convention, and shall take all the measures required for this purpose", is not fully applied since the fixing of the minimum rate of unemployment benefits is left to the unemployment insurance funds themselves. It would therefore be grateful if the Government would indicate in its next report what measures it intends to take with a view to giving full effect to this Article of the Convention.

Article 77. The Committee would be grateful if the Government would indicate in its next report whether seamen and sea fishermen are excluded from the scope of the legislation which ensures the application of the ratified parts of the Convention and if they are excluded from the number of persons taken into account in

calculating the percentage of wage earners or residents who are protected in conformity with the ratified parts of the Convention.

*United Kingdom* (ratification : 27.4.1954). As the very detailed first report supplied by the Government arrived only shortly before the Committee met, the Committee was not in a position to examine it with the care which is called for and proposes to leave this examination until its next session.

*Yugoslavia* (ratification : 20.12.1954). The Committee notes with interest the first report supplied by the Government. As regards the application of Parts III to XI of the Convention, it observes that the report does not contain sufficient information on certain points.

*Part IV: Unemployment Benefit.* Article 21. The Committee notes that the report does not supply statistics on the number of persons protected by the unemployment insurance scheme. It notes further that, while the scope of the scheme is very wide (section 1 of the decree of 29 March 1952), it may be limited by the exclusion from benefits, under section 9 (6), of persons whose income exceeds 5,000 dinars per month per person living in the same household, and of persons whose income tax liability exceeds 250 dinars per annum per person living in the same household. The Committee would accordingly be grateful if the Government would indicate the number of "persons protected", stating, for example, the number of workers whose income per person is less than 5,000 dinars per month and the number of workers whose income tax liability does not exceed 250 dinars per annum.

Article 22. The Committee notes that unemployment benefits may be reduced in relation to the amount of income tax to which the persons protected are subject. It would be grateful if the Government would either provide evidence, in accordance with Article 76, that the statistical conditions specified in Article 65 or 66 are complied with, or would indicate the number of persons falling within the different income tax grades (0-50 dinars, 50-150 dinars, and 150-250 dinars) which are taken into account in the calculation of benefits, and the corresponding amounts of earnings of the persons subject to tax or the total earnings of all persons protected.

*Part VI: Employment Injury Benefit.* Article 33. The Committee notes that only workers employed in the industries, occupations and employments included in the second list set out in the Ordinance of 25 November 1946 concerning occupational diseases are protected. It would be grateful if the Government would in its next report state the number of workers in the industries, occupations or employments in question.

*Part XI: Standards to be Complied with by Periodical Payments.* Article 65. The Committee would be grateful if the Government would state whether a limit exists above which previous earnings are no longer taken into account in calculating the benefits respectively provided for in Parts III, V, VI, VIII and X of the Convention and, if so, would indicate the limit so prescribed for each of these benefits.

*Part XIII: Common Provisions.* Article 69. The Committee notes that the Act of 21 January 1950 on social insurance provides, in section 83, for (a) the loss of all social insurance rights where an insured person is sentenced to death by a decision having the force of

law, or on loss of citizenship, and (b) loss of rights for a specified period if an insured person is sentenced, by a decision having the force of law, to temporary loss of such rights on account of a criminal act. The Committee also notes that, according to the report section 5 of the Penal Code of 1954, "which lays down expressly that the penalty of loss of pension rights shall not be imposed", repeals these provisions of the Act. The Committee would be grateful if the Government would state in its next report whether section 5 of the Penal Code has abolished not only the loss of pension rights which the judge would be bound to impose as an ancillary penalty, but also the loss of such rights following automatically on the more severe sentences (loss of citizenship) and, if not, would indicate whether such loss of pension rights falls within one of the exceptions provided for in Article 69, paragraphs (a) and (b), of the Convention.

*Convention No. 103: Maternity Protection (Revised), 1952.*

Number of reports requested : 2.

Number of reports received : 2.

*Cuba* (ratification : 7.9.1955). The Committee takes note with interest of the first report supplied by the Government. It notes that, although most of the provisions of the Convention are applied, certain divergencies exist between the national legislation and the following Articles of the Convention.

According to paragraph 3(h) of Article 1 of the Convention, the Convention applies to women employed in "domestic work for wages in private households"; this category of women is however excluded, according to the Government's report, from the scope of the Cuban legislation respecting maternity protection. In view of the fact that the Government did not, by a declaration accompanying its ratification, avail itself of the possible exemption provided for under Article 7 of the Convention, the Committee finds it necessary to take due note of this discrepancy.

In virtue of paragraph 3 of Article 4 of the Convention, freedom of choice of doctor and freedom of choice between a public and private hospital shall be respected. However, the Committee notes that the national legislation does not seem to contain any provision prescribing specifically freedom of choice between a public and a private hospital. Moreover according to section XII of the Act of 15 December 1937 "when the provincial health and maternity offices have made provision for medical attendance and hospital accommodation... a woman shall not be entitled to choose a medical practitioner or midwife for her confinement unless she is resident in a locality which is at such a distance from a hospital that she is unable to go there". Consequently it is clear that in certain cases women may be deprived of freedom of choice with regard both to the hospital and the doctor.

The Committee would be grateful if the Government would indicate, in its next report, the measures which it intends to take in order to eliminate these discrepancies between the national legislation and the Convention.

Finally the Committee notes that, under the national scheme for sickness and maternity insurance, the payment of maternity benefits is subject to certain conditions regarding the qualifying period in the insurance

scheme and in employment. The Government does not state however whether, in conformity with Article 4, paragraph 5 of the Convention "women who fail to qualify for benefits"—in particular women who do not fulfil the conditions regarding the qualifying period—"shall be entitled, subject to the means test required for social assistance, to adequate benefits out of social assistance funds". The Committee would therefore be grateful if the Government would supply information on this point in its next report.

*Uruguay* (ratification : 18.3.1954). The Committee notes the information supplied by the Government in its first report. It observes that important discrepancies exist between the national legislation and the provisions of the Convention, particularly as regards the following Articles.

Article 1 of the Convention. The decree of 1 June 1954 on maternity protection applies, by virtue of section 1, to "every workwoman or other woman employee of any private establishment or business". The scope of the Convention, under paragraphs 2 and 3 of Article 1, extends to women employed in industrial and non-industrial occupations in public undertakings or services. The Committee would therefore be grateful if the Government would indicate what measures it intends to take to extend the legislation on maternity protection to these workers.

Article 3. Section 1 of the decree of 1 June 1954 provides that "every woman... who is pregnant shall be entitled to absent herself from work for such time as is medically certified to be necessary, the length of leave to be taken after the confinement being in no case less than six weeks". This provision does not conform to Article 3, paragraph 2 of the Convention, under which "the period of maternity leave shall be at least 12 weeks". In fact, as the period of pre-natal leave depends on a medical certificate, the total length of the leave may not in all cases attain the minimum of 12 weeks.

Further the Government does not state whether, in accordance with paragraph 4 of this Article of the Convention, "the leave before the presumed date of confinement shall be extended by any period elapsing between the presumed date of confinement and the actual date of confinement and the period of compulsory leave to be taken after confinement shall not be reduced on that account".

Article 4, paragraphs 1 and 3. The Committee observes that the Act of 6 April 1934 to approve a draft Children's Code merely lays down general principles relating to medical attention in case of maternity. The Committee would be grateful if the Government would indicate the measures which have been taken to grant women the right to medical benefits including "pre-natal, confinement and post-natal care by qualified midwives or medical practitioners as well as hospitalisation care where necessary; freedom of choice of doctor and freedom of choice between a public and private hospital...".

Article 4, paragraphs 4 and 8. Under section 1 of the decree of 1 June 1954, if a pregnant woman's absence from work "lasts for less than four months, she shall be entitled to her full wages for the period". The Government however states that it is studying the possibility of placing the obligation for the payment of this benefit, not on employers, but on a system of social insurance. The Committee trusts that the Government will spare no effort in order to introduce

such a system of social insurance at an early date, so that the existing disaccord between the national legislation and the Convention may be eliminated, the latter providing that "the cash and medical benefits shall be provided either by means of compulsory social insurance or by means of public funds" and that "in no case shall the employer be individually liable

for the cost of such benefits due to women employed by him".

Finally the Government's report does not contain any information on the practical application of the Convention, and the Committee would be grateful if the Government would give such information in its next report.

### Appendix I. Reports Received and Reports Not Received by 13 April 1957

Reports due : 1,333. Reports received : 1,234. Reports not received : 99.

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 . . . . .	2	5, 6	2	4, 21	4
Argentina . . . . .	33	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 21, 22, 23, 26, 27, 29, 30, 32, 33, 34, 41, 42, 45, 50, 52	2	20, 73	35
Australia . . . . .	14	7, 8, 9, 15, 16, 21, 22, 26, 27, 29, 45, 63, 85, 88	0	—	14
Austria . . . . .	27	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, 101	0	—	27
Belgium . . . . .	46	1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 26, 27, 29 <sup>1</sup> , 32, 33, 42, 43, 45, 50, 53, 55, 56, 58, 62, 64, 69, 73, 74, 87, 88, 89, 94, 97, 98, 100, 101	0	—	46
Bolivia . . . . .	0	—	6	5, 14, 19, 26, 42, 96	6
Brazil . . . . .	13	3, 5, 6, 7, 16, 41, 42, 45, 52, 53, 58, 92, 98	0	—	13
Bulgaria <sup>1</sup> . . . . .	56	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, 73, 77, 78, 79, 81, 88	0	—	56
Burma . . . . .	16	1, 2, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 26, 27, 41, 52	0	—	16
Canada . . . . .	16	1, 7, 8, 14, 15, 16, 22, 26, 27, 32, 58, 63, 69, 73, 74, 88	0	—	16
Ceylon . . . . .	12	5, 7, 8, 11, 15, 16, 18, 29, 41, 45, 63, 99	0	—	12
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 . . . . .	13	7, 11, 14, 15, 16, 19, 22, 23, 26, 27, 32, 45, 59	0	—	13
Colombia . . . . .	23	1, 2, 3, 4, 5, 7, 8, 9, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26	1	15	24

<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.	
Cuba . . . . .	53	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 29, 30, 32, 42, 45, 52, 58, 59, 60, 63, 67, 77, 78, 79, 81, 87, 88, 89, 90, 92, 94, 95, 96, 97, 98, 99, 100, 101, 103	0	—	53
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 . . . . .	21	2, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 21, 29, 42, 52, 53, 63, 87, 92	0	—	21
Dominican Republic . . .	10	1, 5, 7, 10, 79, 81, 88, 89, 98, 100	0	—	10
Ecuador . . . . .	4	26, 29, 45, 95	0	—	4
Egypt . . . . .	8	2, 11, 19, 41, 45, 53, 63, 98	2	52, 88	10
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 . . . . .	61	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, 73, 74, 77, 78, 81, 82, 84, 85, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 100, 101	0	—	61
Germany (Federal Republic) . . .	23	2, 3, 7, 8, 9, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 45, 63, 88, 96, 99	0	—	23
Greece . . . . .	21	1 <sup>1</sup> , 2, 3, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 19, 27, 29 <sup>1</sup> , 41, 42, 45, 52	0	—	21
Guatemala . . . . .	11	79 <sup>1</sup> , 81, 86, 87, 88 <sup>1</sup> , 89, 90 <sup>1</sup> , 95, 96 <sup>1</sup> , 97 <sup>1</sup> , 98	3	77, 78, 94,	14
Haiti . . . . .	9	1, 12, 14, 17, 19, 24, 25, 30, 81	0	—	9
Hungary . . . . .	0	—	18	2, 3, 6, 7, 10, 15, 16, 17, 18, 19, 21, 24, 26, 27, 41, 42, 45, 48	18
Iceland . . . . .	2	87, 98	0	—	2
India . . . . .	19	1, 4, 5, 6, 11, 14, 15, 16, 18, 19, 21, 22, 27, 29, 32, 45, 81, 89, 90	0	—	19
Indonesia . . . . .	4	19, 27, 29, 45	0	—	4
Iraq . . . . .	8	18, 19, 41, 42, 58, 77, 81, 88	0	—	8
Ireland . . . . .	30	2, 5, 6, 7, 8, 10, 11, 12, 14, 15, 16, 19, 20, 21, 22, 23, 26, 27, 28, 29, 42, 43, 44, 45, 49, 63, 69, 81, 89, 92	0	—	30
Israel . . . . .	13	1, 5, 10, 14, 20, 30, 52, 77, 78, 79, 90, 94, 101	1	97	14
Italy . . . . .	51	2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 22, 23, 26, 27, 29, 32, 35, 36, 37, 38, 39, 40, 42, 44, 45, 48, 52, 53, 55, 58, 59, 60, 69, 73, 77, 78, 79, 81, 88 <sup>1</sup> , 89, 90, 94, 95, 96, 97	0	—	51

<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.	
Japan . . . . .	19	2, 5, 7, 8, 9, 10, 15, 16, 18, 19, 21, 22, 27, 29, 42, 50, 81, 88, 98	0	—	19
Liberia . . . . .	0	—	1	29	1
Luxembourg . . . . .	0	—	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	27
Mexico . . . . .	29	8, 9, 11, 12, 13, 14, 16, 17, 19, 21, 22, 23, 26, 27, 29, 30, 34, 42, 43, 45, 49, 52, 53, 55, 58, 62, 87, 99, 100	3	6, 32, 63	32
Morocco . . . . .	4	4 <sup>1</sup> , 13 <sup>1</sup> , 19 <sup>1</sup> , 41 <sup>1</sup>	0	—	4
Netherlands . . . . .	36	2, 5, 8, 9, 11, 12, 13, 15, 16, 17, 19, 21, 22, 23, 26, 27, 29, 33, 42, 45, 48, 58, 62, 63, 69, 74, 81, 87, 88, 89, 90, 94, 95, 96, 97, 99	0	—	36
New Zealand . . . . .	34	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, 82, 84, 88, 89, 97, 99, 101	0	—	34
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 . . . . .	34	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, 73, 81, 87, 88, 92, 95, 96, 101, 102	0	—	34
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 . . . . .	0	—	11	1, 4, 11, 14, 19, 24, 35, 37, 39, 41, 45	11
Philippines . . . . .	9	87, 88, 89, 90, 94, 95, 98, 99, 100	0	—	9
Poland . . . . .	40	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, 73, 74, 77, 78, 79, 92, 95, 96, 100	0	—	40
Portugal . . . . .	10	1, 4, 6, 14, 17, 18, 19, 27, 45, 73	3	69, 74, 92	13
Rumania <sup>1</sup> . . . . .	17	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 24, 27	0	—	17
El Salvador . . . . .	1	12 <sup>1</sup>	0	—	1
Spain . . . . .	30	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, 33, 34	2	32, 48	32
Sweden . . . . .	29	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, 102	0	—	29
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
Tunisia . . . . .	2	13, 19	0	—	2
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

<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 No.	
United Kingdom . . . . .	47	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, 82, 84, 85, 86, 87, 88, 92, 94, 95, 97, 98, 99, 102 <sup>1</sup>	0	—	47
United States . . . . .	4	53, 55, 58, 74	0	—	4
Uruguay . . . . .	47	1, 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 30, 32, 42, 43, 45, 52, 58, 59, 60, 62, 63, 67, 73, 77, 78, 79, 87, 89, 90, 94, 95, 97, 98, 99, 101, 103	0	—	47
Venezuela . . . . .	0	—	17	1, 2, 3, 5, 6, 7, 11, 13, 14, 19, 21, 22, 26, 27, 29, 41, 45	17
Viet-Nam . . . . .	9	4, 5, 6, 13, 14, 27, 29, 45, 52	0	—	9
Yugoslavia . . . . .	27	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 <sup>1</sup> , 102	0	—	27

<sup>1</sup> Reports received too late to be summarised in Report III (Part. I).

Appendix II. Statistical Table of Annual Reports on Ratified Conventions

Period	Reports requested	Reports received at the date requested		Reports received before the session of the Committee <sup>1</sup>		Reports received before the session of the Conference	
		Number	Percentage	Number	Percentage	Number	Percentage
1931-32 . . . . .	447	—	—	406	90.8	423	94.6
1932-33 . . . . .	522	—	—	435	83.3	453	86.7
1933-34 . . . . .	601	—	—	508	84.5	544	90.5
1934-35 . . . . .	630	—	—	584	92.7	620	98.4
1935-36 . . . . .	662	—	—	577	87.2	604	91.2
1936-37 . . . . .	702	—	—	580	82.6	634	90.3
1937-38 . . . . .	748	—	—	616	82.4	635	84.9
1938-39 . . . . .	766	—	—	588	76.8	— <sup>2</sup>	—
1943-44 . . . . .	583	—	—	251	43.1	314	53.9
1944-45 . . . . .	725	—	—	351	48.4	523	72.2
1945-46 . . . . .	731	—	—	370	50.6	578	79.1
1946-47 . . . . .	763	—	—	581	76.1	666	87.3
1947-48 . . . . .	799	—	—	521	65.2	648	81.1
1948-49 . . . . .	806	134 <sup>3</sup>	16.6	666	82.6	695	86.2
1949-50 . . . . .	831	253	30.4	597	71.8	666	80.1
1950-51 . . . . .	907	288	31.7	705	77.7	761	83.9
1951-52 . . . . .	981	268	27.3	743	75.7	826	84.2
1952-53 . . . . .	1,026	212	20.6	840	81.8	917	89.3
1953-54 . . . . .	1,175	268	22.8	1,077	91.7	1,119	95.2
1954-55 . . . . .	1,234	283	22.9	1,118	90.5	1,170	94.8
1955-56 . . . . .	1,333	332	24.9	1,234	92.5		

<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.

<sup>3</sup> First year for which this figure is available.

# **VIII. 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**

### *Belgium*

#### *Belgian Congo and Ruanda-Urundi.*

The Committee notes with satisfaction that, in accordance with the suggestion made by it in 1956, the reports supplied this year followed more closely the report forms approved by the Governing Body and contained fuller information on the practical application of Conventions.

The Committee notes with interest that the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19) and the Safety Provisions (Building) Convention, 1937 (No. 62) have been declared applicable to these territories without modification.

### *Denmark*

#### *Greenland.*

The Committee notes with regret that the Government has not supplied any report on the application of ratified Conventions in this territory. It trusts that next year all reports requested will be communicated in time and will contain all the information requested by the report forms.

### *France*

#### *Algeria and Overseas Departments.*

The Committee notes that, whereas certain reports supplied contain considerable information, others merely refer to the information given in respect of the metropolitan territory. It trusts that in future the Government will supply, for each of these territories and in respect of all ratified Conventions, detailed reports drawn up in accordance with the report forms approved by the Governing Body.

#### *Overseas and Associated Territories.*

The Committee notes with satisfaction that, following the request made by it in 1956, the reports for the Comoro Islands, Madagascar, and St. Pierre and Miquelon were more detailed.

It appears from the information supplied in the reports that a declaration of application might be made in respect of Conventions Nos. 11, 45, 52, 89, 95, 99, 100 and 101.

### *Netherlands*

#### *Netherlands Antilles and Surinam.*

The Committee would be grateful if the Government would supply copies of the laws and regulations giving effect to the provisions of the various Conventions.

#### *Netherlands New Guinea.*

The Committee thanks the Government for supplying more detailed reports this year. It trusts that in future these reports will supply all the information requested by the report forms.

### *New Zealand*

The Committee notes with interest that, following this country's ratification of the Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955 (No. 104), it has been declared applicable without modification in certain non-metropolitan territories.

As already pointed out in 1956, it would appear to the Committee that certain Conventions might be declared applicable to the following territories:

*Cook Islands:* Conventions Nos. 12, 17 and 42.

*Western Samoa:* Conventions Nos. 12, 17, 26, 42, 84 and 99.

### *Portugal*

The Committee notes with regret that once again the Government has not supplied all the reports requested and that no reports have been communicated in respect of the application of ratified Conventions in Angola, Macão, Mozambique and Timor. The Committee trusts that in future the Government will no longer neglect its obligations, and will supply detailed reports on the application of all ratified Conventions in all its territories.

### *Spain*

#### *Spanish West Africa and Spanish Guinea.*

The Committee notes with regret that the Government has supplied merely a general report referring to certain legislation in force in Spanish West Africa. The Committee trusts that the Government will next year supply detailed reports, drawn up in accordance with the report forms approved by the Governing Body, on all ratified Conventions in respect of each territory (and particularly on the Forced Labour Convention, 1930 (No. 29), which is applicable without modification).

### *United Kingdom*

The Committee notes with interest that the Government for the first time this year supplied reports on the application of Convention No. 63 in most of its territories. It trusts that next year the Government will supply reports on the application of all ratified Conventions.

#### *Guernsey, Jersey, Isle of Man.*

The Committee has noted the statement made by the Government representative at the Conference Committee, in which it was recalled that on 16 October 1950 the United Kingdom Government informed the I.L.O. that these islands, which are not part of the United Kingdom under municipal law, but are self-governing in domestic affairs, would in future be considered as non-metropolitan territories and that the application to the islands of international labour Conventions ratified after that date would be considered under the provisions of article 35 of the Constitution of the I.L.O. As to Conventions ratified before that date, it was stated that certain difficulties had been experienced because of the fact that due attention had not been given by the competent authorities in the United Kingdom to the particular constitutional position of the islands, whose populations combined represent only one-third of 1 per cent. of the total population of the United Kingdom.

The Committee has previously acted on the basis that ratifications prior to October 1950 should be considered as applying to the islands. However, it has now received a communication from the United Kingdom Government, stating that the practical and constitutional considerations which led to the decision in 1950 cannot be disregarded as far as the earlier ratifications are concerned. Indeed, if these considerations had more carefully been borne in mind at the time, it would have been decided that certain of the Conventions could not have been ratified on the



basis that the islands would be bound by them equally with the metropolitan area. The United Kingdom Government therefore proposes "to provide information in relation to the Conventions in question as though the Islands had been regarded as non-metropolitan territories at the time of the ratification of the Conventions by the United Kingdom". The Government further states as its intention "with the agreement of the Islands' Authorities, to furnish as may be appropriate, statements similar to declarations under article 35 (4) of the Constitution in respect of those Conventions which were ratified by the United Kingdom between 20 April 1948, when article 35 (4) entered into force, and 16 October 1950, as from which date it was intimated that H.M. Government would observe the obligations of article 35 in relation to the Islands, and which at the time of ratification were deemed to apply to the Islands. This will result in the Islands being treated in regard to Conventions in the same way as the other United Kingdom non-metropolitan territories."

In its examination of reports previously submitted with respect to these territories, the Committee has found relatively few and unimportant discrepancies between the Conventions ratified by the United Kingdom before 1950 and existing laws and practices in the territories. The Committee has furthermore noted with satisfaction that progress has recently been made in reducing such discrepancies as exist, and that it may reasonably be expected that further progress will be made in the near future as a result of new legislative measures already contemplated.

In view of the circumstances of the case, and without prejudice to the exact scope of the obligations under article 35, the Committee takes note of the communication made by the United Kingdom Government.

#### B. INDIVIDUAL OBSERVATIONS AND REQUESTS FOR SUPPLEMENTARY INFORMATION

##### Convention No. 2 : Unemployment, 1919

Number of reports requested : 6.  
Number of reports received : 6.

##### *Denmark*

##### *Faroe Islands.*

The Committee has noted that the Government considers the provisions of the Convention not to be applicable in the territory at the moment. The Committee feels obliged to urge the Government, as long as it remains bound by the obligation to see that the Convention is applied in the territory, to endeavour to encourage the local authorities to ensure the application of its provisions.

##### *Netherlands*

##### *Surinam.*

The Committee notes that the statistical information referred to in Article 1 has not been supplied for the last two years, and would be glad if the Government would append such statistics to its next report, in accordance with the declaration of application made in 1951.

##### Convention No. 3 : Maternity Protection, 1919

Number of reports requested : 15.  
Number of reports received : 15.

##### *France*

##### *French Equatorial Africa.*

The Committee notes with interest that Decree No. 55-567 of 20 May 1955 has made the Equalisation Funds responsible for the payment of maternity benefits and that a further order will be issued to establish the conditions of allocation and payment of these benefits by the Funds. The Committee would be grateful if the Government would in its next report indicate the progress realised in this connection.

##### *French Guiana.*

The Committee notes the information contained in the report, to the effect that Article 3 (c) of the Convention is no longer applied in French Guiana, because "the provisions on assistance to women during confinement were duplicated by the legislation on family allowances, which are not yet applied".

The Committee would be grateful if the Government would indicate in its next report what measures have been taken to give effect to the requirements of Article 3 (c) of the Convention, which provides that pregnant women shall be entitled to maternity benefits and the free attendance of a doctor or midwife.

See also section VII (Convention No. 3, France).

##### *Guadeloupe.*

The Committee notes that in its report for 1954-55 the Government stated that "the social security provisions with regard to benefits to be paid to women during the weeks which precede and follow their confinement were to come into force for confinements subsequent to 31 July 1955". As the report supplied this year contains no information on the application of the social security legislation in the territory, the Committee would be grateful if the Government would in its next report—(a) state whether the maternity benefits mentioned in Article 3 (c) of the Convention are now provided by a system of social insurance; (b) supply, as requested by point V of the report form, statistical information on the cost of the benefits.

See also section VII (Convention No. 3, France).

##### *Martinique.*

See section VII (Convention No. 3, France).

The Committee notes with interest that use is no longer made of the modification regarding Article 3 (c) (benefits provided out of public funds or by a system of insurance) subject to which the Convention was declared applicable and that the Convention could be made applicable without modification.

##### *Réunion.*

The Committee would be grateful if the Government would in its next report, in accordance with the request already made in 1956, provide the statistical information on the practical application of the Convention mentioned in point V of the report form.

See also section VII (Convention No. 3, France).

##### *St. Pierre and Miquelon.*

The Committee notes that, according to the report, a woman worker entitled to maternity leave and fulfilling "the necessary conditions for entitlement to payment in lieu of notice receives from her employer, during a period equivalent to the length of notice, a payment representing the difference between her wages and the daily benefits" paid for maternity. The Committee concludes from this that an employer may dismiss a woman worker during her maternity leave or at least on such a date that the notice would expire

during its currency. This would be contrary to Article 4 of the Convention, which provides that where a woman worker 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, nor to give her notice of dismissal at such a time that the notice would expire during such absence". In these circumstances, the Committee trusts that the Government will in its next report indicate the measures which it intends to take to give effect to this Article of the Convention.

#### *Togoland.*

The Committee thanks the Government for appending to its report, in accordance with the request made in 1956, a copy of the Order of 30 April 1956 governing the organisation and working of the Equalisation Fund of the territory of Togoland. The Committee notes with interest that the legislation in force goes beyond the obligations assumed by the Government, which should therefore be able to denounce the modifications subject to which the Convention was declared applicable.

#### **Convention No. 4 : Night Work (Women), 1919**

Number of reports requested : 16.

Number of reports received : 16.

#### *France*

#### *Algeria.*

See section VII (Convention No. 89, France).

#### *French Equatorial Africa.*

The Committee has noted that by virtue of section 3, paragraph 2, of General Order No. 3759 of 25 November 1954 the prohibition of night work of women may be suspended on the recommendation of the inspector of labour and social legislation by an Order of the Governor issued after consultation with the organisations of employers and workers concerned, "when, by reason of particularly cogent economic conditions, the general interest so requires".

The Committee wishes to point out that this provision authorises an exception which is not prescribed by Convention No. 4, which has been declared to be applicable in French Equatorial Africa; it assumes that the Government meant to draw up regulations to give effect to Convention No. 89 and intends to declare the latter Convention to be applicable in French Equatorial Africa. The Committee would be grateful to the Government if it would state whether this is the case; further, the Committee ventures to point out that Article 5 of Convention No. 89 authorises the suspension of the prohibition of night work for women only "when in case of serious emergency the national interest demands it"; the provision of Order No. 3759 referred to earlier, therefore, does not appear to be fully in conformity with Convention No. 89 either.

#### *Italy*

#### *Trust Territory of Somaliland.*

Referring to the observations made in 1956, the Committee notes that no authorisation has been granted in respect of continuous operations "necessary for the economy of the territory". The Committee

requests the Government to indicate in future reports any such authorisations granted.

The Committee also notes with interest that the Government, when revising Ordinance No. 4 of 27 February 1954, will consider amending section 7 (1), which permits exceptions in respect of women occupying managerial posts, and is contrary to the Convention.

#### **Convention No. 5 : Minimum Age (Industry), 1919**

Number of reports requested : 15.

Number of reports received : 14.

Report not received : 1.

(Greenland.)

#### *Denmark*

#### *Faroe Islands.*

The Committee notes with interest the Government's statement that legislation concerning the employment of children is being prepared by the Government of the Faroe Islands and would be grateful to be informed of the progress made in this matter.

The Committee also ventures to reiterate its previous requests for more detailed information on the practical application of the Convention in the Faroe Islands (point V of the report form).

#### *France*

#### *Cameroons.*

The Committee notes that the effective implementation of the provisions applying the Convention is rendered difficult in regions remote from centres of population by the absence of adequate records. It would be grateful if the Government would in subsequent reports indicate the progress realised in overcoming these difficulties (point V of the report form).

#### *French Equatorial Africa.*

The Committee notes the information supplied by the Government, to the effect that children between 12 and 14 years may be employed on light work with the labour inspector's permission. The Convention provides in Articles 2 and 3 that such exceptions may be granted only for employment in a family undertaking or in technical schools approved and supervised by public authority, and the Committee would be grateful if the Government would state in its next report whether the authorisations are granted by the inspectors in accordance with these requirements.

#### *French Somaliland.*

The Committee thanks the Government for having supplied, in reply to the observation made in 1956, the text of Order No. 786 of 17 June 1955 issued under section 118 of the Overseas Labour Code, which order was mentioned in the report for 1954-55.

#### *Togoland.*

The Committee wishes to thank the Government for having communicated the text, requested in 1956, of Order No. 884-55/ITLS, of 28 October 1955, concerning the employment of women and children.

#### **Convention No. 6 : Night Work of Young Persons (Industry), 1919**

Number of reports requested : 18.

Number of reports received : 17.

Report not received : 1.

(Greenland.)

*Denmark**Faroe Islands.*

The Committee notes the Government's statement that no legislation concerning night work of young persons exists and that legislation is being prepared by the local Government of the Faroe Islands in this field. The Committee would be grateful to be informed in the next report of the progress made in this direction.

The Committee also reiterates its previous requests for detailed information on the practical application of the Convention in the Faroe Islands.

*Greenland.*

With reference to the observation made in 1956, the Committee has noted the information given by the Government to the Conference in 1956, to the effect that the competent authorities are able to ensure that, in practice, the provisions of the Convention are applied in the small number of industries in which adolescents are likely to be employed. The Committee would be grateful if the Government would indicate in its next report the measures that have been taken, and, in particular, the texts which may be relevant for this purpose.

*France**Algeria.*

The Committee refers to the observation made with regard to the application of this Convention in France.

*Cameroons.*

See under French West Africa.

*Comoro Islands.*

See under French West Africa.

*French Equatorial Africa.*

In reply to the observation made in 1956, the Government indicates that the exceptions provided for in the Convention are purposeless with respect to the territory and that "administrative regulations do not prescribe conditions concerning exceptional night work by young persons in cases of emergency". The Committee assumes this to mean that the local regulations do not make use of any of the exceptions provided for in the Convention and, in particular, with respect to cases of emergency (Article 4); it would be grateful if the Government would indicate whether, in fact, this is the case.

*French Guiana.*

See under Algeria.

*French Settlements in Oceania.*

See under French West Africa.

*French Somaliland.*

See under French West Africa.

*French West Africa.*

The Committee refers to the observation made in 1956 and notes that the Government has not indicated whether the exceptions permitted under the local regulations in the case of operations to be carried out in undertakings working continuously, are authorised only within the limits prescribed by Article 2, paragraph 2 of the Convention. The Committee expresses the hope that the Government will be able to supply the information requested in this connection.

*Guadeloupe.*

See under Algeria.

*Madagascar.*

See under French West Africa.

*Martinique.*

See under Algeria.

*New Caledonia.*

See under French West Africa.

*Réunion.*

See under Algeria.

*St. Pierre and Miquelon.*

See under French West Africa.

The Committee also notes that in virtue of section 5 of Local Order No. 445 of 14 August 1954, exceptions to the prohibition of night work are authorised in industries which handle raw materials liable to rapid deterioration. The Committee would be glad if the Government would indicate in its next report whether these measures are applied only in cases of *force majeure* which could not be foreseen or prevented and which are not periodic in character, in conformity with Article 4 of the Convention.

*Togoland.*

See under French West Africa.

**Convention No. 7 : Minimum Age (Sea), 1920**

Number of reports requested : 6.

Number of reports received : 5.

Report not received : 1.

(Greenland.)

No observations.

**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 Committee notes the statement that the Convention is applied in centres of population where there is organised education.

*Guadeloupe.*

A Government representative stated to the Conference Committee in 1956, in reply to observations made by the Committee of Experts in the same year, that the French regulations had been amended and the school situation was now satisfactory. The Committee would be glad if the Government would indicate the nature of these amendments. As the last report still states that, due to an insufficiency of places in certain schools, a relatively high number of children of school age were employed in agricultural work during school hours, the Committee would be grateful

if the Government would indicate in its next reports what progress may have been made in this connection.

#### *Martinique.*

A Government representative having informed the Conference Committee in 1956, in reply to the observations made by the Committee of Experts in the same year, that the French regulations had been amended and the school situation was now satisfactory, the Committee would be glad if the Government would in its next report indicate the nature of the amendments.

#### *Réunion.*

The Committee notes with interest the information supplied by the Government in its reply to the observations made in 1956. It notes that two or three years will be required before all children under 14 years of age can be admitted to school.

The Committee trusts that subsequent reports will contain information on the progress made in this connection.

#### **Convention No. 11 : Right of Association (Agriculture), 1921**

Number of reports requested : 8.

Number of reports received : 7.

Report not received : 1.

(Greenland)

No observations.

#### **Convention No. 12 : Workmen's Compensation (Agriculture), 1921**

Number of reports requested : 6.

Number of reports received : 6.

No observations.

#### **Convention No. 13 : White Lead (Painting), 1921**

Number of reports requested : 15.

Number of reports received : 15.

#### *France*

#### *Cameroons.*

The Committee notes with satisfaction that two orders meeting the requirements of all the Articles of the Convention were issued on 5 October 1956.

#### *Comoro Islands.*

The Committee notes with interest the draft legislation intended to complete the provisions applying the Convention, which is now being considered.

#### *French Equatorial Africa.*

The Committee notes with interest that a new order regulating the use of white lead in cases where such use is still authorised will shortly be promulgated and that this text is in conformity with those provisions of the Convention which had not yet been fully implemented.

#### *French Somaliland.*

The Committee thanks the Government for the information supplied in answer to the observations made in 1956, and notes with satisfaction that Order No. 1337 of 28 September 1956 contains provisions giving full effect to the Convention.

#### *French West Africa.*

The Committee notes with interest the statement that a draft order giving effect to the provisions of all the Articles of the Convention is now being considered. It trusts that the order will be made at an early date, and would be grateful if the Government would

supply a copy thereof as soon as it has been promulgated.

#### *St. Pierre and Miquelon.*

Referring to the observations made by it in 1956, the Committee notes with interest that an order now being studied and shortly to be submitted to the Advisory Technical Committee and issued will lay down the safety measures to be taken where, outside building operations, the use of white lead is still permitted (Articles 5 and 6 of the Convention). The Committee would be grateful if the Government would in its next report indicate whether the order has been issued and, if so, supply a copy thereof.

#### *Togoland.*

The Committee notes with interest the information supplied in answer to its observations of 1956, to the effect that a draft order now being considered will extend the prohibition of the use of white lead, lead sulphate and linseed oil containing lead to all painting operations outside the building industry. The Committee would be grateful if the Government would in its next report indicate whether the order has been issued and, if so, supply a copy thereof.

#### **Convention No. 14 : Weekly Rest (Industry), 1921**

Number of reports requested : 16.

Number of reports received : 15.

Report not received : 1.

(Greenland.)

#### *Denmark*

#### *Faroe Islands.*

The Committee thanks the Government for the additional information supplied in reply to the observations made in 1956. It notes the confirmation given by the local Government of the Faroe Islands that, under Ordinance No. 441, all workers covered by the Convention are entitled to one day of rest each week, and once more requests the Government to append a copy of this ordinance to its next report.

#### *Greenland.*

Since the report for 1955-56 has not arrived the Committee cannot but repeat its previous observation which read as follows :

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.

The Committee trusts that the Government will be able, at an early date, to take the action called for above.

#### *France*

#### *Cameroons.*

The Committee notes with interest the detailed information supplied by the Government in reply to the request made in 1956, regarding the railways and inland water transport undertakings. It notes with interest that Order No. 6549 of 31 December 1953 provides for 52 periodical rest days per annum for railway workers, and that water and air transport undertakings, of which there are very few, are subject to the provisions of the general legislation.

*French Equatorial Africa.*

The Committee thanks the Government for the detailed information supplied in reply to the request made in 1956, which it notes with interest. It would be grateful if the Government would further indicate in its next report what special provisions govern the rest period of workers employed by water transport undertakings, airlines and railways (section 1 (3) of the relevant orders).

*Madagascar.*

The Committee thanks the Government for the information furnished in reply to its request in 1956 concerning the special weekly rest regulations for workers in transport undertakings.

*Togoland.*

The Committee would be grateful if the Government would indicate in its next report what special provisions govern the periods of rest in water transport undertakings, aviation and railways (section 1 (3) of Order No. 278-54/ITLS of 19 March 1954).

*New Zealand**Cook Islands.*

The Committee thanks the Government for the information supplied in response to the Committee's request of last year. It notes that partial exceptions under Article 4 are provided for in the agreement with the workers' union and are, in fact, only occasionally resorted to, and that work performed on the rest day in these cases is paid for at double rates. In order to be in a position to ascertain fully to what extent effect is given to the Convention, the Committee would be glad if the Government would, in future reports, supply information on the number of workers covered by such agreements, and on the number of weekly rest days on which workers have been employed.

*Western Samoa.*

The Committee thanks the Government for the information contained in its annual report in reply to the observations made in 1956, regarding Article 5 of the Convention. It notes that compensatory rest periods are in fact granted, though they are not in all cases laid down by legal provisions. The Committee trusts that the Government will be able in its next report to supply the details awaited from Western Samoa in this connection, and will indicate the cases in which legal provisions do provide for compensatory rest periods.

As regards Article 6 of the Convention, the Committee repeats the request made in 1956, and trusts that the Government will in its next report supply a list of exceptions permitted under Articles 3 and 4.

**Convention No. 15 : Minimum Age (Trimmers and Stokers), 1921**

Number of reports requested : 6.  
 Number of reports received : 5.  
 Report not received : 1.  
 (Greenland.)  
 No observations.

**Convention No. 16 : Medical Examination of Young Persons (Sea), 1921**

Number of reports requested : 6.  
 Number of reports received : 5.  
 Report not received : 1.  
 (Greenland.)

*Denmark**Greenland.*

Since the report for 1955-56 has not arrived, the Committee cannot but repeat its previous observation, which read as follows :

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.

The Committee trusts that the Government will be able, at an early date, to take the action called for above.

**Convention No. 17 : Workmen's Compensation (Accidents), 1925**

Number of reports requested : 10.  
 Number of reports received : 10.

*France**French Guiana.*

See under Guadeloupe.

*Guadeloupe.*

The Committee would be grateful if the Government would in its next report supply the information on the practical application of the Convention which is requested by the report form, particularly points III, IV and V.

*Martinique.*

See under Guadeloupe.

*Réunion.*

See under Guadeloupe.

**Convention No. 18 : Workmen's Compensation (Occupational Diseases), 1925**

Number of reports requested : 3.  
 Number of reports received : 3.

*Denmark**Faroe Islands.*

The Committee thanks the Government for the information which it has supplied on the practical application of the Convention, in accordance with the request previously made.

**Convention No. 19 : Equality of Treatment (Accident Compensation), 1925**

Number of reports requested : 9.  
 Number of reports received : 8.  
 Report not received : 1.  
 (Greenland.)

*Denmark**Greenland.*

Since the report for 1955-56 has not arrived, the Committee cannot but repeat its previous observation which read as follows :

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.

The Committee trusts that the Government will be able, at an early date, to take the action called for above.

*Netherlands**Surinam.*

Referring to the observations made in 1956, the Committee notes the Government's confirmation that there is no difference in the treatment accorded to nationals and foreigners as regards payment of a lump sum in lieu of a pension where the person entitled to compensation leaves Surinam. The Committee notes further that the ordinance concerning industrial accidents may be amended in this respect to make its meaning clearer, and would be grateful to be kept informed of measures taken to this end.

**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.

No observations.

**Convention No. 25 : Sickness Insurance (Agriculture), 1927**

Number of reports requested : 3.

Number of reports received : 3.

No observations.

**Convention No. 26 : Minimum Wage-Fixing Machinery, 1928**

Number of reports requested : 15.

Number of reports received : 15.

*France*

*Cameroons, Comoro Islands, French Equatorial Africa, French Somaliland, French West Africa, St. Pierre and Miquelon and Togoland.*

The Committee wishes to thank the Government for the information on the practical application of the Convention supplied in response to the request made by it in 1956.

*French Oceania.*

The Committee refers to the observation made in 1956, and would be glad if in its next report the Government would supply information on the practical application of the Convention (Article 5), particularly as regards the approximate number of workers covered by minimum wages, the minimum wage rates in force, and the more important other conditions, if any, established relevant to minimum rates.

*Madagascar.*

The Committee thanks the Government for the information it has supplied regarding the number of workers covered by minimum wage rates. The Committee would be glad if the Government would in its next report give particulars of the minimum rates currently in force and the more important conditions, if any, established in relation thereto.

**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 : 79.

Number of reports received : 77.

Reports not received : 2.

(Greenland, Spanish Guinea.)

*Australia**Papua.*

The Committee has noted with interest that the Government has requested the Administrator of the territory to consider the repeal of Regulation 127 of the Native Regulation Ordinance.

*Belgium**Belgian Congo and Ruanda Urundi.*

The Committee has observed that sections 45, 46 and 47 of the decree of 29 December 1955 permit, "if insufficient voluntary labour is available", the imposition of compulsory labour, certain types of which are prescribed neither in the Convention nor in the modifications appended by the Government to its ratification pursuant to Article 26. This is the case, for example, with respect to the "collective labour prescribed by the regulations concerning health and considered desirable by the competent authority"; in order that such labour might be regarded as "minor communal services" (Article 2, paragraph 2 (e) of the Convention), it would be necessary, at the least, that "the members of the community or their direct representatives should have the right to be consulted in regard to the need for such services". Likewise, the labour in connection with the construction of necessary premises "for the visiting, treatment, hospitalisation, isolation or internment of sick persons", the construction "of one or more schools", the construction of "buildings for administrative or judicial use or use as penitentiaries", the construction of "local highways with ancillary passages over water courses and marshes", etc., appears rather to constitute "public works", which, according to Article 10 of the Convention, "shall be progressively abolished".

The Committee, therefore, would be grateful to the Government if it would be good enough to indicate

whether, pending the abolition of such labour, effect is given to Article 12, paragraph 2 (furnishing of certificates), Article 13 (normal working hours and weekly day of rest), Article 15, paragraph 1 (compensation for accidents or sickness arising out of employment) and Article 23, paragraph 2 (forwarding of complaints relative to conditions of labour).

The Committee has also noted that among the types of compulsory labour prescribed by section 46 those relating to the maintenance of agricultural land or pasture, drainage and irrigation installations and soil conservation, the combating of epiphytic disease, etc., do not fall within the scope of Article 19 of the Convention or within the modifications with respect to that Article contained in the Government's declaration.

The Committee would accordingly be grateful if the Government would indicate what measures it intends to take to bring its legislation into complete conformity with the Convention on the above mentioned points.

#### *Netherlands*

##### *Netherlands Antilles.*

The Committee would be grateful if the Government would state in its next report—

(a) whether, in cases falling within Article 2, paragraph 2 (c) of the Convention, forced labour can be exacted only from persons convicted in a court of law;

(b) whether the work exacted from these persons as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority without the persons concerned being hired to or placed at the disposal of private individuals, companies or associations;

(c) whether, in conformity with Article 25, the exaction of forced or compulsory labour is punishable as a penal offence.

##### *Surinam.*

The Committee would be grateful if the Government would state in its next report—

(a) whether, in cases falling within Article 2, paragraph 2 (c) of the Convention, forced labour can be exacted only from persons convicted in a court of law;

(b) whether the work exacted from these persons as a consequence of a conviction in a court of law is carried out under the supervision and control of a public authority without the persons concerned being hired to or placed at the disposal of private individuals, companies or associations;

(c) whether, in conformity with Article 25, the exaction of forced or compulsory labour is punishable as a penal offence.

##### *Netherlands New Guinea.*

The Committee thanks the Government for the information given in answer to the request made in 1956. It notes with satisfaction the Government's decision to renounce the modifications made under Article 26 of the Convention, which were contained in the Declaration appended to the instrument of ratification of the Convention in 1936.

#### *New Zealand*

##### *Tokelau Islands.*

The Committee has noted with satisfaction that, according to the information furnished by the Government in its report, there are no laws or regulations

which permit the imposition of forced or compulsory labour.

#### *United Kingdom*

##### *Bechuanaland.*

The Committee has noted with regret that the insufficiency of the medical services does not enable the Government to give effect to Article 11 (a) of the Convention. It expresses the hope that the plans for developing the medical services referred to in the report will enable the Government to provide for determination by a medical officer "that the persons concerned are not suffering from any infectious or contagious disease" and "are physically fit for the work required".

With regard to Article 12, paragraph 2, the Government confines itself to stating that it would not be practicable to issue certificates. The Committee would be grateful if the Government would be good enough to specify the circumstances justifying the non-application of this provision of the Convention.

With respect to normal working hours, the Government merely states that "on such occasions normal hours of work are adopted". The Committee would be grateful if the Government would be good enough to specify what is the duration of the actual working day and whether a weekly day of rest is granted in accordance with Article 13, paragraph 2.

Finally, the Committee would like to know whether, in accordance with Article 15, paragraph 1, "any laws or regulations relating to workmen's compensation for accidents or sickness arising out of the employment of the worker and any laws or regulations providing compensation for the dependants of deceased or incapacitated workers" apply to persons from whom forced or compulsory labour is exacted.

##### *British Honduras.*

The Committee notes that the draft legislation mentioned in 1955 is still under consideration.

##### *Fiji.*

The Committee notes with interest that, in reply to the request made by it in 1956, the Government has stated that the compulsory services for the transport of officials had been introduced "at the specific request of the Fijians through their direct representatives on the Fijian Affairs Board and on the Legislative Council", that these services are provided not for officials of the Central Government but only to officials of the Fijian Administration, and that, in the circumstances, "these minor services would appear to be properly shown under Article 2, paragraph 2 (e) of the Convention".

The Committee further notes that its suggestion regarding the repeal, in accordance with Article 7 of the Convention, of the provisions concerning the provision of personal services for chiefs, is being studied by the Government of the territory.

##### *Guernsey.*

The Committee thanks the Government for the information which it has supplied in answer to the request made by the Committee in 1956.

##### *Jersey.*

The Committee thanks the Government for the information which it has supplied in answer to the request made by the Committee in 1956.

##### *Kenya.*

The Committee has noted that, in response to the observation that it made in 1956, the Government



declares that the forced or compulsory labour exacted under the laws and regulations in force falls within the exceptions covered by Article 2, paragraphs 2 (*d*) (cases of emergency) and 2 (*e*) (minor communal services). With regard to the regulations relating to a state of emergency, the Committee considers that it may assume that the disappearance of the exceptional circumstances which justified the adoption of those regulations will enable the Government to apply the letter of the Convention as well as the spirit.

With regard to the minor communal services, on the other hand, the Committee has noted that certain of the provisions of the relevant regulations appear to go beyond the limits of this exception. This is so, especially, with respect to Government Notice No. 1016 under which unpaid labour may be ordered for 90 days a year, the penalty for contravention being a fine of 500 shillings or imprisonment for a period not exceeding six months. In this connection, the Committee considers that it should draw attention to the fact that the only services which may be regarded as minor communal services under Article 2, paragraph 2 (*e*) of the Convention are those which are "considered as normal civic obligations incumbent upon the members of the community", and subject to the proviso 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 hopes therefore that the Government will draw a distinction between such work according to whether it is considered justified by the state of emergency or regarded as "minor communal services".

#### *Federation of Malaya.*

The Committee notes with interest that, according to the information supplied by the Government, the Employment Ordinance 1955 was expected to come into force in February 1957.

#### *Isle of Man.*

The Committee thanks the Government for the information provided in reply to the request which it had made in 1956.

#### *Nigeria.*

The Committee notes with satisfaction that, as a result of the repeal of sections 113 to 116 and 188 of the Penal Code, the power to exact forced labour for portage has been abolished.

#### *Singapore.*

The Committee notes with satisfaction that the new Labour Ordinance has come into force and has repealed the provisions permitting the exaction of certain forms of forced labour which were no longer in use.

#### *Uganda.*

In 1955, the Committee noted the Government's statement that every effort was being made to reduce compulsory labour on public works such as the construction of roads or buildings (schools, etc.) in durable materials. It requested the Government to keep it informed of the progress made towards the final elimination of labour of this kind. As the Government's last two reports contain no new information in this connection, the Committee would be glad if the Government would be good enough to indicate whether these forms of compulsory labour, which do not appear to come within the types of

forced labour authorised by the provisions of the Convention, have been finally abolished.

#### *Zanzibar.*

In 1954 and 1955 the Committee noted that the Government intended to abolish the war-time regulations concerning compulsory cultivation. The Committee is surprised to see it stated in the report for this year that the contemplated draft legislation is still under consideration. It trusts that twelve years after the termination of hostilities the Government will at last bring about the abolition of these war-time regulations, which are incompatible with the Convention.

#### **Convention No. 32: Protection against Accidents (Dockers) (Revised), 1932**

Number of reports requested : 3.

Number of reports received : 3.

No observations.

#### **Convention No. 33: Minimum Age (Non-Industrial Employment), 1932**

Number of reports requested : 10.

Number of reports received : 10.

#### *France*

#### *Cameroons.*

The Committee would be grateful if the Government would append to its next report a copy of Order No. 983 of 27 February 1934 which, according to the report on Convention No. 5, permits certain exceptions to the minimum age for employment, particularly with respect to domestic work.

#### *Comoro Islands.*

The Committee would be grateful if the Government would indicate the legislative provisions by virtue of which it is prohibited, as stated in the report, to employ children under 16 years of age in public performance in theatres, cinemas, cafés, concerts or circuses, or in carrying out dangerous feats of strength and dislocation exercises (Article 5 of the Convention).

#### *French Equatorial Africa.*

The Committee notes the information supplied by the Government that children over 12 years of age may be employed on certain light work with the labour inspector's permission. Article 3 of the Convention, which provides for such exceptions, makes them subject to certain conditions (school attendance, nature and duration of the work).

The Committee would accordingly be grateful if the Government would in its next report supply additional information making it possible to ascertain whether the employment of children on light work is carried out in accordance with the provisions of Article 3 of the Convention.

#### *French Somaliland.*

See under Convention No. 5.

#### *Togoland.*

The Committee notes with interest that a draft order now being considered by the Labour Consultative Committee reproduces the provisions of Articles 4, 5 and 8 of the Convention, and would be grateful if the Government would, in its next report, indicate the measures taken to bring this order into force.

**Convention No. 35 : Old-Age Insurance (Industry, etc.), 1933**

Number of reports requested : 3.

Number of reports received : 3.

No observations.

**Convention No. 36 : Old-Age Insurance (Agriculture), 1933**

Number of reports requested : 3.

Number of reports received : 3.

No observations.

**Convention No. 37 : Invalidity Insurance (Industry, etc.), 1933**

Number of reports requested : 3.

Number of reports received : 3.

No observations.

**Convention No. 38 : Invalidity Insurance (Agriculture), 1933**

Number of reports requested : 3.

Number of reports received : 3.

No observations.

**Convention No. 39 : Survivors' Insurance (Industry, etc.), 1933**

Number of reports requested : 3.

Number of reports received : 3.

No observations.

**Convention No. 40 : Survivors' Insurance (Agriculture), 1933**

Number of reports requested : 3.

Number of reports received : 3.

No observations.

**Convention No. 41 : Night Work (Women) (Revised), 1934**

Number of reports requested : 1.

Number of reports received : 1.

*Netherlands**Surinam.*

The Committee refers to the observations it made in 1956 and expresses the hope that the Government will introduce the necessary legislation in the near future so as to ensure compliance with the terms of the Convention.

**Convention No. 42 : Workmen's Compensation Occupational Diseases (Revised), 1934**

Number of reports requested : 10.

Number of reports received : 10.

*France*

*Overseas Departments (French Guiana, Guadeloupe, Martinique and Réunion).*

The Committee would be grateful if the Government would supply the same information as has been requested for the metropolitan territory.

*Netherlands**Netherlands Antilles.*

The Committee has noted that in its report on the application of this Convention the Government refer to the provisions in the Rules concerning Industrial Accidents, 1936, and to two Resolutions of 1942 and 1955. However, on examining sections 24

and 25 of the Rules, the Committee observes that the list of diseases and toxic substances and the list of corresponding trades, industries or processes do not appear to correspond with the lists of diseases and trades, etc., contained in the schedule to the Convention.

The Committee would be grateful, therefore, if the Government would annex, to its next report the text of the resolutions mentioned and to furnish the detailed information requested in the report form.

*Surinam.*

In reply to the observations made in 1956, the Government confirms the statement made by its representative to the Conference Committee in 1956, that the list of occupational diseases will be completed when the legislation on industrial accidents is revised.

The Committee trusts that the measures envisaged with a view to giving full effect to the Convention will be taken in the near future, and would be grateful if the Government would in its next report indicate the progress made in this connection.

**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.

No observations.

**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 : 37.

Number of reports received : 37.

*Belgium**Belgian Congo and Ruanda Urundi.*

The Committee notes the information supplied by the Government in reply to the observations made in 1956 concerning the scope of the Royal Order of 19 July 1954 on contracts of employment of indigenous workers. The Committee would be glad if in its next report the Government would state—

(a) whether in fact Division VII of the Order, dealing with recruitment (and relevant in particular to Articles 6, 20 and 21 of the Convention) applies only to recruitment with a view to the conclusion of contracts falling within section 1 of the Order; and

(b) if so, to what extent and in what conditions recruitment for employment by indigenous employers not paying personal taxes other than the Native tax occurs.

The Committee observes that section 7 of the Decree of 30 June 1954 regulating the recruitment and acclimatisation of indigenous workers requires the worker's appearance before a public officer only where he is recruited for employment outside the territory, and would be glad if the Government would state in its next report whether sections 6 (3) and 26 of the Order

of 8 December 1940, mentioned in earlier reports as requiring the appearance before a public officer of all recruited workers, remain in force.

#### *United Kingdom*

##### *Brunei.*

The Committee notes with interest the information supplied by the Government in reply to the observations made in 1956, from which it appears that the Labour Enactment contains appropriate provisions to give effect to Articles 6, 7, 15 and 18 to 23 of the Convention so far as required by local circumstances and that the requirements of Articles 4 and 14 are met by administrative practice.

The Committee also notes that no regulations have yet been made to fix the maximum remuneration of licensees' agents, as required by Article 13, paragraph 3, and trusts that the necessary measures to this end will be taken at an early date.

##### *Hong Kong.*

In 1953 and 1954 the Committee expressed the hope that the existing legislation would be revised and the current administrative procedure supplemented by statutory provisions. It has noted that since then the number of workers leaving the territory for employment overseas has increased annually. The Committee would be glad if the Government would indicate in its next report whether in these circumstances it is proposed to take appropriate legislative action in the field covered by the Convention.

##### *Kenya.*

In its report for 1953-54 the Government stated that it was intended shortly to enact amending legislation to prohibit absolutely the recruitment of juveniles and thus give full effect to Article 6 of the Convention. The Committee would be glad if the Government would in its next report indicate the progress made in this connection.

##### *North Borneo.*

The Committee thanks the Government for the information supplied in answer to the request made in 1956, regarding the provisions giving effect to Articles 18 to 24 of the Convention.

##### *Northern Rhodesia.*

The Committee would be grateful if the Government would in its next report supply further information on the following provisions of the Convention and indicate, where appropriate, what measures it is proposed to take to give full effect to them:

Article 13, paragraph 2 of the Convention. Have regulations been made under section 106 (9) of the Employment of Natives Ordinance to require the keeping of records of recruiting operations in accordance with this paragraph?

Article 13, paragraph 3. Have regulations been made under section 98 A of the Ordinance to prescribe the maximum rate of remuneration of persons employed by labour agents who are paid according to the number of workers recruited?

Article 16, paragraph 2. It is not apparent from the available information whether effect is in practice given to this paragraph.

Article 18, paragraph 3. Under section 103 (1) of the Ordinance the proper officer has an unqualified power to grant exemption from medical examination; whereas the Convention merely permits public officers to allow the worker's departure from the place of

recruiting prior to medical examination subject to specified conditions, one of which is that the worker will be examined on arrival at the place of employment.

Article 19. Has the competent authority taken the measures required by paragraphs 2, 3 and 4 of this Article regarding travel arrangements for recruited workers, and do such measures cover the families who have been authorised to accompany workers, as required by Article 23 (a)?

The Committee would also be glad if in its next report the Government would supply information on the practical application of the Convention, such as the number of labour agent's licences and runner's permits issued, the number of recruited worker's contracts attested, and particulars of the work of the inspection services in enforcing the legislation relating to recruiting.

##### *Singapore.*

The Committee notes with satisfaction that, following the enactment of the Labour Ordinance 1955, recruitment is now regulated by legislative provisions.

The Committee observes that, by reason of the definition of "workman" in section 2 of the Ordinance, part XI thereof does not apply to non-manual workers or domestic servants. However, under Article 3 of the Convention, such exemption is permitted only in respect of non-professional recruiting. The Committee would be glad if the Government would indicate in its next report what measures it proposes to take similarly to limit the aforementioned exemption under the Ordinance.

The Committee trusts that any exemptions permitted by regulations under section 113 of the Ordinance will also be limited to non-professional recruiting.

The Committee would be glad if the Government would state in its next report what measures restrict recruiting by public officers, in accordance with Article 9 of the Convention.

Finally, the Committee notes that, in the absence of recruiting as defined by the Convention, it has not been found necessary to implement a number of provisions of the Convention (in particular, Article 13, paragraphs 2 and 3; Article 14; Article 18, paragraphs 4 and 5; Article 19, paragraphs 2, 3 and 4; and Article 24). The Committee trusts that the Government will keep the position under observation, and will take appropriate steps whenever the need therefor arises.

#### **Convention No. 53: Officers' Competency Certificates, 1936**

Number of reports requested: 11.

Number of reports received: 11.

#### *France*

##### *Overseas Departments (French Guiana Guadeloupe, Martinique, Réunion).*

The Committee notes the statement made by a Government representative to the Conference Committee in 1956 to the effect that all the legislative texts in force relating to maritime labour legislation were automatically applicable to all overseas departments, including Algeria.

The Committee would be grateful if the Government would, in its next report, supply general information on the manner in which the Convention is applied (point V of the report form).

*United States*

*Alaska, American Samoa, Guam, Hawaii, Trust Territory of Pacific Islands, Puerto Rico, Virgin Islands.*

The Committee takes note of the statement made by a Government representative to the Conference Committee in 1956, and confirmed by the Government in its report for 1955-56 respecting non-metropolitan territories, indicating that the laws and regulations applicable in the United States were also applicable in Alaska, American Samoa, Guam, Hawaii, Puerto Rico, the Virgin Islands and the Trust Territory of the Pacific Islands.

Nevertheless, the Committee ventures to point out that the United States reports for 1955-56 regarding the various Conventions indicate (point II) that there has been no change, that is, they refer to the terms of the reports for 1953-54. Thus the latter reports make a distinction between the territories of Alaska, Guam, Hawaii, Puerto Rico and the Virgin Islands—with regard to which it is stated that the Conventions are fully applied—and American Samoa (with regard to Convention No. 53 only) and the Trust Territory of the Pacific Islands—where the application of the Conventions is still being examined by the authorities.

In these circumstances the Committee would be grateful if the Government would indicate whether, as indicated in the first paragraph of this observation, the Conventions are at present fully applied also in American Samoa and the Trust Territory of the Pacific Islands.

The Committee also ventures to repeat the request already made in 1955 and 1956, asking the Government to supply separate reports on each ratified Convention and for each territory. Finally, it would be glad if the Government would supply information on the manner in which the Conventions are applied (point V of the relevant report forms).

**Convention No. 55 : Shipowners' Liability (Sick and Injured Seamen), 1936**

Number of reports requested : 10.

Number of reports received : 10.

*France*

*Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

See under Convention No. 53.

*United States*

*Alaska, American Samoa, Guam, Hawaii, Trust Territory of Pacific Islands, Puerto Rico, Virgin Islands.*

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, Guadeloupe, Martinique, Réunion).*

See under Convention No. 53.

The Committee would be grateful if, in its next report, the Government would supply the information on the practical application of the Convention which is requested in point IV of the report form.

**Convention No. 58 : Minimum Age (Sea) (Revised), 1936**

Number of reports requested : 10.

Number of reports received : 10.

*France*

*Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

See under Convention No. 53.

*United States*

*Alaska, American Samoa, Guam, Hawaii, Puerto Rico, Trust Territory of Pacific Islands, Virgin Islands.*

See under Convention No. 53.

**Convention No. 62 : Safety Provisions (Building), 1937**

Number of reports requested : 5.

Number of reports received : 4.

Report not received : 1.  
(Guadeloupe.)

*France*

*Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

As the metropolitan legislation has been applied to the Overseas Departments and as this legislation does not as yet fully conform to the provisions of the Convention, the Committee can only refer to the observations which it has made in this connection for the metropolitan territory.

*Netherlands**Surinam.*

The Committee thanks the Government for its report but notes that the information supplied is not sufficient to allow an appraisal of the degree of application.

The Committee would be grateful if the Government in its next report would supply copies of the regulations which relate to safety measures in the building industry, and give information on the progress made in the drafting of special safety regulations for the building industry.

**Convention No. 63 : Convention concerning Statistics of Wages and Hours of Work, 1938**

Number of reports requested : 3.

Number of reports received : 3.

No observations.

**Convention No. 64 : Contracts of Employment (Indigenous Workers), 1939**

Number of reports requested : 39.

Number of reports received : 39.

*Belgium**Belgian Congo and Ruanda-Urundi.*

The Committee thanks the Government for the information supplied in reply to the observations made in 1956. The Committee notes that, when revision of the legislation is next undertaken, consideration will be given to an amendment designed to establish conformity with Article 3, paragraph 1 of the Convention. As regards the remaining observations made in 1956, the Committee would be glad if the Government would in its next report supply the following further information :

Article 6, paragraphs 3, 4 and 5 of the Convention. The Government states that the requirements of these paragraphs are met by section 58 of the Royal Order of 19 July 1954, which deals with the worker's right to

terminate a contract on serious breach of contract or serious misconduct by the employer. The Committee finds itself unable to reach such a conclusion. The consequences of attestation of contracts and of their non-attestation are specifically dealt with in Division VI of the Order, from which it would appear that attestation affects, not the validity of a contract, but merely its proof. In particular, section 65 provides that "no employer who... has failed to have the contract attested shall be entitled to adduce any evidence other than an admission made by the worker...". It follows that, where admissions have been made by the worker, a contract which has not been attested is enforceable against him, and the requirements of paragraphs 3, 4 and 5 of this Article, under which a contract in respect of which attestation has been refused shall have no further validity and a contract not presented for attestation shall not be enforceable for more than six months and the worker be entitled to apply for the cancellation of the contract, appear not to be satisfied. The Committee would be glad to know what measures the Government proposes to take to eliminate this discrepancy.

Article 13, paragraph 5. The Government states that a court order against an employer on failure to repatriate a worker has executory force, and that consequently the competent authority ensures the carrying out of the obligation to repatriate. The Committee would, however, be glad to know further—

(a) whether the competent authority assumes responsibility for repatriation in cases where the employer is insolvent; and

(b) whether the repatriation expenses met by the authorities include all the expenses specified in Article 13, paragraph 3 of the Convention.

Article 6, paragraph 2(a); Article 10, paragraph 2(a); and Article 12, paragraph 2(b)(i). The Government points out that under section 10 of the Decree of 12 December 1954, public officers must satisfy themselves that the worker has not been subjected to coercion, undue influence, etc., before attesting a contract. The Committee observes that, while this provision appears to meet the requirements of Articles 6 and 10, it does not cover Article 12, paragraph 2(b)(i) because agreements to terminate contracts of employment appear not to require attestation. The Committee would be grateful for information as to the measures taken to give effect to the last-mentioned provision.

#### *United Kingdom*

*General observation.* See under Convention No. 86.

#### *Basutoland.*

Article 12, paragraphs 1 to 3 of the Convention. The Committee notes with interest the information supplied in answer to the observations made in 1956, regarding the provisions applicable to workers entering into contracts for work in the Union of South Africa. It notes further that the necessity for similar regulations in Basutoland is under consideration, and would be glad if the next report would indicate the conclusions reached.

Article 6, paragraph 4. The Committee observes that the legislation mentioned in the report deals only with the position where a contract required to be in writing has not been made in writing, and that no provisions appear to define the consequences of non-attestation of a written contract. It would be grateful if the Government would in its next report indicate

the measures which it intends to take to give effect to the Convention in this respect.

Article 8, paragraph 1. The Committee would be glad if the Government would indicate in its next report whether it is proposed to prescribe a minimum age under which non-adults shall be absolutely incapable of entering into contracts of employment, in accordance with this paragraph of the Convention.

#### *Bechuanaland.*

Article 12, paragraphs 1 to 3 of the Convention. The Committee notes the information supplied in answer to the observations made in 1956, and would be glad if the next report would indicate whether the regulations to give effect to paragraph 3, which are stated to be under consideration, have been made.

Article 6, paragraph 4; Article 8, paragraph 1. See under Basutoland.

#### *Brunei.*

The Committee notes with interest the information supplied by the Government in reply to the observations made in 1956, to the effect that it is proposed to implement Article 3, paragraph 4, and Article 4 of the Convention. It would be glad to be kept informed of the measures taken to this end.

#### *British Guiana.*

The Government stated in its report for 1953-54 that legislation to give full effect to this Convention was then in draft and was expected to be enacted shortly. The Committee would be glad if the Government would indicate in its next report what further measures have been or are proposed to be taken with a view to the adoption of this legislation.

#### *Kenya.*

In its report for 1953-54 the Government stated that complete application of the Convention could be brought about only by a major revision of the existing legislation. As subsequent reports have not mentioned any such revision, the Committee would be glad if the Government would indicate in its next report whether it has encountered any practical difficulties, and, if so, of what nature, in bringing the legislation into complete conformity with the terms of the Convention.

#### *Northern Rhodesia.*

The Committee would be grateful if the Government would in its next report supply further information on the following provisions of the Convention and indicate, where appropriate, what measures it is proposed to take to give full effect to them:

Article 6, paragraph 1 of the Convention. Under the Employment of Natives Ordinance attestation of written contracts is required only in the case of illiterate workers (section 6), foreign contracts (section 9) and recruited workers (section 100), whereas the Convention requires attestation of all contracts required by Article 3 to be made in writing.

Article 6, paragraph 2. Apart from the requirements in section 6 of the Employment of Natives Ordinance that the attestation of illiterate workers' contracts should state that the contract had been read over and explained to the worker and was made voluntarily and with full understanding of its meaning, what steps are taken to apply the requirements of subparagraph (b), which specifies the matters on which the public officer is to be satisfied before attesting a contract?

Article 7. Medical examination is required only for recruited workers and labour employed on "mines and works" as defined in regulation 63 of the Employment of Natives Regulations. The Committee observes that the Government considers it neither necessary nor practicable to require medical examination of workers who offer themselves spontaneously for work. The Committee would be glad to know—

(a) to what extent workers offering themselves spontaneously and not employed on "mines and works" enter into contracts required by Article 3 of the Convention to be in writing; and

(b) to what extent such workers might be brought within the exceptions permitted by Article 7, paragraph 4 of the Convention.

Article 10. The Government states that there is no provision for the transfer of contracts except in the case of apprenticeship contracts. Does this mean that such transfer is not regulated by legislation, or that in law no valid transfer of an employment contract can be made?

Article 13, paragraph 2. The Ordinance (section 100 B) provides for the repatriation of families only in the case of recruited workers, whereas the Convention provides for such repatriation whenever families have been brought to the place of employment by the employer or a person acting on his behalf.

Article 15. It is noted that the provision of transport on repatriation is, where practicable, made a condition of the issue of a labour agent's licence. What measures have been taken—

(a) to require provision of transport on repatriation in cases other than the above; and

(b) to give effect to paragraphs 2 and 3 regarding travel arrangements on repatriation?

#### *Seychelles.*

The Committee notes the statement made by a Government representative to the Conference Committee in 1956 and the detailed information contained in the Government's report in reply to the observations made in 1955 and 1956. The Committee would be grateful if the Government would in its next report supply additional information on the following provisions of the Convention, indicating, where necessary, what further measures it is proposed to take to ensure their application :

Article 4, paragraph 1 of the Convention. The Ordinance of 1945 applying to the outlying islands provides (section 25 (2)) that an employer shall not be entitled to claim the service of the wife or children of a worker merely because they reside at the place of employment. Is there any similar provision applying to the Seychelles?

Article 7. Medical examination is required under the Ordinance applying to the outlying islands (section 26). Is there any similar provision applying to the Seychelles?

Article 12, paragraph 2. Is termination of a contract of service by agreement made subject to official control, in accordance with this paragraph of the Convention?

#### *Sierra Leone.*

The Government stated as long ago as 1949 that "the Employers and Employed Ordinance is being revised and the provisions of this Convention will be included". The Committee notes however that the only provisions in the Amendment Ordinance of 1956 relevant to the Convention are those reducing

the maximum periods for contracts of employment. In these circumstances, the Committee would be grateful if the Government would state what further measures it intends to take to give effect to the Convention. Legislative action would appear to be called for in particular to give effect or complete effect to the following provisions of the Convention: Article 3, paragraph 1 (b); Article 6, paragraphs 1, 3, 4 and 5; Article 7; Article 8, paragraph 2; Article 10; Article 12, paragraphs 2 and 3; Article 13, paragraphs 2, 3 and 5; and Articles 15 to 19.

#### *Singapore.*

The Committee notes that, under section 11 (1) of the Labour Ordinance 1955, no contract of service for longer than a month may be made without the approval of the Commissioner of Labour, but that the Minister may exempt contracts with certain classes of workmen from these provisions. The Committee would be glad if the Government would in future reports give particulars—

(a) of contracts of service for six months or more which have been approved by the Commissioner; and

(b) of any exemptions made by the Minister, indicating in each case the measures taken to ensure compliance with the provisions of the Convention.

#### *Uganda.*

The Committee notes that at present written contracts are concluded only by recruited workers or workers presenting themselves to authorised recruiting agents, that all such workers are medically examined, and that, as the conclusion of written contracts by other workers is not likely, it is not proposed to make legislative provision for medical examination in all cases in accordance with Article 7 of the Convention. The Committee trusts that the Government will keep the position under review, and that, if circumstances should so require, appropriate legislation will be enacted.

The Committee observes that the Government refers to section 54 of the Uganda Employment Ordinance as providing for the repatriation of workers' families in accordance with Article 13, paragraph 2, of the Convention. This section however deals only with repatriation in certain circumstances occurring before the worker takes up employment, whereas Article 13 deals with repatriation on the termination of employment. The Committee would be glad if the Government would indicate in its next report what measures exist or are proposed to give effect to Article 13, paragraph 2, of the Convention.

#### *Zanzibar.*

The Committee observes that, as a result of the definition of "contract of employment" in section 2 of the Labour Decree 1946, the decree does not apply to "a contract which, while imposing on one party the obligation of doing manual work, at the same time confers on such person the right to occupy and use land". It would be grateful if the Government would in its next report indicate the extent to which, in any such contracts actually concluded, the occupancy or use of land is "the only or principal remuneration", as provided in Article 2, paragraph 4 of the Convention, and whether any official supervision of such contracts is maintained.

The Committee would be pleased if the Government would also state in its next report whether any persons have been excluded from the legislation

by the prescription of an earnings limit in accordance with the definition of "servant" in the aforesaid section 2, and, if so, would indicate—

- (a) the amount so prescribed; and
- (b) whether this amount is sufficiently in excess of manual workers' wages to leave such workers in practice subject to the legislation, in conformity with Article 2, paragraph 2 of the Convention.

**Convention No. 65 : Penal Sanctions (Indigenous Workers, 1939)**

Number of reports requested : 43.

Number of reports received : 43.

*New Zealand*

*Tokelau Islands.*

The Committee has noted with satisfaction that there are no provisions in the territory permitting the imposition of penal sanctions for breaches of contracts of employment.

*Western Samoa.*

The Committee notes with satisfaction that, as a result of the enactment of Ordinance No. 16 of 1955, all penal sanctions for breaches of contract have been abolished.

*United Kingdom*

*Basutoland.*

The Committee notes with interest that legislation to repeal section 27 of the Native Labour Proclamation, which empowers the Resident Commissioner to permit non-adults to conclude contracts of employment, is to be promulgated in the near future, and that this repeal will bring the legislation into conformity with Article 2, paragraph 2 of the Convention, which provides that penal sanctions for non-adults "shall be abolished immediately".

*Bechuanaland.*

The Government states that it hopes shortly to bring into force an amendment to section 40 (1) of Chapter 64 of the Protectorate Laws which would exempt non-adults from all penal sanctions. The Committee trusts that this legislation will be brought into force at an early date, thus ensuring the application of Article 2, paragraph 2 of the Convention.

*British Guiana.*

In the first report furnished on the application of this Convention, the Government had indicated its intention to repeal section 36 of the Labour Ordinance, 1942, which provided for penal sanctions for breach of contract. In 1955 the Committee, having noted with interest that this provision had never been utilised in practice, expressed the hope that the Government would do its best to repeal the section in question as soon as possible. As the report for the present year states that the situation remains unchanged, the Committee again expresses the hope that section 36 of the Labour Ordinance will be repealed at an early date.

*British Honduras.*

The Committee notes that the repeal of penal sanctions provided for by Ordinance No. 6 of 1943 has been delayed by technical difficulties and that a special Act is being drafted. It trusts that this Act will come into operation without delay, seeing that it will in particular ensure the application of Article 2, paragraph 2 of the Convention, which provides for the immediate abolition of penal sanctions for non-adults.

*Kenya.*

With reference to the observation which it made in 1956, the Committee notes that the amendment abolishing the last penal sanctions mentioned by the Government representative on the Conference Committee has not yet come into force and that, further, the Government indicates that certain provisions prescribing penal sanctions are likely to remain. The Committee can only express the hope that the Government will not lose sight of the fact that, under the Convention, it has undertaken to abolish all penal sanctions progressively and as soon as possible.

*Federation of Malaya.*

The Committee notes that legislation to repeal section 490 of the Penal Code is still being prepared. It trusts that this legislation will shortly come into force.

*Northern Rhodesia.*

With reference to the observation that it made in 1955, the Committee notes that none of the penal sanctions prescribed in the Employment of Natives Ordinance has yet been abolished. It trusts that the Government has not lost sight of the fact that, under Article 2, paragraph 1 of the Convention, it has undertaken to abolish progressively and as soon as possible all penal sanctions for breaches of contracts of employment. It expresses the hope that the Government will keep it informed as to the progress made in this connection.

*Sierra Leone.*

The Committee has noted with satisfaction that section 6 of the Employers and Employed Ordinance, 1956 repeals sections 54 and 68 of the principal Ordinance, Cap. 70, so that penal sanctions for breaches of contracts of employment have been abolished entirely.

*Swaziland.*

The Committee thanks the Government for the detailed information that it has furnished in response to the request addressed to it in 1956. The Committee has noted that, under the legislation in force, non-adult workers would apparently be liable, in certain cases, to penalties. Although the Government indicates that no non-adult worker has in fact been the subject of such penalties, the Committee would be grateful if the Government would be good enough to state what measures it intends to take to bring existing legislation into harmony with the provisions of Article 2, paragraph 2 of the Convention, which provides for the immediate abolition of penal sanctions in the case of non-adults. In this connection, the Committee has noted with interest that the Government is considering the abolition of a number of penal sanctions. It would be glad if the Government would keep it informed of the progress made in this matter.

*Tanganyika.*

With reference to the observation which it made in 1955, the Committee has noted with interest that the new Employment Ordinance, 1955, which would abolish all penal sanctions for breaches of contracts of employment, was to enter into force at the beginning of 1957.

*Zanzibar.*

The Committee has noted with satisfaction that Order No. 27 of 1955 has abolished all penal sanctions in the case of non-adults, in accordance with Article 2, paragraph 2 of the Convention.



**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 Committee notes from the information supplied in the Government's report for 1955-56 that there exist no legislative or other provisions to apply the Convention, that cooks are rarely signed on, and that only very few vessels are registered in the Netherlands Antilles. Since this Convention has been declared fully applicable to this Territory, however, the Committee would be glad if the Government would take the necessary measures to give full effect to its provisions and would include information on these measures in its next report.

**Convention No. 73 : Medical Examination (Seafarers), 1946**

Number of reports requested : 4.  
 Number of reports received : 4.

*France*

*Overseas Departments (French Guiana, Guadeloupe, Martinique and Réunion).*

The Committee would be grateful if the Government would supply the same information as has been requested for the metropolitan 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 notes the information supplied by the Government in its report, and would be grateful if it would in its next report supply the correct reference to the official publication in which the Decree of 1952 on Shipping appears. The reference given (*P.B.*, 1952, No. 106) does not relate to the decree in question.

Further, the Committee would be grateful if the Government would indicate the provisions of the said decree which give effect to Article 2, paragraph 1 of the Convention (arrangements for the holding of examinations and for the granting of certificates of qualification); Article 2, paragraph 2 (c) (examination of proficiency); and Article 2, paragraph 5 (matters to be covered by the written examination and nature of the examination).

**Convention No. 81 : Labour Inspection, 1947**

Number of reports requested : 9.  
 Number of reports received : 8.  
 Report not received : 1.  
 (*Guadeloupe.*)

*France*

*French Guiana.*

The Committee notes with interest the statement in the report that labour inspection is ineffective because responsibility for inspection is assigned to technical officials of other government services who have neither the means nor the time to carry out this responsibility. In view of the fact that the Convention has been declared applicable in French Guiana without modification, the Committee would be glad if the Government would indicate what measures it proposes to take to improve this situation and to organise its inspection system in accordance with the provisions of the Convention.

In these circumstances the publication of the annual general report on the work of the inspection services (Articles 20 and 21 of the Convention) also assumes added importance and the Committee repeats its query regarding this report.

*Guadeloupe.*

In the absence of any report on this Convention, the Committee refers to its request of 1956 for detailed information on the effect given in the territory to the various provisions of the Convention and for the communication of the annual general report on the work of the inspection services provided for in Articles 20 and 21 of the Convention.

The Committee trusts that the Government will be able to supply this information at an early date.

*Martinique.*

The Committee thanks the Government for the further details contained in the report in reply to the observation of 1956 and notes that transport difficulties continue to prevent inspection visits being made to all establishments in localities distant from the main centre (Article 11 of the Convention). The Committee refers again to its request for information as to the publication of an annual report on the work of the inspection services (Articles 20 and 21).

*Réunion.*

Since, despite the request in the observation of 1956, only information of a very general nature is given, the Committee repeats its request that the Government's next report indicate the strength of the inspection staff and supply some details of the practical application of Articles 12-24. Also, it would remind the Government of its query in 1956 with regard to Articles 20 and 21 concerning the annual general report on the work of the Inspection Service.

*Netherlands*

*Netherlands Antilles.*

The Committee thanks the Government for the additional information supplied in answer to the observations made in 1956. It notes with satisfaction that henceforth annual reports on the activities of the labour inspectorate will be published regularly and that the first of these reports will relate to 1956.

The Committee points out, however, that the Government's report does not contain any information on the application of Article 12, particularly paragraph 1 (c), and trusts that the Government will provide the necessary information in this connection in its next report.

*Surinam.*

The Committee thanks the Government for the additional information supplied in answer to the observations made in 1956. It notes, however, that

the report does not contain information on the application, by legislative and practical measures, of Articles 8 and 11 to 15 of the Convention. The Committee also notes that the Government has not communicated a copy of the general report on the activities of the inspection services published pursuant to Articles 20 and 21 of the Convention, and requests that one be supplied.

**Convention No. 82 : Social Policy (Non-Metropolitan Territories), 1947**

Number of reports requested : 53.  
 Number of reports received : 48.  
 Reports not received : 5.  
 (*British Honduras, Gold Coast, Hong Kong, Jamaica, St. Lucia.*)

See First Part, General Report, paragraph 35.

**Convention No. 84 : Right of Association (Non-Metropolitan Territories), 1947**

Number of reports requested : 52.  
 Number of reports received : 52.

*Italy*

*Trust Territory of Somaliland.*

The Committee has noted with interest the provisions of Ordinance No. 5 of February 1956 respecting the competence of the Court of Justice. The Committee would be grateful to the Government if it would indicate in all future reports whether organisations of workers or employers have been the subject of orders of dissolution and, if so, whether such measures have been referred to the Court of Justice and what judicial decisions have been handed down.

*United Kingdom*

*Fiji.*

The Committee notes with interest that the Government intends to repeal the words "regularly and normally" in section 8 (a) of the Industrial Associations Ordinance (Cap. 79) and that a special exception in respect of trade unions is to be inserted in Regulation 35 of Regulations No. 10 of 1948.

*Hong Kong*

In reply to the suggestion made by the Committee in 1955 and 1956, the Government states that, owing to local conditions, appeal against a decision of the registrar to refuse registration of a trade union or to cancel such registration must continue to be to the Governor-in-Council. The Committee feels bound to persist in its observation that the decision of the Governor-in-Council should not be final but should, in appropriate cases, be subject to appeal to a judicial authority.

*Jamaica.*

In its report, the Government states that a decision has not so far been taken as to whether or not effect is to be given to the suggestion made by the Committee in 1955 and 1956 that express provision should be made for appeals to the Supreme Court against a decision of the Registrar of Trade Unions to refuse to register a trade union or to notify cancellation of registration. While noting that, as the Government indicated in its report in 1956, a party aggrieved by such a decision on the part of the Registrar may apply by special process to the Supreme Court to suspend the decision, the Committee considers that it must urge that the powers of the Registrar of Trade

Unions should be made subject to normal judicial control, and expresses the hope that the Government will take the necessary measures for this purpose.

*Kenya.*

The Committee has noted with satisfaction that, under the legislation in force, all decisions of the Registrar of Trade Unions may be appealed against to the Supreme Court.

*North Borneo.*

The Committee notes that, according to the information supplied by the Government, the power of the registrar to refuse registration where a trade union sufficiently representative of the trade concerned already exists has never been exercised.

*Sarawak.*

The Committee would be grateful if the Government would indicate how in practice the provisions regarding the refusal of registration of a new trade union, where a trade union representing the occupations in question already exists, are applied. The Committee would also be glad to know whether, in accordance with the suggestion made by it in 1955 and 1956, the Government intends to make provision, as is done in most British territories, for an appeal to a judicial authority against refusal of registration of a trade union or the cancellation of registration.

*Sierra Leone.*

The Committee has noted with interest that the Government intends, on the occasion of the revision of the Trade Unions Ordinance which is to take place in the near future, to provide that all decisions of the Registrar of Trade Unions shall be subject to appeal to the Supreme Court.

*Singapore.*

The Committee notes with satisfaction that, following the suggestion made by it in 1955 and 1956, measures have been taken to make express provision for an appeal to the High Court from decisions of the Registrar of Trade Unions.

*Southern Rhodesia.*

The Committee has carefully examined the first report of the Government, which was received too late in 1956 to be examined. The report for this year reproduces the information furnished in the report for last year. The Committee has noted with interest that, a Bill to provide for the registration of African trade unions having been rejected by a Select Committee of Parliament, the latter has recommended that the Industrial Conciliation Act be amended to provide for the inclusion of African workers and the formation and registration of non-racial trade unions and employers' organisations. The Committee expresses the hope that the new proposed legislation will enter into force at an early date.

**Convention No. 85 : Labour Inspectorates (Non-Metropolitan Territories), 1947**

Number of reports requested : 48.  
 Number of reports received : 48.

*Australia*

*New Guinea.*

The Committee wishes to thank the Government for its detailed first report and would be glad if the next report would indicate what measures are taken to ensure inspection of conditions of employment at

frequent intervals (Article 4, paragraph 1 of the Convention).

As regards Article 4, paragraph 2 (*a*) which empowers inspectors to enter workplaces freely "at any hour of the day or night" the Committee trusts that section 107 of the Native Labour Ordinance which authorises such entry "at all reasonable times" confers in fact upon inspectors the same powers of entry as those laid down in the above-mentioned provision of the Convention. The Committee would also be glad to know, as regards Article 4, paragraph 2 (*c*) (iii), whether inspectors have the power to enforce the posting of notices required by the legal provisions.

In so far as the inspectors' code of conduct is concerned (Article 5), the Committee would be glad if the Government would append to its next report a copy of the territorial legislation which it mentions in this connection.

As regards the modifications subject to which the Convention was declared applicable in the territory, the Committee notes from the Government's report that it will not be possible to apply the principles of the Convention to other than the indigenous population until such times as legislation is prepared governing the employment of non-indigenous persons.

#### *Papua*

See under New Guinea.

#### *France*

*General observation.* The Committee took note with much interest of the first reports on the ten territories in respect of which the provisions of the Convention have been declared applicable, and certain points arising from the consideration of these reports are indicated below in the sections dealing with the territories concerned.

In examining Title VII of the Labour Code for the Territories and Associated Territories under the Ministry for Overseas France, dated 15 December 1952, which lays down the functions and powers of the overseas inspectorate of labour and social legislation, the Committee found that these provisions do not appear to be fully in conformity with Article 4, paragraph 2 (*a*) and (*b*) of the Convention.

(*a*) Whereas paragraph 2 (*a*) of Article 4 requires the relevant legislation to empower inspectors to enter workplaces "at any time of the day or night", section 154 (*a*) of the above-mentioned Code limits entry to the daytime, while section 154 (*b*) authorises entry at night only in the case of "premises where collective night work is carried on".

(*b*) Under paragraph 2 (*b*) of Article 4 on the other hand, inspectors are empowered "to enter by day any premises which they may have reasonable cause to believe to be liable to inspection"; whereas under section 154 (*a*) of the Code entry is restricted to "establishments subject to inspection".

The Committee would be glad if the Government would indicate in its next reports the measures taken or contemplated to guarantee for labour inspectors in the territories all the powers of entry laid down in the Convention.

The Committee would also be glad if the Government could henceforth supply information on the practical application of the Convention in the various territories including, in particular, copies or extracts

of any inspection reports published during the period under review (point V of the report form).

#### *Comoro Islands.*

The Committee would be glad if the Government would indicate in its next report what steps have been taken to "inspect conditions of employment at frequent intervals", as laid down in Article 4, paragraph 1 of the Convention.

#### *French Equatorial Africa.*

The Committee would be grateful if the Government would in its next report indicate the measures taken to provide for inspection of "conditions of employment at frequent intervals", as required by Article 4, paragraph 1 of the Convention.

The Committee would also appreciate it if the Government would indicate in its next report what is the organisation, and in particular the strength, of the inspection service in the territory (point III of the report form).

#### *French Somaliland.*

See under Comoro Islands.

#### *French West Africa.*

See under French Equatorial Africa.

#### *Madagascar.*

See under Comoro Islands.

#### *New Caledonia.*

The Committee notes that the Government has not reported on this Convention but has merely referred to the information given on the Labour Inspection Convention, 1947 (No. 81) which was not declared applicable in New Caledonia.

Since the last report on Convention No. 81 covered the period 1953-54 and since Convention No. 85 is fully applicable in the territory, the Committee hopes that the Government will find it possible to supply a detailed report including, in particular, the information requested as regards the Comoro Islands and French Equatorial Africa.

#### *St. Pierre and Miquelon.*

See under Comoro Islands.

#### *Togoland.*

See under Comoro Islands.

#### *Italy*

#### *Trust Territory of Somaliland.*

The Committee took note of the Government's first report and would be glad if information could be supplied in the next report on the training of labour inspectors (Article 2 of the Convention) and on the periodicity of inspection visits (Article 4, paragraph 1).

Since the Government's report is rather summary in character, the Committee would also be glad if the next report would contain more detailed information on the practical working of the inspection service, including the number of inspectors, copies of any inspection reports published, etc., as requested in the report form.

#### *United Kingdom*

*General observation.* The Committee took note with much interest of the first reports on the 35 territories in respect of which the provisions of the Convention have been declared applicable without or with modifications and certain points concerning some of

these reports are indicated below in the sections concerning the territories in question. There arise in addition from the examination of these reports certain questions affecting the application of the Convention in many of the United Kingdom territories, to which the Committee ventures to draw general attention in the hope that the Government's next reports will throw additional light on these points.

Since most of the reports supply rather limited information regarding Article 4, paragraph 1, of the Convention, which requires labour inspectors, to "inspect conditions of employment at frequent intervals", the Committee would be glad to have an approximate indication of the intervals at which inspection visits are carried out. Since separate inspectorates seem to exist in certain territories for various categories of labour, the Committee would also be glad to know whether the conditions of employment of all workers enjoying legal protection are supervised by inspectors.

As regards the inspectors' powers to enter and inspect workplaces "at any hour of the day or night" (Article 4, paragraph 2(a)), the Committee notes that the relevant powers are defined in terms varying considerably from territory to territory and even in a given territory from enactment to enactment. In some cases, for example, entry is limited to "any time during which work is being carried on", in others to "business hours", in others still to "all reasonable times", etc. Since the effectiveness of supervision often depends on the inspectors' ability to visit places at any time they deem appropriate, the Committee would be glad if future reports would confirm that this basic power is in fact enjoyed by the labour inspectors in the various territories.

In so far as the inspectors' code of conduct is concerned (Article 5 of the Convention), the Committee finds that this is implemented, according to the reports, by specific prohibitions in the labour legislation itself, by Government General Orders, by Colonial Regulations, by Official Secrets Acts, or simply by administrative ruling. The Committee would be helped in its task of examination if the full text of the relevant laws, regulations or instructions could, unless this has already been done, be appended to the report, together with an indication as to whether these provisions apply to all the members of the inspection staff. In cases where the paragraphs of the above Article and, in particular, paragraph (c) (sources of complaints to be treated as absolutely confidential) are not given effect to by statutory provisions, the Committee trusts that appropriate measures will be introduced in due course laying down the prohibitions embodied in this Article.

#### *Bahamas.*

The Committee notes with regret from the Government's first report that no labour inspectorate exists at present to supervise the application of the Public Health Act and of the Labour (Minimum Wage) Act but that the Governor-in-Council has recommended the legislature to authorise the appointment of a Labour Commissioner.

The Committee expresses the hope that the Government will find it possible to give effect to this Convention which has been declared fully applicable in the territory and that information will be supplied in the next report on the measures taken to this end.

#### *Barbados.*

The Committee wishes to thank the Government for its detailed first report. Since the declaration of

application of the Convention in the territory contained certain modifications, in that Article 3 and part of Article 4 were not covered by legislation, the Committee was particularly interested to learn from the report that full effect is given to Article 3 and that amendments introduced into the Labour Department Act in 1951 reproduce, in fact, paragraphs 2(c) and 3 of Article 4 of the Convention.

As regards the inspectors' powers of entry (Article 4, paragraphs 2(a) and (b)), the Committee notes that legislative amendments are now under consideration to authorise inspectors to exercise these powers. The Committee further notes, as regards the inspectors' code of conduct, that legislation to conform with Article 5(a) and (c) of the Convention is also under study.

In view of the modifications subject to which the Convention had been declared applicable, as noted above, the Committee was especially glad to read the statement in the report that the legislative amendments now under consideration have been drafted so as to permit full acceptance of the Convention without modifications. The Committee looks forward to receiving information on the progress made in the next report.

#### *British Honduras.*

The Committee took note with interest of the Government's first report from which it learnt that the Employers' and Workers' (Amendment) Regulations, 1953 and 1955, were enacted to ensure application of Article 4 of the Convention. As regards paragraph 2(b) of this Article, which authorises inspectors to enter by day any premises believed to be liable to inspection, the Committee would be glad if the Government would indicate in its next report whether this power exists or whether an appropriate provision is to be introduced in the legislation.

#### *Brunei.*

The Committee wishes to thank the Government for its detailed first report on the Convention from which it noted with interest that it is the policy of the inspectorate to visit all places of employment about once a year (Article 4, paragraph 1 of the Convention).

Since the Convention had been declared applicable to Brunei subject to the modification that the full provisions of Articles 2 to 5 are not covered by existing legislation, the Committee was particularly glad to note the statement in the report that the Convention is applied without modification, and expresses the hope that it may be possible for the Government in due course to cancel the modifications provided for in the original declaration.

#### *Cyprus.*

The Committee learnt with interest from the Government's first report, as regards Article 3, that workers and their representatives have every opportunity of communicating freely with inspectors and that this practice is to be given legal force in a new Factories Bill now before the Government, which will also make specific provision for Article 5(b) of the Convention (prohibition for inspectors to reveal manufacturing secrets).

As regards Article 4, paragraph 2(c) of the Convention (powers of inspection), the Committee would be glad if the next report would give full details of the various legislative provisions which authorise labour inspectors to carry out all the examinations, tests or inquiries specified in this subparagraph.

*Dominica.*

As regards Article 4, paragraph 2(c), see under Cyprus.

*Fiji.*

The Committee took note with interest of the Government's detailed first report from which it was glad to note that new legislation to be submitted to the Legislative Council will confer upon inspectors the power to enforce the posting of notices, as laid down in Article 4, paragraph 2(c) (iii), as well as the power to take or remove samples of materials and substances, as laid down in clause (c) (iv) of the same paragraph. As the last-named provision was specifically excluded from the Government's declaration of application, the Committee particularly welcomes the statement in the report that this modification will disappear. It will thus be possible to apply the Convention in future without modification.

*Gambia.*

As regards Article 4, paragraph 2(c), see under Cyprus.

*Gibraltar.*

The Committee took note of the Government's first report and in particular of the statement that workers are reluctant to make complaints but that the position should improve as the benefits of labour inspection are becoming more widely known. The Committee would be glad if the Government would keep it informed of the progress made in this connection.

*Grenada.*

As regards Article 4, paragraph 2(c), see under Cyprus.

*Hong Kong.*

The Committee took note with interest from the Government's first report that industrial undertakings are inspected at least annually or more frequently if required (Article 4, paragraph 1 of the Convention).

*Jamaica.*

The Committee wishes to thank the Government for its detailed first report from which it noted with interest that factories are inspected at least once every year and sugar factories usually twice a year (Article 4, paragraph 1 of the Convention).

As regards Article 4, paragraph 2(c), see under Cyprus.

*Kenya.*

As regards Article 4, paragraph 2(c), see under Cyprus.

*Leeward Islands.*

As regards Article 4, paragraph 2(c), see under Cyprus.

*Federation of Malaya.*

The Committee wishes to thank the Government for its detailed first report on this Convention from which it noted with interest that labour officers are required to inspect places of employment as frequently as possible and that, in fact, during the period July 1955 to June 1956 over 80 per cent. of all places of employment in the territory were visited by inspectors (Article 4, paragraph 1 of the Convention).

As regards Article 4, paragraph 2(c), see under Cyprus.

*Malta.*

As regards Article 4, paragraph 2(c), see under Cyprus.

*Mauritius.*

As regards Article 4, paragraph 2(c), see under Cyprus.

*Nigeria.*

The Committee wishes to thank the Government for its detailed first report on the legislation and practice governing the application of the Convention.

Since the Government had declared at the time of ratification that Article 4, paragraph 2 of the Convention was to be applied only in respect of "inspection of labour encampments, hospital buildings, latrines, sanitary arrangements and any farm or holding of land where there is reasonable cause to believe any worker is living", and that Article 5 was excluded from application, the Committee took note with particular interest of the Factories Ordinance, 1955, which would appear to give effect to the above provisions of the Convention in the case of factory workers. The Committee further noted in this connection that the Labour Code Ordinance, 1945, as amended in 1950 would also appear to implement to a considerable extent paragraph 2 of Article 4 of the Convention, in the case of other manual workers.

In these circumstances, the Committee ventures to express the hope that the Government will find it possible in due course to cancel the modifications contained in its declaration of application of the Convention.

*North Borneo.*

The Committee took note with interest from the Government's first report that places of employment are inspected at least about once a year (Article 4, paragraph 1 of the Convention).

Since the declaration of application made by the Government had indicated that the full provisions of Articles 2 to 5 are not covered by existing legislation, the Committee was particularly glad to note the statement in the report that the Convention is applied without modification.

In these circumstances, the Committee ventures to express the hope that the Government will find it possible in due course to cancel the modifications contained in its original declaration of application of the Convention.

*Nyasaland.*

Since the original declaration of application of the Convention in the territory had stated that the full provisions of Article 4 (as well as Article 5) were not covered by existing legislation or staff, the Committee took note with particular interest from the Government's first report that Article 4, paragraph 2 which lays down the inspectors' powers appears to be given effect to in the Labour Code, 1954.

As regards the frequency of inspection visits (Article 4, paragraph 1), the Committee notes from the report that it is not possible through lack of staff to carry out inspections at all places of employment at frequent intervals, but that the appointment of African officers to the posts of labour inspectors and assistants is enabling a greater area to be covered.

Finally, the Committee notes, as regards Article 3 of the Convention that, under section 5 (2) (b) of the African Employment Ordinance, the employer may ask to be present when a labour officer interviews

an employee or recruited African, whereas communication between the inspectors and the workers must be entirely free under the Convention. The Committee hopes that the Government will find it possible to eliminate this divergency so as to give full effect to Article 3 of the Convention which was declared applicable without modification at the time of ratification.

#### *St. Helena.*

The Committee noted with interest from the Government's first report that under section 6 of Ordinance No. 7 of 1937, relating to the Supervision of Factories, the Governor-in-Council may make rules prescribing the duties and powers of the Inspector of Factories.

The Committee hopes that the Government will indicate in its next report whether these duties and powers have in fact been prescribed (Article 4 of the Convention). It also hopes that the Government will find it possible, as promised in the report, to supply particulars on the manner in which the Convention is applied, as soon as the organisation of the Inspection Service has been improved.

#### *St. Lucia.*

As regards Article 4, paragraph 2 (c), see under Cyprus.

#### *St. Vincent.*

As regards Article 4, paragraph 2 (c), see under Cyprus.

#### *Seychelles.*

As regards Article 4, paragraph 2 (c) (iii) and (iv) of the Convention (posting of notices and taking of samples of materials), the Committee would be glad if the next report would indicate whether the legislation authorises labour inspectors to exercise these powers.

#### *Sierre Leone.*

As regards Article 4, paragraph 2 (c), see under Cyprus.

#### *Singapore.*

As regards Article 4, paragraph 2 (c), see under Cyprus.

#### *Southern Rhodesia.*

The Committee notes from the Government's first report that a number of separate Acts contain provisions designed to give effect to the Convention and that, according to the report, inspectors are authorised by this legislation to exercise all the powers referred to in Article 4, paragraph 2 of the Convention.

The Committee would be grateful if the Government would indicate in its next report what are the various provisions of the above-mentioned Acts which authorise inspectors to carry out the duties specified in this paragraph.

#### *Tanganyika.*

The Committee noted from the Government's detailed first report that the Master and Native Servants Ordinance, the Master and Native Servants (Powers and Duties of Officers) Rules and other relevant legislation would be repealed with the coming into force of the Employment Ordinance 1955 and subsidiary legislation to be made thereunder, and that this was expected to take place early in 1957.

In these circumstances, the Committee centred its attention, in examining the above legislation, on the Employment Ordinance 1955 concerning which it raises the following points :

(a) Section 9 (2) (a) contains a proviso (a) that private dwelling houses shall not be entered or inspected without the consent of the occupier, whereas Article 4, paragraph 2 (b) of the Convention provides for entry during the day into any premises believed to be liable to inspection.

(b) The same section contains a further proviso (c) (B) that labour inspectors cannot exercise their powers of entry and inspection unless, if so required by the employer, they are accompanied by the latter or his representative; Article 4, paragraphs 2 (a) and 3 of the Convention on the other hand authorises labour inspectors to enter without previous notice and to inspect without necessarily notifying the employer of his presence.

(c) Section 9 (2) (c) authorises the Labour Commissioner and labour officers, but not labour inspectors, to request the production of recruited persons, of documents and of licences, and to make extracts from documents or records; Article 4, paragraph 2 (c) (i) and (ii) requires all labour inspectors to be empowered to carry out such examinations and inquiries.

The Committee would be glad if the Government would indicate in its next report what measures are to be taken to authorise all categories of labour inspection staff to exercise all the powers laid down in Article 4, paragraphs 2 and 3 of the Convention.

#### *Uganda.*

The Committee took note of the Government's detailed first report on this Convention and was glad to find that the Factories Ordinance 1952 appears to authorise inspectors to exercise all the powers laid down in Article 4, paragraph 2 of the Convention except for the enforcement of the posting of notices (subparagraph (c) (iii)). Since the Convention had been declared applicable with the modification that Article 4 was not fully covered by existing legislation the Committee ventures to express the hope that the Government will find it possible to cancel this modification in due course as well as that made regarding Article 5 of the Convention which, according to the Government's report, is now given effect to in the law and practice of the territory.

#### *Zanzibar.*

As regards Article 4, paragraph 2 (c), see under Cyprus.

#### **Convention No. 86 : Contracts of Employment (Indigenous Workers), 1947**

Number of reports requested : 31.

Number of reports received : 31.

#### *United Kingdom*

*General observation.* The Committee notes with interest the information supplied to the Conference Committee in 1956 by a Government representative, in reply to the observations made in 1955, regarding concerted arrangements for West Indian labour to work in the United States.

#### *Aden.*

The Committee notes that the Contracts of Employment (Indigenous Workers) Ordinance 1945, by virtue of section 3, applies only to contracts of employment of manual workers. If this means that non-manual workers are excluded from the application of the Convention under Article 2, paragraph 2, the Committee would be grateful if the Government would

indicate in its next report whether the conditions laid down in that paragraph have been satisfied.

The Committee would also be glad if the Government would indicate in its next report why it is considered unnecessary to give legislative effect to Article 3, paragraph 2 of the Convention (providing that contracts of employment not involving long and expensive journeys shall not exceed twelve months in the case of workers not accompanied by their families, or two years in the case of workers so accompanied).

*British Guiana.*

See under Convention No. 64.

*Fiji.*

The Committee, referring to the general observations made by it in 1955, would be glad if the Government would indicate in its next report whether in section 49 of the Labour Ordinance, 1947, which provides that "the maximum period of service that may be stipulated in any contract is one year", the term "any contract" is limited to manual workers by virtue of sections 42 and 43 (1) of the Ordinance and, if so, whether non-manual workers have been excluded from the application of the Convention under and in accordance with the conditions laid down in Article 2, paragraph 2.

*Hong Kong.*

The Committee notes that arrangements with the Governments of North Borneo and Brunei/Sarawak permit the extension of contracts to three years in the case of workers not accompanied by their families and to four years in the case of workers so accompanied, subject to appropriate investigations by the competent authorities in Hong Kong and in the territory of employment. It also notes the Government's comments that strict adherence to the Convention has in the past led to the abandonment of offers of employment, because the period of service was considered too short to justify the necessary expenditure on air or sea travel, and that workers too have complained of interference in their freedom of choice of employment, particularly where this might remove them from well-paid jobs and return them to the overcrowded labour market of Hong Kong.

The Committee, while appreciating the difficulties mentioned by the Government, is bound to point out that the arrangements with North Borneo and Brunei/Sarawak now in force are contrary to the provisions of Article 3, paragraph 3 of the Convention, under which the contracts for employment in these territories should be limited to two years for unaccompanied workers and three years for workers accompanied by their families.

*Kenya.*

The Committee notes the detailed information supplied by the Government in its report for 1954-55 in answer to the observations made in 1955. From this it appears that the limitation of the Employment Ordinance to workers whose earnings do not exceed 100 shillings per month results in the exclusion of a growing number of workers from the provisions of the Ordinance, and that, even if the earnings limit is raised to the proposed level of 200 shillings, a considerable number of illiterate workers in urban areas will still remain outside the scope of the protection afforded by the legislation. The Committee observes, however, that the Government is studying further measures to ensure application of the Convention. In this connection, it notes the Government's state-

ment that long-term contracts are used mainly in the case of non-indigenous workers in the superior grades, all of whom are literate, and wonders whether the earnings limit might not be fixed at a level which, though falling short of the rates paid in such superior grades, would effectively cover any long-term contracts which non-literate indigenous workers might conclude, or whether, alternatively, the legislation might not be amended by eliminating all reference to a worker's earnings, while at the same time possibly excluding literate workers, in accordance with Article 2, paragraph 2 of the Convention.

*Northern Rhodesia.*

Under Article 3, paragraph 2 of the Convention the maximum period of service which may be stipulated in a contract of employment where the worker is not accompanied by his family and where the contract does not involve a long and expensive journey is 12 months. The Committee notes that, while under section 7 of the Employment of Natives Ordinance the maximum period for contracts of employment is two years, the Government has stated that the attesting officer would refuse to approve a contract of more than 12 months except in cases involving a long and expensive journey. The Committee would be glad if the Government would state in its next report whether it would consider giving this administrative practice legislative force.

The Committee observes, moreover, that, having regard to sections 6, 9 and 100 of the Ordinance, contracts by non-recruited literate workers for service in the territory need not be attested and accordingly the above-mentioned administrative practice of refusing attestation in certain circumstances could not come into play. This being so, the Committee would be grateful if the Government would indicate in its next report whether it would consider the possibility of excluding such contracts from application of the Convention under Article 2, paragraph 2.

*Seychelles.*

Referring to its observation of 1955, the Committee is pleased to note that the Employment of Servants (Amendment) Ordinance 1956 has reduced the maximum period for contracts of service (other than foreign contracts) from three years to 12 months, in conformity with Article 3, paragraph 2 of the Convention.

*Sierra Leone.*

The Committee is pleased to note that Ordinance No. 9 of 1956 has reduced the maximum period for contracts of service from two years to 12 months, and that consequently full effect is now given to the Convention.

*Singapore.*

See under Convention No. 64.

*Southern Rhodesia.*

The Committee, referring to its observation of 1955, would be pleased if the Government would indicate in its next report what progress has been made with the legislative proposals mentioned in its report for 1953-54. The Committee would in particular be glad to know what provisions exist, or are proposed, to give effect to Article 3, paragraph 2 of the Convention (regarding contracts of employment not involving long and expensive journeys).



*Tanganyika.*

The Committee notes with satisfaction that a new Employment Ordinance was enacted in 1955 and that it is shortly to be brought into force, thus enabling the Government to cancel the modification subject to which the Convention was declared applicable in the territory.

*Uganda.*

The Committee notes the information supplied in answer to the observations made in 1955, from which it appears that African employees earning more than 150 shillings per month, and consequently excluded from the relevant legislation, are almost exclusively skilled workers, clerks, etc., who by the nature of their occupations must be literate, and that the aforesaid earnings limit is reviewed periodically by the Central Labour Advisory Board, which includes trade union representatives.

The Committee observes that, under section 16 of the Employment Ordinance as amended by Ordinance No. 9 of 1955, the maximum period for contracts of service is now three years for workers accompanied by their families and two years for unaccompanied workers. These provisions, as regards contracts not involving a long and expensive journey, do not conform to Article 3, paragraph 2 of the Convention, which limits such contracts to 12 months for unaccompanied workers and two years for accompanied workers. The Committee would be pleased if the Government would indicate in its next report what measures it is proposed to take to eliminate this discrepancy.

*Zanzibar.*

The Committee observes with regret that the Government's report contains no new information, although for several years the Government has stated that consideration was being given to bringing the legislation into line with the requirements of the Convention. The Convention was declared applicable without modification in 1950, and already in 1955 the Committee expressed the hope that the necessary legislation would be adopted without delay. The Committee accordingly urges that measures be taken to give effect to the Convention, particularly as regards the maximum periods for contracts of service laid down in Article 3.

The Committee notes the Government's comments on the special position of Asian immigrants, and would be interested to know whether these workers might not be accorded special treatment, having regard to Article 2, paragraph 2 of the Convention (literate workers) and the definition of "worker" in Article 1 (a).

See also under Convention No. 64.

**Convention No. 87 : Freedom of Association and Protection of the Right to Organise, 1948**

Number of reports requested : 21.

Number of reports received : 20.

Report not received : 1.

(Greenland.)

*Netherlands**Netherlands Antilles.*

The Committee has noted with interest the further information furnished by the Government, from which it appears that alien residents enjoy the same trade union rights as do nationals, that the rules of organisations do not have to be approved by the Government

and that dissolution, pronounced by a judicial authority, can be ordered only in the event of a breach of the law by the organisation.

*Netherlands New Guinea.*

The Committee thanks the Government for the more detailed information that it has forwarded in response to the request made to it in 1956. The Committee has noted, however, that it would appear from this information that occupational organisations may be "prohibited" by the Governor; it has seemed to the Committee that a provision of this kind would be difficult to reconcile with Article 2 of the Convention, according to which workers and employers shall have the right to establish organisations "without previous authorisation", and with Article 4, according to which organisations shall not be liable to be dissolved or suspended "by administrative authority". The Committee would be grateful if the Government would indicate what measures it intends to take to bring the existing legislation into harmony with these provisions of the Convention.

The Committee would also be glad if the Government would furnish additional information on the following points :

(a) Do alien residents enjoy the same trade union rights as workers and employers who are nationals?

(b) What are the rules which govern the "acquisition of legal personality" by workers' and employers' organisations?

*Surinam.*

The Committee has noted with interest the further information furnished by the Government. It would be grateful if the Government would supply information on the following points :

(a) Do the provisions relating to freedom of association apply to all workers and employers "without distinction whatsoever", including alien residents?

(b) What are the rules which govern the acquisition of legal personality, which appears necessary for organisations, and, especially, by virtue of section 5 of the decree respecting the Settlement of Labour Disputes, to enable them to be represented before the Conciliation Council?

**Convention No. 88 : Employment Service, 1948**

Number of reports requested : 5.

Number of reports received : 5.

*Netherlands**Netherlands Antilles.*

The Committee thanks the Government for the information supplied in reply to the observations made in 1956, from which it appears that Articles 7, 8, 9 (1), (2) and (3) and 11 are given effect.

The Committee would be grateful if the Government could supply more detailed information in its next report in respect of Article 6, paragraphs (b) to (e), and if it would indicate the steps taken or contemplated to ensure in due course compliance with Articles 4 and 5.

*Surinam.*

The Committee thanks the Government for the detailed information submitted in reply to its observation in 1956, from which it appears that Articles 6 (b) (i) to (iii), 6 (e), 7 (b), 8 and 10 are given effect. It would, however, be grateful if the Government would supply additional information on the following points.

Article 2 of the Convention. The Government states that placement work in the districts, to the extent that it is required, is the responsibility of the district governors. Is such placement work co-ordinated with that of the Employment Office in the capital, and can it therefore be considered as falling within the framework of a general system?

Article 3 (2). The Government states that there is for the time being no need for separate employment offices in the districts. Is the situation periodically reviewed and revised whenever such review shows revision to be necessary?

Articles 4 and 5. The Committee notes that the Government does not consider it necessary to establish an advisory committee comprising representatives of employers and workers under the present circumstances. Is there, however, consultation with employers' and workers' organisations in developing the activities and general policy of the service pending any steps taken or contemplated to ensure compliance with Articles 4 and 5?

Article 6 (b) (iv). The Government states that there is very little migration to other countries. Does the Employment Office assist in facilitating such migration in so far as it involves the organised movement of workers?

Article 6 (c) and (d). Information should be supplied on these two points.

Article 9. The Government states that officials of the Employment Office have all been selected and trained by an expert who came from the Netherlands to set up the Office. Is there any provision for the selection and training of new officials whom it may be necessary to recruit for the Office?

**Convention No. 89 : Night Work (Women) (Revised), 1948**

Number of reports requested : 8.  
Number of reports received : 8.

*Belgium*

*Belgian Congo and Ruanda-Urundi.*

The Committee notes that the new draft decree respecting hours of work (which bears on the principle of the prohibition of night work for women) has not yet been promulgated.

The Committee hopes that the Government will be able to issue this decree in the near future and to take the necessary steps for the application of this Convention to all of the women employed in the territory.

*France*

*Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

See section VII (Convention No. 89, France).

*Netherlands*

*Netherlands Antilles.*

The Committee took note of the information supplied by the Government in its first report. It ventures to point out that section 17 (2) of the Ordinance of 22 August 1952 regulating hours of work defines "night" as only a ten-hour period between 8 p.m. and 6 a.m., whereas Article 2 of the Convention provides that "night" signifies at least 11 consecutive hours, including an interval prescribed by the competent authority of at least seven consecutive hours falling between 10 p.m. and 7 a.m. The Committee hopes that the Government will indicate in its next report what steps are to be taken to remove this discrepancy.

The Committee also notes that section 20 (1) of the Ordinance stipulates that the provision in section 17, which prohibits the employment of women at night, may be relaxed or varied, according to rules to be prescribed by a decree. The Committee would be glad to know whether such special rules would be made to conform with Articles 4, 5 and 6 of the Convention, which authorise exceptions to the prohibition of the employment of women at night only in special cases, and would be grateful if the Government would give information on this point in its next report.

The Committee would also be glad if the next report could give information on the practical application of the Convention.

*Netherlands New Guinea.*

The Committee notes with interest the Government's first report, from which it appears that no women are employed in night work prohibited by the Convention. The Committee would be grateful if the Government would in its next report supply detailed information on the legislative or other provisions giving effect to the Convention, and indicate the measures which it proposes to take if in fact no such legislation as yet exists.

**Convention No. 90 : Night Work of Young Persons (Industry) (Revised), 1948**

Number of reports requested : 1.  
Number of reports received : 1.

*Netherlands*

*Netherlands Antilles.*

The Committee has noted the information furnished by the Government in its first report and wishes to draw the attention of the Government to the following points.

(a) Section 2, paragraphs (c), (e) and (g) of the Ordinance of 22 August 1952 to regulate hours of work excludes from its field of application work for aviation or shipping undertakings in connection with the arrival or departure of aircraft or ships and the persons or goods transported or to be transported and also the work of dockworkers. The Committee would like to know whether there are special regulations concerning these different branches of activity, to which the Convention is applicable as stated in Article 1, paragraph 1 (d) thereof which refers, among other things, to the handling of goods at docks, quays, wharves, warehouses or airports.

(b) Section 17 of the Ordinance prohibits night work of young persons only during the period between 8 p.m. and 6 a.m. in the morning whereas, under Article 2, paragraph 1 of the Convention, the term "night" signifies a period of at least 12 consecutive hours.

(c) The report indicates that in case of national catastrophe the Ordinance as a whole could be temporarily suspended, whereas the Convention (Article 5) provides for the suspension of the prohibition of night work, in case of serious emergency, only for young persons between the ages of 16 and 18 years.

(d) Section 20 (1) of the Ordinance provides that derogations from the prohibition of night work of young persons may be prescribed by decree with regard to specified types of work, including continuous processes, work in bakeries, etc. The Committee would like to know what use is made of this provision, in order to determine whether the derogations thus authorised are authorised only in accordance with the conditions laid down in Article 3, paragraphs (2) to (4) of the Convention.

(e) The report indicates that in cases of emergency contraventions of the prohibition of night work are not punished. The Committee would be glad if the Government would state whether the circumstances thus referred to correspond to those provided for in Article 4 (2) of the Convention, that is to say, cases of emergency and affecting only young persons between the ages of 16 and 18 years.

**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 : 11.

Number of reports received : 11.

*Belgium*

*Belgian Congo and Ruanda-Urundi.*

The Committee refers to its general observations on this Convention (see section VII, B) and the observations under Belgium, and would be glad if the Government's next report would indicate what measures it is proposed to take to insert appropriate labour clauses in public contracts and to give effect to the remaining provisions of the Convention, particularly Article 1, paragraphs 2 and 3; Article 2, paragraphs 3 and 4; and Articles 4 and 5.

*France*

*French Guiana.*

The Committee refers to the observations made by it in 1956, and would be glad if the Government's next report would contain information on the practical application of the Convention, as requested by points IV and V of the report form.

*Guadeloupe.*

The Committee refers to the observations made by it in 1956 and would be glad if the Government's next report would contain information on the practical application of the Convention, as requested by points IV of the report form.

*Martinique.*

See under Guadeloupe.

*Netherlands*

*Netherlands Antilles.*

The Committee notes that labour legislation applies generally to public as well as private contracts. It does not appear from the report, however, that public contracts contain 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", as required by Article 2 of the Convention.

The Committee refers to the observations made in 1956 and to the general observations on this Convention (see section VII, B) and would be glad if the Government's next report would indicate the measures which it is proposed to take to insert appropriate labour clauses in public contracts and to give effect to the remaining provisions of the Convention, particularly

Article 1, paragraphs 2 and 3; Article 2, paragraphs 3 and 4; and Articles 4 and 5.

*Surinam.*

The Committee notes that contracts always provide that the contractor shall observe social legislation, particularly as regards accidents, holidays, hours of work and safety, as well as the statutory provisions on labour contracts, but that no clauses concerning wages are yet inserted, as wages are not fixed by the State, and as trade unions, being in an initial stage of development, cannot yet provide much support. The Committee wishes to draw the Government's attention to the fact that the circumstances mentioned in the report are specifically covered by Article 2, paragraph 2 of the Convention, and would be glad if the Government would indicate in its next report what measures it proposes to take to give full effect to the Convention. In this connection reference is made to the observations concerning the Netherlands Antilles.

**Convention No. 95: Protection of Wages, 1949**

Number of reports requested : 9.

Number of reports received : 9.

*France*

*Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

The Committee notes the statement by a Government representative to the Conference Committee that Books I-IV of the Labour Code have been extended to the Overseas Departments by Decree No. 48-592 of 30 March 1948.

*French Guiana.*

The Committee notes that, although works stores are forbidden by law, the Government states that in practice the mining and forestry undertakings of Inini are obliged to maintain such stores in order to obtain the necessary labour, but that legislation permitting works stores and providing a system of supervision would constitute a retrograde step.

The Committee considers that, if works stores in fact exist and their existence seems justified by the circumstances, measures should be taken to ensure in one way or another that prices charged be "fair and reasonable" or that the stores be not operated by the employer "for the purpose of securing a profit", in accordance with Article 7 of the Convention. The Committee would be grateful if the Government would indicate in its next report what measures it intends to take to this end.

The Committee observes that the Government's report does not, as requested by the Committee in 1956, provide information on points IV and V of the report form, and trusts that this information will be supplied in the next report.

*Martinique.*

The Committee notes the information supplied under point V of the report form, in answer to the observations made in 1956, from which it appears that no infringements of the relevant provisions have been noted nor observations made by the employers' or workers' organisations.

*Réunion.*

The Committee, referring to the observations made in 1956, would be glad if information on the practical application of the Convention could be supplied in the next report, in accordance with points IV and V of the report form.

*Netherlands**Netherlands Antilles.*

The Committee thanks the Government for its report and would be glad if the next report would contain information on the following points :

(1) What measures are taken to ensure that allowances in kind made in part payment of wages are appropriate to the personal use and benefit of the worker and his family and that their value is fair and reasonable (Article 4, paragraph 2)?

(2) What effect is given to Article 13, regulating the time and place of payment of wages?

(3) What provisions or measures give effect to Article 15, which requires (a) that the relevant provisions be made available for the information of the persons concerned, (b) that the persons responsible for compliance with the provisions be defined, (c) that adequate penalties or other remedies be prescribed, and (d) that appropriate records be maintained?

*Netherlands New Guinea.*

The Committee notes with appreciation the Government's detailed first report. The Government states that the Civil Code of the former Netherlands East Indies, which is still applicable in the territory, applies the Convention in respect of certain groups of workers, but it has not defined the categories of workers excluded from this legislation, as required by Article 2, paragraph 3 of the Convention. The Committee would be glad if the Government would in its next report indicate the extent of the exclusion.

The Committee observes that there is no legislative provision prohibiting payment of wages in taverns or similar establishments, shops, or places of amusement (Article 13, paragraph 2). The Government in its report refers to section 1602k of the Civil Code, but as this section applies only in the absence of contract, regulation or usage, payment in one of the above-mentioned places appears to be possible under this section. The Committee would be glad if in its next report the Government would indicate what measures it intends to take to prohibit payment in such places.

The Committee would also be pleased if in its next report the Government would indicate what effect is given or is intended to be given to Article 15(d), requiring the keeping of adequate records.

*Surinam.*

The Government's report makes a general reference to the provisions of the Civil Code as giving effect to the Convention. The Committee refers to its observations of 1956, and repeats its request for detailed information on the application of each Article of the Convention and copies of the relevant legislation to be supplied in accordance with the report form approved by the Governing Body.

*United Kingdom**Jersey.*

The Committee notes the Government's statement that such legislation as may be necessary to implement the provisions of the Convention is being prepared and that it is hoped that it will be possible in the next report to show that substantial progress has been made.

*Isle of Man.*

The Committee notes the Government's first report. It observes that, according to the Government, although no legislation similar to the United Kingdom

Truck Acts has been enacted, in general practice the provisions of these Acts are followed. The Committee considers, however, that the requirements of a number of Articles of the Convention are not capable of being fully met by practice. From the information supplied, it would appear that discrepancies exist in respect of the following provisions of the Convention :

Article 8, paragraph 1 of the Convention. According to the report, deductions from wages may be permitted, *inter alia*, under conditions fixed by agreement. In so far as this makes deductions possible under individual, as distinct from collective, agreements, the limits on deductions set by the Convention appear not to be observed.

Article 10, paragraph 1. According to the report, wages may be voluntarily assigned, whereas the Convention provides that wages may be assigned "only in a manner and within limits prescribed by national laws or regulations".

Article 10, paragraph 2. It does not appear from the report that attachment and assignment are subject to such limitations as may be necessary for the maintenance of the worker and his family.

Article 11. The Committee notes that the Preferential Payments Act 1908 limits preferred claims for wages to £25. The Committee would be glad if the Government would indicate in its next report whether it considers a review of this maximum necessary, seeing that it was prescribed nearly 50 years ago and may no longer be appropriate.

The Committee would be grateful if the Government would in its next report indicate the measures which it proposes to take in respect of the above-mentioned matters, and would at the same time supply information on the effect given to the following provisions of the Convention : Article 3 (payment of wages in legal tender); Article 4 (as regards payment of wages in kind to persons not covered by the Agricultural Wages Act, and as regards the prohibition of payment of wages in the form of liquor or drugs); Article 5 (direct payment of wages); Article 6 (prohibition of limitation of workers' freedom to dispose of wages); Article 8, paragraph 2 (information as to deductions); Article 9 (prohibition of deductions for obtaining or retaining employment); Article 13, paragraph 2 (prohibition of payment of wages in taverns, etc.); Article 14 (information on conditions concerning wages for non-union workers and in the case of wages subject to change); and Article 15, paragraphs (c) and (d) (penalties and the maintenance of records).

Convention No. 96 : Fee-Charging Employment Agencies (Revised),  
1949

Number of reports requested : 1.

Number of reports received : 1.

*Netherlands**Surinam.*

The Committee notes with interest the statement made to the Conference Committee in 1956 by a Government representative in reply to its observation of 1956, and repeated in the report.

In the Government's view there is no need for legislation to abolish fee-charging employment agencies, as no such agencies exist in Surinam. The Committee concedes that the present position is satisfactory, but considers that the existence of appropriate legislation

would prevent any fee-charging agency from being established in the future. The Committee therefore would be glad if the Government would in its next report indicate the measures which it intends to take to this end.

**Convention No. 97 : Migration for Employment (Revised), 1949**

Number of reports requested : 3.

Number of reports received : 3.

*United Kingdom*

*Guernsey.*

The Committee thanks the Government for its first report on the application of this Convention.

The Committee would be grateful if the Government would furnish information in future reports on the practical application of the Convention and provide statistics relating to emigration and immigration.

*Jersey.*

The Committee notes that the information supplied in the first report is not sufficient to allow a full appraisal of the degree of application of the Convention. The Committee would be grateful therefore if information could be given in the next report on all relevant laws, regulations and administrative practices, including in particular those relating to emigration.

The Committee would also be grateful if the Government would be good enough to include in its next report more detailed information as regards Articles 4, 6 and 8 of the Convention and to give a general appreciation of the manner in which the Convention is applied (point V of the report form).

*Isle of Man.*

The Committee thanks the Government for the very detailed information given in its first report. The Committee would be grateful if the Government would include in its next report statistics of the number of migrants to and from the Isle of Man. In addition, the Committee would be glad if the Government would be good enough to supply with its next report copies of the legislation referred to in the report.

**Convention No. 98 : Right to Organise and Collective Bargaining, 1949**

Number of reports requested : 7.

Number of reports received : 7.

No observations.

**Convention No. 99 : Minimum Wage Fixing Machinery (Agriculture), 1951**

Number of reports requested : 7.

Number of reports received : 7.

*France*

*Overseas Departments (French Guiana, Guadeloupe, Martinique, Réunion).*

The Committee would be grateful if the Government would in its next report submit further information (together with copies of any relevant legislation) regarding paragraphs 2 and 3 of Article 3 of the Convention, which provide for the consultation of employers' and workers' organisations and for participation of the employers and workers concerned in the operation of the minimum wage-fixing machinery.

It is not clear that section 31 w of Book I of the Labour Code gives effect to these provisions as regards the Overseas Departments, and the Committee observes that the decrees fixing minimum wages for the territories in question, unlike those relating to metropolitan France, do not recite that the views of the Superior Collective Agreements Board have been taken into consideration.

The Committee would also be glad if in future reports the Government would indicate the measures taken (other than publication of the decrees in the Official Gazette) to ensure that the employers and workers concerned are informed of minimum wage rates in force, as required by Article 4, paragraph 1 of the Convention.

*United Kingdom*

*Jersey.*

The Committee notes that it is well-established practice in Jersey that rates of remuneration are fixed by collective agreement, or by arbitration in default of agreement, and that it has therefore been found unnecessary to introduce legislation to give effect to the Convention. The Committee would be glad if in its next report the Government would state—

(a) the approximate number of agricultural workers;

(b) the approximate number of such workers whose employment is legally subject to collective agreements or arbitration awards;

(c) whether measures exist to extend the scope of collective agreements or awards to persons who are not parties thereto;

(d) whether the agreements or awards make any provision to prevent abatement of minimum rates (Article 3, paragraph 4); and

(e) what provision is made for supervision, inspection and sanctions to ensure that minimum rates are paid (Article 4, paragraph 1).

**Convention No. 100 : Equal Remuneration, 1951**

Number of reports requested : 4.

Number of reports received : 4.

*France*

*French Guiana.*

The Committee notes that the report does not reply to the observations made by the Committee in 1956, but merely reproduces the information given in the preceding report. The Committee would be glad if in its next report the Government would supply information on the manner in which the principle of equal remuneration is applied, and particularly on the measures adopted to promote an objective appraisal of jobs on the basis of work to be performed (Article 3).

*Guadeloupe.*

The Committee notes that the annual report does not, as requested by the Committee in 1956, supply information on the measures, if any, which have been adopted to promote an objective appraisal of jobs on the basis of the work to be performed (Article 3). The Committee would be glad if the Government would supply such information in its next report.

*Martinique.*

See under Guadeloupe.

*Réunion.*

The Committee notes that the annual report does not, as requested by the Committee in 1956, supply detailed information on the manner in which the principle of equal remuneration is applied, and particularly on the methods, if any, used to promote the objective appraisal of jobs on the basis of the work to be performed (Article 3 of the Convention). The Committee would be grateful if the Government would supply such information in its next report.

**Convention No. 101 : Holidays with Pay (Agriculture), 1952**

Number of reports requested : 4.  
 Number of reports received : 3.  
 Report not received : 1.  
*(Guadeloupe.)*

*France*

*French Guiana, Martinique, Réunion.*

See section VII (Convention No. 101, France).

**Appendix I. Reports Received and Reports Not Received by 13 April 1957**

Reports expected : 3,786. Reports received : 3,070. Reports not received : 716.

Countries and territories	Reports received		Reports not received		Population <sup>1</sup> (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
<i>Australia</i> . . . . .	56		0		
<i>Nauru</i> . . . . .	14	7, 8, 9, 15, 16, 21, 22, 26, 27, 29, 45, 63, 85, 88	0	—	3
<i>New Guinea</i> . . . . .	14	— ditto —	0	—	1,207
<i>Norfolk Island</i> . . . . .	14	— ditto —	0	—	1
<i>Papua</i> . . . . .	14	— ditto —	0	—	495
<i>Belgium</i> . . . . .	88		4		
<i>Belgian Congo</i> <sup>2</sup> . . . .	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	2	73, 101	12,264
<i>Ruanda-Urundi</i> <sup>3</sup> . . .	44	— ditto —	2	73, 101	4,262
<i>Denmark</i> . . . . .	21	—	21	—	—
<i>Faroe Islands</i> . . . . .	21	2, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 21, 29, 42, 52, 53, 63, 87, 92	0	—	33
<i>Greenland</i> . . . . .	0	—	21	2, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 21, 29, 42, 52, 53, 63, 87, 92	25
<i>France</i> . . . . .	907		8		
<i>Algeria</i> . . . . .	61	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, 73, 74, 77, 78, 81, 82, 84, 85, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 100, 101	0	—	9,369
<i>Cameroons</i> . . . . .	61	— ditto —	0	—	3,077 <sup>3</sup>
<i>Comoro Islands</i> . . . .	61	— ditto —	0	—	—
<i>French Equatorial Africa</i>	61	— ditto —	0	—	4,492

<sup>1</sup> Source (except where otherwise stated) : United Nations : *Demographic Year-Book, 1955* (latest available official figures).  
<sup>2</sup> In addition, two voluntary reports have been received (on Conventions Nos. 84 and 85).  
<sup>3</sup> Source : *The Statesman's Year-Book, 1955*.

Countries and territories	Reports received		Reports not received		Population (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
<i>France (cont.)</i>					
French Guiana . . . . .	60	2, 3, 4, 5, 6, 8, 9, 10, 11, 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, 73, 74, 77, 78, 81, 82, 84, 85, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 100, 101	1	12	28
French Settlements in Oceania . . . . .	61	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, 73, 74, 77, 78, 81, 82, 84, 85, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 100, 101	0	—	63
French Somaliland . . .	61	— ditto —	0	—	65 <sup>1</sup>
French West Africa . . .	61	— ditto —	0	—	17,361 <sup>1</sup>
Guadeloupe . . . . .	55	3, 4, 5, 6, 8, 9, 10, 11, 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, 63, 69, 73, 74, 77, 78, 82, 84, 85, 87, 88, 89, 92, 94, 95, 96, 98, 99, 100	6	2, 12, 62, 81, 97, 101	229
Madagascar . . . . .	61	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, 73, 74, 77, 78, 81, 82, 84, 85, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 100, 101	0	—	4,540
Martinique . . . . .	60	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, 73, 74, 77, 78, 81, 82, 84, 85, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 100, 101	1	2	239
New Caledonia . . . . .	61	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, 73, 74, 77, 78, 81, 82, 84, 85, 87, 88, 89, 92, 94, 95, 96, 97, 98, 99, 100, 101	0	—	63
Réunion . . . . .	61	— ditto —	0	—	274
St. Pierre and Miquelon	61	— ditto —	0	—	5
Togoland . . . . .	61	— ditto —	0	—	1,070
<i>Italy . . . . .</i>	55		0		
Trust Territory of Somaliland . . . . .	55	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, 73, 77, 78, 79, 81, 84, 85, 88, 89, 90, 94, 95, 96, 97	0	—	1,269

<sup>1</sup> Source : *The Statesman's Year-Book*, 1955.



## Report of the Committee of Experts

Countries and territories	Reports received		Reports not received		Population (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
<i>Netherlands</i> . . . . .	90		18		
Netherlands Antilles . .	36	2, 5, 8, 9, 11, 12, 13, 15, 16, 17, 19, 21, 22, 23, 26, 27, 29, 33, 42, 45, 48, 58, 62, 63, 69, 74, 81, 87, 88, 89, 90, 94, 95, 96, 97, 99	0	—	178
Netherlands New Guinea	18	2, 5, 8, 11, 13, 15, 16, 17, 19, 22, 23, 27, 29, 45, 58, 87, 89, 95	18	9, 12, 21, 26, 33, 42, 48, 62, 63, 69, 74, 81, 88, 90, 94, 96, 97, 99	700 <sup>1</sup>
Surinam . . . . .	36	2, 5, 8, 9, 11, 12, 13, 15, 16, 17, 19, 21, 22, 23, 26, 27, 29, 33, 42, 45, 48, 58, 62, 63, 69, 74, 81, 87, 88, 89, 90, 94, 95, 96, 97, 99	0	—	220
<i>New Zealand</i> . . . . .	102		0		
Cook Islands and Niue <sup>2</sup>	34	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, 82, 84, 88, 89, 97, 99, 101	0	—	21
Tokelau Island <sup>3</sup> . . . .	34	— ditto —	0	—	2
Western Samoa <sup>2</sup> . . . .	34	— ditto —	0	—	93
<i>Portugal</i> . . . . .	46		58		
Angola . . . . .	0	—	13	1, 4, 6, 14, 17, 18, 19, 27, 45, 69, 73, 74, 92	4,243
Cape Verde . . . . .	13	1, 4, 6, 14, 17, 18, 19, 27, 45, 69, 73, 74, 92	0	—	166
Macao . . . . .	0	—	13	1, 4, 6, 14, 17, 18, 19, 27, 45, 69, 73, 74, 92	200
Mozambique . . . . .	0	—	13	— ditto —	6,040
Portuguese Guinea . .	13	1, 4, 6, 14, 17, 18, 19, 27, 45, 69, 73, 74, 92	0	—	541
Portuguese Indies . . .	9	1, 4, 6, 14, 17, 18, 19, 27, 45	4	69, 73, 74, 92	643
S. Tomé and Príncipe. .	11	1, 4, 6, 14, 17, 18, 19, 27, 45, 69, 74	2	73, 92	55
Timor . . . . .	0	—	13	1, 4, 6, 14, 17, 18, 19, 27, 45, 69, 73, 74, 92	466
<i>Spain</i> . . . . .	32		32		
Spanish Guinea . . . .	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	205
Spanish West Africa <sup>3</sup> .	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	0	—	—
<i>Union of South Africa</i> . . .	4		3		
South West Africa . .	4	19, 26, 45, 89	3	2, 42, 63	447

<sup>1</sup> Source : *The Statesman's Year-Book*, 1955.<sup>2</sup> In addition, two voluntary reports have been received (on Conventions Nos. 47 and 61).<sup>3</sup> General note on the application of Conventions.

Countries and territories	Reports received		Reports not received		Population (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
<i>United Kingdom</i> . . . . .	1,635		574		
Aden . . . . .	35	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 82, 84, 85, 86	12	69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99, 102	150 <sup>1</sup>
Bahamas <sup>2</sup> . . . . .	35	— ditto —	12	— ditto —	90
Barbados <sup>3</sup> . . . . .	35	— ditto —	12	— ditto —	225
Basutoland . . . . .	28	2, 5, 11, 12, 17, 19, 24, 25, 26, 29, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 63, 64, 65, 82, 84, 85, 86 <sup>4</sup>	19	7, 8, 15, 16, 22, 32, 56, 69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99, 102	585
Bechuanaland <sup>4</sup> . . . . .	28	— ditto —	19	— ditto —	293
Bermuda . . . . .	35	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 82, 84, 85, 86	12	69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99, 102	40
British Guiana <sup>3</sup> . . . . .	35	— ditto —	12	— ditto —	472
British Honduras . . . . .	34	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 84, 85, 86	13	69, 74, 81, 82, 87, 88, 92, 94, 95, 97, 98, 99, 102	77
British Somaliland . . . . .	35	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 82, 84, 85, 86	12	69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99, 102	600 <sup>1</sup>
Brunei <sup>3</sup> . . . . .	35	— ditto —	12	— ditto —	54
Channel Islands : Guernsey <sup>3</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, 86, 87, 88, 94, 97, 98	8	74, 82, 84, 85, 92, 95, 99, 102	45
Jersey <sup>3</sup> . . . . .	41	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, 86, 87, 88, 94, 95, 97, 98, 99	6	74, 82, 84, 85, 92, 102	57
Cyprus . . . . .	35	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 82, 84, 85, 86	12	69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99, 102	514
Dominica <sup>5</sup> . . . . .	35	— ditto —	12	— ditto —	58
Falkland Islands . . . . .	35	— ditto —	12	— ditto —	2
Fiji <sup>3</sup> . . . . .	35	— ditto —	12	— ditto —	328
Gambia . . . . .	35	— ditto —	12	— ditto —	272
Gibraltar . . . . .	35	— ditto —	12	— ditto —	25
Gilbert and Ellice Islands <sup>3</sup>	35	— ditto —	12	— ditto —	40
Gold Coast . . . . .	33	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, 85, 86	14	63, 69, 74, 81, 82, 87, 88, 92, 94, 95, 97, 98, 99, 102	4,190

<sup>1</sup> Source: *The Statesman's Year-Book, 1955.*<sup>2</sup> Reports on Conventions Nos. 63, 82 and 85 received too late to be summarised in Report III (Part I).<sup>3</sup> Reports received too late to be summarised in Report III (Part I).<sup>4</sup> Report on Convention No. 86 received too late to be summarised in Report III (Part I).<sup>5</sup> Reports on Conventions Nos. 63 and 85 received too late to be summarised in Report III (Part I).

Countries and territories	Reports received		Reports not received		Population (thousands)
	Number received	Conventions Nos.	Numbers not received	Conventions Nos.	
<i>United Kingdom (cont.)</i>					
Grenada . . . . .	35	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 82, 84, 85, 86	12	69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99, 102	83
Hong Kong . . . . .	34	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 84, 85, 86	13	69, 74, 81, 82, 87, 88, 92, 94, 95, 97, 98, 99, 102	2,277
Jamaica <sup>1</sup> . . . . .	34	— ditto —	13	— ditto —	1,518
Kenya <sup>1</sup> . . . . .	35	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 82, 84, 85, 86	12	69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99, 102	5,947
Leeward Islands . . .	35	— ditto —	12	— ditto —	124
Federation of Malaya <sup>1</sup> .	35	— ditto —	12	— ditto —	6,059
Malta . . . . .	35	— ditto —	12	— ditto —	320
Isle of Man <sup>1</sup> . . . . .	41	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, 86, 87, 88, 94, 95, 97, 98, 99	6	74, 82, 84, 85, 92, 102	56
Mauritius . . . . .	35	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63 <sup>1</sup> , 64, 65, 82, 84, 85, 86	12	69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99, 102	545
Nigeria <sup>2</sup> . . . . .	35	— ditto —	12	— ditto —	30,300
North Borneo . . . . .	35	— ditto —	12	— ditto —	364
Northern Rhodesia <sup>1</sup> . .	37	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, 82, 84, 85, 86	10	81, 87, 88, 92, 94, 95, 97, 98, 99, 102	2,072
Nyasaland . . . . .	35	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 82, 84, 85, 86	12	69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99, 102	2,484
St. Helena . . . . .	35	— ditto —	12	— ditto —	5
St. Lucia . . . . .	33	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, 85, 86	14	63, 69, 74, 81, 82, 87, 88, 92, 94, 95, 97, 98, 99, 102	84
St. Vincent <sup>1</sup> . . . . .	35	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 82, 84, 85, 86	12	69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99, 102	72
Sarawak <sup>3</sup> . . . . .	35	— ditto —	12	— ditto —	602
Seychelles <sup>1</sup> . . . . .	35	— ditto —	12	— ditto —	37
Sierra Leone . . . . .	35	— ditto —	12	— ditto —	2,040
Singapore . . . . .	35	— ditto —	12	— ditto —	1,213
Solomon Islands . . . .	35	— ditto —	12	— ditto —	99

<sup>1</sup> Reports received too late to be summarised in Report III (Part I).<sup>2</sup> Report on Convention No. 82 received too late to be summarised in Report III (Part I).<sup>3</sup> Reports on Conventions Nos. 63, 82 and 85 received too late to be summarised in Report III (Part I).

Countries and territories	Reports received		Reports not received		Population (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
<i>United Kingdom (cont.)</i>					
Southern Rhodesia <sup>1</sup> . . .	37	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, 82, 84, 85, 86	10	81, 87, 88, 92, 94, 95, 97, 98, 99, 102	2,321
Swaziland . . . . .	28	2, 5, 11, 12, 17, 19, 24, 25, 26, 29, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 63 <sup>1</sup> , 64, 65, 82, 84, 85, 86	19	7, 8, 15, 16, 22, 32, 56, 69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99, 102	207
Tanganyika <sup>2</sup> . . . . .	35	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 82, 84, 85, 86	12	69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99, 102	8,196
Trinidad and Tobago <sup>3</sup> .	35	— ditto —	12	— ditto —	698
Uganda <sup>3</sup> . . . . .	35	— ditto —	12	— ditto —	5,425
Zanzibar <sup>2</sup> . . . . .	35	— ditto —	12	— ditto —	277
<i>United States</i> . . . . .	32		0		
Alaska . . . . .	4	53, 55, 58, 74	0	—	208
American Samoa . . . .	4	— ditto —	0	—	21
Guam . . . . .	4	— ditto —	0	—	35
Hawaii . . . . .	4	— ditto —	0	—	523
Puerto Rico . . . . .	4	— ditto —	0	—	2,229
Trust Territory of Pacific Islands	4	— ditto —	0	—	61
Panama Canal Zone . .	4	— ditto —	0	—	54
Virgin Islands . . . .	4	— ditto —	0	—	24

<sup>1</sup> The report on Convention No. 5 also relates to Convention (revised No. 59; reports on Conventions Nos. 17 and 63 received too late to be summarised in Report III (Part I).

<sup>2</sup> Reports received too late to be summarised in Report III (Part I).

<sup>3</sup> Report on Convention No. 82 received too late to be summarised in Report III (Part I).

#### IX. 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)

##### OBSERVATIONS AND REQUESTS FOR SUPPLEMENTARY INFORMATION (BY COUNTRY)

###### *Afghanistan*

The Committee regrets to have to note that the Government has not supplied any information concerning the submission to the competent authorities of Recommendation No. 98, adopted by the Conference at its 37th Session, or regarding Convention No. 104 and Recommendations Nos. 99 and 100, adopted at the 38th Session. Moreover, the Committee urges the Government once again to indicate whether all the Conventions and Recommendations are effectively submitted for consideration to the National Assembly which, according to the statement made before the Conference Committee on the Application

of Conventions and Recommendations in 1955, is the legislative authority. Finally, the Committee feels it necessary to point out that, as indicated in the *Memorandum concerning the Obligation to Submit Conventions and Recommendations to the Competent Authorities* approved by the Governing Body, "Conventions and Recommendations must be submitted to the competent authorities *in all cases* and not only when the ratification of a Convention appears possible or when it is deemed advisable to give effect to the provisions of a Recommendation".<sup>1</sup>

###### *Albania*

The Committee notes the information supplied by the Government, to the effect that the instruments adopted by the Conference at its 37th and 38th Sessions have been submitted for consideration to the Council of Ministers, which will shortly submit them to the Praesidium of the People's Assembly, considered

<sup>1</sup> Op. cit., p. 3, section I.

by the Government as the competent authority for the purposes of article 19 of the Constitution of the I.L.O.

Having regard to the fact that the authority referred to in the said Article is the authority possessing the power to legislate on the subject matter of Conventions and Recommendations, the Committee would be grateful if the Government would indicate whether, under the Constitution of the Democratic Republic of Albania of 4 July 1950, the Praesidium of the People's Assembly can in fact be considered as the competent legislative authority, or whether it is not rather the People's Assembly itself in which the legislative power is vested.

The Committee would be grateful if the Government would indicate the date on which Convention No. 104 and Recommendations Nos. 98, 99 and 100 are finally submitted to the competent authority, and would supply information on the possibility of submitting to this authority the various instruments adopted by the Conference from its 31st to 36th Sessions.

#### *Argentina*

The Committee takes note of the information supplied to the Conference Committee in 1956 indicating that the Ministry of Labour and Social Welfare had submitted to the competent authorities all the Conventions and Recommendations adopted by the International Labour Conference, whether or not it intended to ratify and apply them. It also notes the Government's statement that the Executive Power is at present invested with legislative powers.

#### *Australia*

The Committee takes note with interest of the text of the Government's statement made before Parliament with regard to Conventions Nos. 101, 102 and 103 and Recommendations Nos. 93, 94, 95, 96, 97 and 98, in which a summary is given of the opinions expressed by both the federal authorities and the authorities of the various states.

The Committee would be grateful if the Government would supply information regarding the steps taken with a view to submitting to Parliament the instruments adopted by the Conference at its 38th Session.

#### *Belgium*

The Committee takes note of the statement made before the Conference Committee in 1956, indicating that the Government had regularly submitted to the competent authorities the Conventions and Recommendations adopted since the 31st Session, with the exception of the three maritime Conventions (Nos. 91, 92 and 93) adopted at the 32nd Session.

The Committee deems it advisable to point out once again that article 19 of the Constitution does not provide for any exceptions: *all* instruments must be submitted to the competent authorities. Although the Committee is aware of the Government's difficulties in regard to the submission to Parliament of Conventions Nos. 91, 92 and 93, it expresses the hope that it will be possible to submit these texts—and in particular the first two Conventions—to the legislative body at an early date and it would be grateful if the Government would keep it informed of any measures which may have been adopted in this

connection. The Committee would also appreciate the supply of information respecting the submission to Parliament of Convention No. 104, and of Recommendations Nos. 99 and 100, adopted by the Conference at its 38th Session.

#### *Bolivia*

The Committee finds it necessary to draw the attention of the Government once again to the obligation, incumbent upon it under article 19 of the Constitution of the I.L.O., to submit to the competent authorities *all* the Conventions and Recommendations adopted by the Conference. It regrets to have to note that in spite of the declaration made by a Government representative before the Conference Committee in 1954, according to which all necessary steps were being taken to hasten the submission of Conventions and Recommendations to the National Congress, the Government has not since then supplied any new positive information; the Committee therefore once again requests the Government to supply detailed information on the steps which it may have taken with a view to complying with the constitutional obligation respecting all the instruments adopted by the Conference since its 31st Session.

#### *Brazil*

The Committee takes note of the statement made before the Conference Committee in 1956, in which reference was made to the procedure for submission and in which it was stated that it was impossible to avoid delay in some cases owing to the time required by the Congress Committee on Social Activities or for other similar reasons. It also took note with interest of the statement by the Minister of Labour, Industry and Commerce before a plenary sitting of the Conference at its 39th Session, regarding the approval by the National Congress of the ratification of Conventions Nos. 11, 12, 14, 19, 26, 29, 81, 88, 89, 95, 96, 99, 100 and 101.

The Committee regrets, however, that it has received no new information, either regarding the recommendations made by the Permanent Committee on Social Legislation of the Ministry of Labour, Industry and Commerce with regard to the texts which were mentioned in its report No. 29/55 (Recommendations Nos. 93 to 98), or with regard to the steps which may have been taken by the Government with a view to submitting to the National Congress the texts of Convention No. 104 and Recommendations Nos. 99 and 100, adopted by the Conference at its 38th Session.

Moreover, on the basis of a general review of the situation, the Committee understands that the following instruments, which in several cases have been submitted for consideration to the various administrative services concerned, do not appear to have been submitted to the legislative authority, that is, the National Congress: Conventions Nos. 90, 91, 93, 94, 97, 102 and 103, and Recommendations Nos. 83 to 98.

Consequently, the Committee would be grateful if the Government would indicate what is the exact position with regard to these instruments and what measures it is considering with a view to complying with the obligation incumbent on it under article 19 of the Constitution of the International Labour Organisation.

*Bulgaria*

The Committee notes the information supplied by the Government, to the effect that the instruments adopted by the Conference at its 38th Session have been submitted for consideration to the Praesidium of the National Assembly, considered by the Government as the competent authority for the purposes of article 19 of the Constitution of the International Labour Organisation.

The Committee understands that the Praesidium of the National Assembly is a body of a parliamentary nature and is empowered to enact, in the form of decrees, the necessary provisions to give effect in municipal law to Conventions and Recommendations adopted by the International Labour Conference. If so, and in accordance with a strict interpretation of the expression "competent authority", the Government would appear to have fulfilled its obligation under article 19 by submitting the instruments to the Praesidium of the National Assembly. As, however, legislative power is also, and in a wider sense, vested in the National Assembly, which is furthermore the most representative constitutional body, it would accord completely with the spirit of article 19 to submit the instruments also or exclusively to this body. The Committee would accordingly be grateful if the Government would consider the possibility of submitting Conventions and Recommendations adopted by the Conference, as a general rule, to the National Assembly.

*Burma*

The Committee takes note of the statement made before the Conference in 1956, in which it was stated that the Government ascertained whether suitable legislation existed before proceeding with the ratification of a Convention. The Committee fully appreciates the value of this action but finds it necessary to point out nevertheless that, as indicated in the Memorandum approved by the Governing Body, "Conventions and Recommendations must be submitted to the competent authorities *in all cases* and not only when the ratification of a Convention appears possible or when it is deemed advisable to give effect to the provisions of a Recommendation".<sup>1</sup>

The Committee also notes with interest that the Government is making every possible effort to reduce as much as possible the delay in bringing its legislation to the stage where it could proceed with the ratification of the Conventions and it hopes that in future the Government will find it possible to submit the Conventions and Recommendations to the competent authorities within the time limits prescribed in article 19 of the Constitution of the I.L.O.

Finally, the Committee would be grateful if the Government would indicate what steps have been taken with a view to submitting to the competent authorities the instruments adopted by the Conference at its 37th and 38th Sessions.

*Byelorussia*

The Committee notes the information supplied by the Government, to the effect that the instruments adopted by the Conference at its 38th Session have been submitted for consideration to the Praesidium of the Supreme Soviet, considered by the Govern-

ment as the competent authority for the purposes of article 19 of the Constitution of the International Labour Organisation.

The Committee understands that the Praesidium of the Supreme Soviet is a body of a parliamentary nature and is empowered to enact, in the form of decrees, the necessary provisions to give effect in municipal law to Conventions and Recommendations adopted by the International Labour Conference. If so, and in accordance with a strict interpretation of the expression "competent authority", the Government would appear to have fulfilled its obligation under article 19 by submitting the instruments to the Praesidium of the Supreme Soviet. As, however, legislative power is also, and in a wider sense, vested in the Supreme Soviet, which is furthermore the most representative constitutional body, it would accord completely with the spirit of article 19 to submit the instruments also or exclusively to this body. The Committee would accordingly be grateful if the Government would consider the possibility of submitting Conventions and Recommendations adopted by the Conference, as a general rule, to the Supreme Soviet.

*Canada*

The Committee takes note with interest of the information supplied by the Government, according to which the texts of the instruments adopted by the Conference at its 38th Session were submitted to the House of Commons and the Senate in January 1955 and were communicated to the Lieutenant-Governors of the provinces.

The Committee would be glad if the Government would indicate whether it made any concrete proposals concerning the action which it intended to take on the federal level with regard to the instruments in question when submitting them to the two Chambers of the federal Parliament.

*Ceylon*

The Committee takes note with interest of the information supplied by the Government, according to which the texts adopted by the Conference at its 38th Session were submitted to the House of Representatives and the Senate on 10 and 17 January 1956 respectively.

Since, according to the Government, no proposals regarding any action intended by it were made at the time of submission, the Committee wishes to point out once again that the obligation to submit the decisions of the Conference to the competent authority cannot be considered as satisfactorily complied with when the Government merely submits the texts to Parliament without making any explicit proposals.

*Chile*

The Committee notes with regret that the Government has supplied no information regarding the submission to the competent authorities of Convention No. 104 and Recommendations Nos. 99 and 100, adopted by the Conference at its 38th Session. Moreover, there has been no confirmation of the statement made by a Government representative before the Conference Committee in 1956 according to which the Ministry of Labour had asked the External Affairs Department to prepare and submit messages

<sup>1</sup> Op. cit., p. 3, section I.

to Congress respecting Conventions Nos. 87, 91, 92, 93, 97, 101 and 103 and Recommendations Nos. 86, 91, 93, 94 and 95.

The Committee would be grateful if the Government would indicate the present position with regard to the above-mentioned measures.

#### *China*

The Committee takes note of the statement made before the Conference Committee in 1956, indicating that it had only been possible to translate into Chinese Conventions Nos. 81 and 102 and that the Government hoped to be in a position to submit these two Conventions to the competent legislative authority during 1956. The Committee had, however, noted at its last session that, according to the statement made by a Government representative before the Conference Committee in 1955, the translation into Chinese of the texts of the Conventions and Recommendations had just been completed.

The Committee regrets that this point was not subsequently confirmed and finds it necessary to note once again that so far none of the texts adopted by the Conference since its 31st Session has been submitted to the competent authority. In these circumstances the Committee once again requests the Government to proceed without delay with the submission of the texts in question, thus complying with the obligation incumbent upon it in virtue of article 19 of the Constitution of the I.L.O.

#### *Colombia*

The Committee takes note of the statement made before the Conference Committee in 1956, indicating that it had been impossible to submit the texts adopted by the International Labour Conference to Parliament since the latter had not met for two years and that these texts would be submitted as soon as the Legislative Assembly met again. The Committee points out, however, that the circumstances in question do not release the Government from the obligation incumbent upon it in virtue of article 19 of the Constitution of the I.L.O. It would therefore be grateful if the Government would indicate what action it intends to take, having regard to the time limits of 12 and 18 months, to fulfil this obligation, pending the meeting of a legislative assembly.

The Committee would also be grateful if the Government would indicate what measures may have been taken in this connection with regard to Convention No. 104 and Recommendations Nos. 98, 99 and 100, adopted by the Conference at its 37th and 38th Sessions.

#### *Costa Rica*

The Committee takes note with satisfaction of the information supplied by the Government, indicating that Conventions Nos. 87, 89, 90, 91, 92 and 98 were submitted for consideration to the Legislative Assembly in July 1956. However, it considers it advisable to point out that, as indicated in the Memorandum adopted by the Governing Body, "Conventions and Recommendations must be submitted to the competent authorities *in all cases* and not only when the ratification of a Convention appears possible or when it is deemed advisable to give effect to the provisions of a Recommendation".<sup>1</sup>

<sup>1</sup> Op. cit., p. 3, section I.

The Committee would therefore be grateful if the Government would indicate what measures have been taken with a view to complying with the obligation prescribed in article 19 of the Constitution with regard to the other instruments adopted by the International Labour Conference since its 31st Session.

#### *Cuba*

The Committee takes note with interest of the statement made before the Conference Committee in 1956 indicating that the competent authority with regard to Recommendations was the Government, which held both the executive and the legislative powers, whereas the sole competent authority in respect of Conventions was the Congress of the Republic. It also notes that, during constitutionally abnormal periods, the Council of Ministers takes over legislative powers, and that this explains the fact that certain Conventions and Recommendations have been submitted to it. Finally, the Committee notes with satisfaction that Convention No. 104 and Recommendations Nos. 99 and 100 were submitted to the Senate of the Republic in November 1955.

The Committee would be grateful if the Government would indicate the measures taken with a view to the submission, in conformity with the procedure already indicated, of Convention No. 102 and Recommendations Nos. 88, 94, 96, 97 and 98.

#### *Czechoslovakia*

The Committee takes note of the information supplied by the Government to the Conference Committee in 1956 indicating that, owing to the reorganisation of the State administration services, the Government had been unable to submit Conventions and Recommendations regularly to the competent authorities.

However, the Committee notes with regret that the Government has not supplied any new information since then and it finds it necessary therefore, to repeat the request made in 1956 for information on the steps which may have been taken with a view to submitting to the legislative authority *all* the instruments adopted by the Conference since its 33rd Session, the text of Recommendation No. 87, adopted at the 32nd Session, and more particularly the texts of Convention No. 104 and Recommendations Nos. 99 and 100, adopted at the 38th Session.

The Committee would also be grateful if the Government would indicate what is the legislative authority which it considers to be the competent authority for the purposes of article 19 of the Constitution of the I.L.O.

#### *Dominican Republic*

The Committee takes note of the information supplied by the Government indicating that Convention No. 99 and Recommendations Nos. 89, 91 and 92, as well as all the instruments adopted by the Conference at its 35th and 36th Sessions (Conventions Nos. 101, 102 and 103 and Recommendations Nos. 93, 94, 95, 96 and 97) were submitted to the National Congress for consideration in September 1955. The Committee would be grateful if the Government would indicate what measures have been taken with a view to submitting to Congress also the instruments which were adopted by the Conference at its 37th and 38th Sessions.



and whether—as regards the instruments already before Parliament—specific proposals were made at the time of submission.

#### *Ecuador*

The Committee notes with satisfaction that Convention No. 104 has been submitted for consideration to the National Congress with a view to its ratification and that the competent governmental services are examining Recommendations Nos. 99 and 100 to determine how they may be given effect and incorporated in the legislation of Ecuador.

The Committee thanks the Government for this information and would be glad if it would indicate the date of submission of these Recommendations to the competent authority. The Committee would also be glad to know what authority or authorities are considered as competent with regard to these two instruments; in this connection, it points out that the Memorandum approved by the Governing Body states that “the expression ‘competent authority’ means the body empowered to legislate . . . i.e. as a rule, the Parliament”.<sup>1</sup>

Finally, the Committee renews the request made by it to the Government in 1956 for more precise information on the statement made to the Conference Committee in 1955, to the effect that the Government had submitted to the National Congress 33 Conventions, for ratification, and a certain number of Recommendations.

#### *Egypt*

The Committee takes note of the information supplied by the Government, indicating that the instruments adopted by the Conference at its 38th Session had been submitted for consideration to the Council of Ministers, which, according to the Government, has the power to legislate.

The Committee would be grateful if the Government would indicate the action taken to fulfil the obligations imposed by article 19 of the Constitution as regards the instruments adopted by the Conference at its 31st to 37th Sessions, other than Conventions Nos. 88, 98 and 101, which have been ratified.

#### *Ethiopia*

The Committee finds it necessary once again to draw the attention of the Government to the obligation laid down in article 19 of the Constitution of the I.L.O., to submit to the competent authorities all Conventions and Recommendations adopted by the Conference. Moreover, it regrets to note that the Government has furnished no reply whatever to the observations made by the Committee in 1953, 1954, 1955 and 1956 respecting the submission to the competent authorities of the Conventions and Recommendations adopted by the Conference since its 31st Session. Consequently it urges the Government once again to supply information on any measures which it may have taken with a view to complying with the obligation prescribed in article 19 of the Constitution, on the authority or authorities which are considered as competent, on any proposals made at the time of submission, and finally on the decisions which may have been taken by the competent authorities.

#### *France*

The Committee takes note of the statement made before the Conference Committee in 1956 indicating that, according to the new procedure which had been adopted in regard to submission, the texts of Conventions and Recommendations were reproduced as parliamentary documents, which were communicated to the chairmen of the labour committees of the National Assembly and of the Senate and also distributed to all members of Parliament.

The Committee would be grateful if the Government would indicate the measures which it may have been able to take with a view to submitting to the competent authorities Convention No. 104 and Recommendations Nos. 99 and 100, adopted by the Conference at its 38th Session. It would also be glad to know whether specific proposals were made at the time of submission.

#### *Greece*

The Committee takes note of the statement made before the Conference Committee in 1956 indicating that certain difficulties had arisen in connection with the submission to Parliament of Conventions which, in the opinion of the Government, should not be ratified. It also notes that the Government is trying to find some indirect means of presenting the texts in question to Parliament and of obtaining its opinion with regard to them. Finally, it notes that a Greek translation of all the Recommendations is being prepared.

In the absence of further information which would show whether any progress has been made with the above-mentioned measures, the Committee finds it necessary once again to draw the attention of the Government to the obligation laid down in article 19 of the Constitution of the International Labour Organisation, to submit Conventions and Recommendations to the competent authorities *in all cases* and it points out that this obligation calls for a rapid solution of the difficulties evoked in the Government's last statement. Consequently, the Committee would be glad if the Government would indicate the measures which it may have taken to submit to Parliament Conventions Nos. 91, 92, 93 and 104 and Recommendations Nos. 88 to 100.

#### *Guatemala*

The Committee takes note with interest of the statement made before the Conference Committee in 1956 indicating that the competent authority for the purposes of article 19 of the Constitution of the I.L.O. was the Legislative Assembly and that the executive power was making a general study of all the Conventions and Recommendations adopted by the Conference with a view to submitting these texts to the Assembly, together with a special report in the case of those Conventions which it considered suitable for ratification.

The Committee regrets to note that in spite of the above-mentioned statement, the Government has not supplied any new information in this connection; it would therefore be glad if the Government would supply precise information on the measures which it has taken to submit for consideration to the Legislative Assembly Conventions Nos. 91, 92 and 93, Recommendation No. 87, and all the instruments adopted by the Conference since its 33rd Session. In particular, it

<sup>1</sup> Op. cit., p. 3, section II.

would be glad if the Government would supply information regarding the submission of Convention No. 104 and Recommendations Nos. 99 and 100, adopted by the Conference at its 38th Session. Finally, the Committee would be glad to know whether specific proposals were made at the time of submission.

### *Haiti*

The Committee notes with interest that Parliament approved the ratification of Conventions Nos. 90 and 98 on 13 July 1956. As regards the other instruments which the Conference has adopted since its 31st Session, the Committee requests the Government, as it has already done on a number of occasions, to supply information on any measures taken with regard to the obligation created by article 19 of the Constitution of the I.L.O., on the proposals which it may have judged appropriate to make, and on any decisions which the competent authorities may have reached.

### *Honduras*

The Committee notes that the instruments adopted by the International Labour Conference at its 38th Session have been submitted for consideration to the Military Junta of the Government. The Committee would be grateful if the Government would indicate which authority is the competent authority for the purposes of article 19 of the Constitution, i.e. is empowered to legislate.

### *Hungary*

The Committee notes the statements made by the Government representative to the Conference Committee in 1955 and 1956, to the effect that the competent authority for the purposes of article 19 of the Constitution of the International Labour Organisation is the Presidential Council, as it is a subordinate body of Parliament and has the power to legislate when the latter is not in session.

In these circumstances, in accordance with a strict interpretation of the term "competent authority", the Committee concedes that the Government may fulfil its obligation under article 19 by submitting Conventions and Recommendations adopted by the International Labour Conference to the Presidential Council. As, however, Parliament is the only legislative body when in session, and as it is also the most representative body, it would accord completely with the spirit of article 19 to submit the instruments also or exclusively to Parliament.

Further, the Committee would be grateful if the Government would confirm that the Conventions and Recommendations mentioned in the statement made in 1956 include those adopted at the 38th Session, i.e. Convention No. 104 and Recommendations Nos. 99 and 100.

### *Iceland*

The Committee takes note of the information supplied by the Government, indicating that the instruments adopted by the Conference at its 37th and 38th Sessions were submitted to Parliament in December 1955 but that the Government was unable to make proposals with regard to these texts since it was still awaiting the results of certain preliminary inquiries.

The Committee considers it necessary to point out that—independently of the preparatory research

work which may be necessary before the Government can form an opinion as to the measures which may have to be adopted with a view to giving effect to the provisions of a Convention or a Recommendation—it is not possible to consider that the Government has fully complied with the obligation to submit the decisions of the Conference to the competent authority as long as it does not submit specific proposals to Parliament. The Committee would also be glad to have information on any proposal which the Government may have presented to Parliament in this connection and any decisions which may have been taken by the latter.

### *India*

The Committee has taken note with great interest of the detailed information supplied by the Government concerning the procedure followed for the submission to the competent authorities of the decisions adopted by the Conference.

The procedure followed by India in this respect appears to be fully satisfactory. The Committee noted in particular that, on the one hand, the Central Government is competent to undertake the two-fold general obligation laid down in article 19 of the Constitution of the I.L.O. (i.e. to "bring the Convention (or Recommendation) before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action" and to "inform the Director-General of the International Labour Office of the measures taken in accordance with this article to bring the Convention (or Recommendation) before the said competent authority or authorities . . .") and that, on the other hand, the authority to whom these texts are finally submitted for the enactment of legislation or other action is Parliament.

### *Indonesia*

The Committee finds it necessary to draw the attention of the Government once again to the obligation incumbent upon it under article 19 of the Constitution of the I.L.O., to submit to the competent authorities *all* the Conventions and Recommendations which the Conference has adopted since its 31st Session. It also regrets to note that no new information has been received, in spite of the statement made to the Conference Committee in 1956 indicating that six Conventions had recently been translated and that it was hoped to ratify at least two of these in the near future.

The Committee once again calls upon the Government to indicate the measures which may have been taken to submit to the competent authorities all the Conventions and Recommendations adopted by the Conference since its 31st Session, the proposals which the Government may have made in this connection, and the decisions which the said authorities may have taken.

### *Iran*

The Committee notes with satisfaction the statement made by a Government representative to the Conference Committee in 1956, indicating that the Government considered that the competent authority for the purposes of article 19 of the Constitution of the I.L.O. was the Parliament and stating that Conventions Nos. 81 and 94 to 103 had been submitted to Parliament for consideration.

As regards the 38th Session of the Conference, the Committee notes with satisfaction that the text of Convention No. 104 was submitted to the Senate for

consideration in October 1955. It also notes with interest the measures taken by the Government with a view to examining the problems arising in connection with Recommendations Nos. 99 and 100 and intended to lead, in particular, to the preparation of legislative provisions giving effect to Recommendation No. 99.

Finally, the Committee expresses the hope that these two instruments will shortly be submitted to Parliament and it would be grateful if the Government would indicate, in due course, what proposals it may have made in this connection and what decisions may have been taken by Parliament on this question.

#### *Iraq*

The Committee finds it necessary to draw the Government's attention once again to the obligation incumbent upon it under article 19 of the Constitution of the International Labour Organisation, to submit to the competent authority *all* the Conventions and Recommendations adopted by the Conference since its 31st Session. It also regrets to note that no new information has been supplied in spite of the statement made to the Conference Committee in 1956 indicating that a detailed reply on the points raised would soon be communicated.

Consequently, the Committee urges the Government once more to indicate what steps may have been taken with regard to the submission to the competent authorities of all the Conventions and Recommendations adopted by the Conference since its 31st Session—with the exception of Convention No. 88, which has been ratified—what proposals the Government may then have made and what decisions the said authorities may have taken.

#### *Israel*

The Committee notes with interest the statement made to the Conference Committee in 1956, indicating that Recommendations Nos. 93 to 98 had been submitted to Parliament and confirming that Parliament was the competent authority for the purposes of article 19 of the Constitution of the I.L.O.

The Committee would be grateful if the Government would indicate the measures taken to submit to Parliament Recommendations Nos. 91 and 92, and Convention No. 104 and Recommendations Nos. 99 and 100, which were adopted by the Conference at its 34th and 38th Sessions respectively.

#### *Italy*

The Committee notes that the instruments adopted by the International Labour Conference at its 38th Session have been transmitted to the administrative services concerned and also to the employers' and workers' organisations, thus initiating the relevant procedure.

The Committee feels, however, that it is necessary to call the attention of the Government to the time limits of 12 and 18 months fixed by article 19 of the Constitution of the I.L.O., and it would be glad if the Government would consider the possibility of adopting measures to ensure future compliance with these time limits.

#### *Japan*

The Committee takes note of the information supplied by the Government, according to which

Convention No. 104 and Recommendations Nos. 99 and 100 were submitted to the Diet in March 1956.

The Committee would be grateful if the Government would indicate whether specific proposals were made at the time of submission.

#### *Lebanon*

The Committee finds it necessary to draw the Government's attention once again to the obligation incumbent upon it under article 19 of the Constitution of the I.L.O., to submit to the competent authorities all the Conventions and Recommendations adopted by the Conference since its 31st Session. It regrets to note that no new information has been supplied, in spite of the statement made by a Government representative to the Conference Committee in 1956 that a detailed reply on the points raised would shortly be communicated.

Consequently, the Committee once more calls upon the Government to supply information on the measures taken to fulfil the obligation laid down in article 19 of the Constitution, on the authorities which are considered as competent, on the proposals which the Government may have made, and on the decisions which the said authorities may have taken.

#### *Liberia*

The Committee finds it necessary to draw the Government's attention once again to the obligation incumbent upon it under article 19 of the Constitution of the International Labour Organisation, to submit to the competent authorities *all* the Conventions and Recommendations adopted by the Conference since its 31st Session. It regrets to note that it has received no new information, in spite of the statement made by a Government representative to the Conference Committee in 1956, indicating that the Government intended to submit the Conventions to the competent authority and to ratify some of these Conventions.

The Committee calls upon the Government once again to supply information on the measures taken to fulfil the obligation laid down in article 19 of the Constitution, on the authorities which are considered as competent, on the proposals which the Government may have made, and on the decisions which the said authorities may have taken.

#### *Libya*

The Committee finds it necessary to draw the Government's attention once again to the obligation incumbent upon it under article 19 of the Constitution of the International Labour Organisation, to submit to the competent authorities *all* the Conventions and Recommendations adopted by the Conference since its 35th Session. It regrets to note that no new information has been supplied, in spite of the statement made to the Conference Committee in 1956 indicating that a detailed reply on the points raised would be communicated shortly.

The Committee calls upon the Government once again to supply information on the measures taken to fulfil the obligation laid down in article 19 of the Constitution, on the authorities which are considered as competent, on the proposals which the Government may have made, and, on the decisions which the said authorities may have taken.

*Luxembourg*

The Committee would be grateful if the Government would indicate what measures have been taken to submit to the competent legislative authority Convention No. 104 and Recommendations Nos. 99 and 100, adopted by the Conference at its 38th Session.

*Mexico*

The Committee takes note of the information supplied by the Government indicating that the Secretariat of Labour and Social Welfare is preparing a draft report in which the Senate is asked to approve Convention No. 104. Nevertheless the Committee recalls the requests made by it in 1953, 1954, 1955 and 1956 regarding the submission to the competent authorities of Recommendations Nos. 91 and 92, adopted by the Conference at its 34th Session, and of all the instruments adopted at the 32nd, 33rd, 35th, 36th and 37th Sessions, with the exception of Conventions Nos. 95, 99 and 100, which have been ratified. The Committee would also be glad if the Government would indicate the measures taken to submit to the competent authorities Recommendations Nos. 99 and 100, which were adopted by the Conference at its 38th Session. Finally, the Committee would be grateful if the Government would indicate the authorities considered as competent with regard to submission, the proposals made by the Government when submitting the various instruments to these authorities, and the decisions which the said authorities may have taken.

*Netherlands*

The Committee would be glad if the Government would indicate what measures have been taken to submit to the States-General Convention No. 104 and Recommendations Nos. 99 and 100, adopted by the Conference at its 38th Session.

*Pakistan*

The Committee notes the statement made before the Conference Committee in 1956, that the delay in the submission to the competent authorities was due to the fact that the Constituent Assembly, in which the power to legislate had been vested, had been dissolved and that the new Parliament had only met for a brief session to deal with urgent legislative proposals.

The Committee trusts that, as the Government indicated on the same occasion, every effort will be made to submit to the National Parliament at the earliest possible date the instruments adopted by the International Labour Conference at its 36th, 37th and 38th Sessions and it would be glad if detailed information could be supplied in this connection.

*Panama*

The Committee notes the statement made to the Conference Committee in 1956, that the Ministry of Labour, Social Welfare and Public Health had forwarded to the International Organisations Section of the Ministry for External Affairs all the Conventions and Recommendations adopted by the Conference since its 31st Session; these texts were to be examined during the following Session of the National Assembly which was to take place after 1 October 1956.

In the absence of any new information showing the progress made in this connection, the Committee

finds it necessary to draw the Government's attention once again to the obligation incumbent upon it under article 19 of the Constitution of the I.L.O., under which *all* Conventions and Recommendations must be submitted to the competent authority. Consequently the Committee would be glad if the Government would indicate what measures have been taken to submit to the National Assembly Conventions Nos. 87 to 104 and Recommendations Nos. 83 to 100, what proposals have been made in this connection, and what decisions have been taken by the National Assembly.

*Peru*

The Committee notes the statement made to the Conference Committee in 1956, that an *ad hoc* committee consisting of officials of the Ministry of Labour and the Social Insurance Fund and representatives of employers and workers had been entrusted with the examination of possible ratifications; it also notes that the Conventions and Recommendations adopted by the Conference were to be submitted to Congress.

In the absence of any new information showing the progress made in this connection, the Committee finds it necessary to draw the attention of the Government once again to the obligation incumbent upon it under article 19 of the Constitution of the I.L.O., under which *all* Conventions and Recommendations adopted by the Conference since its 31st Session must be submitted to the competent authority.

The Committee would be grateful if the Government would indicate the measures which it has taken to submit to Congress Conventions Nos. 87 to 104 and Recommendations Nos. 83 to 100, the proposals which the Government may have made in this connection, and the decisions which Congress may have taken.

*Philippines*

The Committee notes the information supplied by the Government, to the effect that the Labour Department has submitted to the President of the Philippines Convention No. 104 and Recommendations Nos. 99 and 100, together with a draft presidential message to Congress requesting it to adopt appropriate legislation to give effect to these instruments.

The Committee would be grateful if the Government would state whether the above-mentioned message has been transmitted to Congress, the latter being the competent authority for the purposes of article 19 of the Constitution of the I.L.O.

*Poland*

The Committee notes the statement made by the Government representative to the Conference Committee in 1955, to the effect that the competent authority for the purposes of article 19 of the Constitution of the I.L.O. is the Council of State, as it is a subordinate body of the Sejm (Parliament) and has the power to legislate when the latter is not in session.

In these circumstances, in accordance with a strict interpretation of the expression "competent authority", the Committee concedes that the Government may fulfil its obligation under article 19 by submitting Conventions and Recommendations adopted by the International Labour Conference to the Council of State when the Sejm is not in session. As, however,

the Sejm is the only legislative body when it is in session, and is also the most representative body, it would accord completely with the spirit of article 19 to submit the instruments also or exclusively to the Sejm.

Further, the Committee would be grateful if the Government would provide detailed information indicating the exact state of submission to the competent authorities of Conventions Nos. 88 to 90, 93, 94, 97, 99 and 102 to 104, and Recommendations Nos. 83 to 89, 91 to 95 and 98 to 100.

#### *Portugal*

The Committee notes the statement made to the Conference Committee in 1956 indicating that all the Conventions and Recommendations had been submitted to Parliament.

The Committee would be grateful if the Government would indicate what steps have been taken to submit to Parliament Convention No. 104 and Recommendations Nos. 99 and 100, adopted by the Conference at its 38th Session, and if it would indicate whether any specific proposals have been made in the past when Conventions and Recommendations were submitted to Parliament.

#### *El Salvador*

The Committee notes the statement made before the Conference Committee in 1956, indicating that the Conventions and Recommendations were to be submitted to the Legislative Assembly after September 1956.

In the absence of any new information showing the progress made in this connection, the Committee finds it necessary to draw the Government's attention once again to the obligation incumbent upon it under article 19 of the Constitution of the I.L.O., under which *all* the Conventions and Recommendations adopted by the Conference since its 31st Session must be submitted to the competent authority.

The Committee would be grateful if the Government would provide information on the measures taken to submit to the Legislative Assembly Conventions Nos. 87 to 104 and Recommendations Nos. 83 to 100, on the proposals which the Government may have made in this connection, and on the decisions which the Legislative Assembly may have taken.

#### *Syria*

The Committee notes the statement made to the Conference Committee in 1956 indicating that the principles laid down in Recommendation No. 98 would be taken into account when the Labour Code was being revised. It also notes with interest that Conventions Nos. 89 and 104 have been ratified and Recommendation No. 97 accepted, and that the Chamber of Deputies is considering the ratification of Conventions Nos. 79, 94, 95, 96, 98 and 100.

The Committee would like to take this opportunity of recalling that Conventions and Recommendations must be submitted to the competent authorities *in all cases* and not only when the ratification of a Convention appears possible or when it is deemed advisable to give effect to the provisions of a Recommendation. The Committee would therefore be grateful if the Government would indicate the steps which have

been taken to submit to the legislative authorities Conventions Nos. 87, 88, 90 to 93, 97, 99 and 100 to 103, and Recommendations Nos. 83 to 96 and 98 to 100.

#### *Thailand*

The Committee notes that Recommendations Nos. 96 and 97 were submitted to the National Assembly in January 1955. It would be glad if the Government would indicate whether, following the coming into force of the new Labour Act on 1 January 1957, the instruments adopted by the Conference at its 37th and 38th Sessions have now been submitted to the National Assembly.

In addition, the Committee would be glad if the Government would supply information regarding the proposals which it may have made to Parliament when submitting the various Conventions and Recommendations, and the decisions which Parliament may have taken thereon.

#### *Turkey*

The Committee takes note of the information supplied by the Government indicating that Convention No. 104 and Recommendations Nos. 99 and 100 were submitted for approval to the Grand National Assembly of Turkey in the course of the debate on the budget of 1956. The Committee would be glad if the Government would indicate whether specific proposals were made at the time of submission.

#### *Ukraine*

The Committee notes the information supplied by the Government, to the effect that the instruments adopted by the Conference at its 38th Session have been submitted for consideration to the Praesidium of the Supreme Soviet, considered by the Government as the competent authority for the purposes of article 19 of the Constitution of the I.L.O.

The Committee understands that the Praesidium of the Supreme Soviet is a body of a parliamentary nature and is empowered to enact, in the form of decrees, the necessary provisions to give effect in municipal law to Conventions and Recommendations adopted by the International Labour Conference. If so, and in accordance with a strict interpretation of the expression "competent authority", the Government would appear to have fulfilled its obligation under article 19 by submitting the instruments to the Praesidium of the Supreme Soviet. As, however, legislative power is also, and in a wider sense, vested in the Supreme Soviet, which is furthermore the most representative constitutional body, it would accord completely with the spirit of article 19 to submit the instruments also or exclusively to this body. The Committee would accordingly be grateful if the Government would consider the possibility of submitting Conventions and Recommendations adopted by the Conference, as a general rule, to the Supreme Soviet.

#### *U.S.S.R.*

The Committee notes the information supplied by the Government, to the effect that the instruments adopted by the Conference at its 38th Session have been submitted for consideration to the Praesidium of the Supreme Soviet, considered by the Government as the competent authority for the purposes of art-

icle 19 of the Constitution of the International Labour Organisation.

The Committee understands that the Praesidium of the Supreme Soviet is a body of a parliamentary nature and is empowered to enact, in the form of decrees, the necessary provisions to give effect in municipal law to Conventions and Recommendations adopted by the International Labour Conference. If so, and in accordance with a strict interpretation of the expression "competent authority", the Government would appear to have fulfilled its obligation under article 19 by submitting the instruments to the Praesidium of the Soviet. As, however, the power to legislate is also, and in a wider sense, vested in the Supreme Soviet, which is furthermore the most representative constitutional body, it would accord completely with the spirit of article 19 to submit the instruments also or exclusively to this body. The Committee would therefore be grateful if the Government would study the possibility of submitting Conventions and Recommendations adopted by the Conference, as a general rule, to the Supreme Soviet.

#### *United Kingdom*

The Committee takes note of the White Paper on Recommendation No. 98 presented to Parliament in November 1956.

The Committee would be grateful if the Government would indicate what measures have been taken to submit Convention No. 104 and Recommendations Nos. 99 and 100 to the competent authorities.

#### *United States*

The Committee notes with interest that the texts of Conventions Nos. 99, 100, 101 and 103 and of Recommendations Nos. 89, 90, 93, 94, 95, 96, 97 and 98 were submitted to the governors of the 48 states for their consideration and possible recommendation of appropriate legislation to their respective legislatures. The Committee also notes with satisfaction the statement made to the Conference Committee in 1956, indicating that Recommendation No. 98 had been submitted to Congress.

The Committee would be grateful if the Government would keep it informed of the measures taken with a view to submitting to the competent authorities Convention No. 104 and Recommendations Nos. 99 and 100.

#### *Uruguay*

The Committee notes the information supplied by the Government, to the effect that Recommendations Nos. 99 and 100 were submitted to Parliament in March 1956 and that Convention No. 104 will also be submitted, with a proposal for its ratification. The Committee would be grateful if the Government would indicate whether the last-mentioned instrument has

been submitted, and would also be glad to know whether the Government has been able to submit to Parliament Recommendation No. 98, which was not included among the Recommendations submitted by the Government's message of 13 March 1956.

As the information supplied by the Government does not indicate whether the above-mentioned message contained specific proposals regarding these Recommendations, the Committee would be glad if the Government would supply information on this point.

#### *Venezuela*

The Committee regrets to note that the Government has supplied no new information in reply to the observation made in 1956.

The Committee finds it necessary to draw the attention of the Government once again to the obligation incumbent upon it under article 19 of the Constitution of the I.L.O., and hopes that it will take the necessary measures to submit to the competent authorities *all* the Conventions and Recommendations adopted by the Conference since its 31st Session.

The Committee would also be glad if the Government would indicate which authority is, in its opinion, the competent authority for the purposes of article 19 of the Constitution of the I.L.O.

#### *Viet-Nam*

The Committee notes the statement made to the Conference Committee in 1956, indicating that Recommendation No. 98 had been submitted to the President of the Republic in May 1956 and that the delay in the submission to the competent authorities was due to a momentary increase in the work to be dealt with by the Ministry of Labour. It also notes that legislative power is at present vested in the President of the Republic.

The Committee would be grateful if the Government would indicate what steps have been taken with regard to Convention No. 104 and Recommendations Nos. 99 and 100, adopted by the Conference at its 38th Session.

#### *Yugoslavia*

The Committee notes that the Government has submitted to the competent authority Convention No. 104 and Recommendations Nos. 99 and 100, with the proposal that the Convention should be ratified and the Recommendations accepted.

Since the Government has not indicated what authorities are considered as competent for the purposes of article 19 of the Constitution of the I.L.O. with regard to these three instruments, the Committee would be glad if the Government would supply the necessary information in this connection.

# Appendix I. Position of the Individual Members with Regard to the Obligation to Submit Conference Decisions to the Competent Authorities

(31st to 38th Sessions of the International Labour Conference, 1948-55)

*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 and 38th
Albania . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th
Argentina . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	—
Australia . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	38th
Austria . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	—
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) and 38th
Bolivia . . . . .	32nd (C 96)	31st, 32nd (C 91, 92, 93, 94, 95, 97, 98; R 84, 85, 86, 87), 33rd, 34th, 35th, 36th, 37th and 38th
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, 37th and 38th
Bulgaria . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	—
Burma . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	37th and 38th
Byelorussia <sup>1</sup> . . . . .	37th and 38th	—
Canada . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	—
Ceylon . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	—
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), and 38th
China . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th
Colombia . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	37th and 38th
Costa Rica . . . . .	31st (C 87, 89, 90) and 32nd (C 91, 92, 98)	31st (C 88; R 83), 32nd (C 93, 94, 95, 96, 97; R 84, 85, 86, 87), 33rd, 34th, 35th, 36th, 37th and 38th
Cuba . . . . .	31st, 32nd, 34th, 35th (C 101, 103; R 93, 95) and 38th	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, 37th and 38th
Denmark . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	—
Dominican Republic . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	37th and 38th
Ecuador . . . . .	32nd (C 91, 92, 93, 94, 95, 96, 97, 98; R 84, 85, 86), 34th (C 99, 100; R 89, 90), 36th and 38th (C 104)	31st, 32nd (R 87), 33rd, 34th (R 91, 92), 35th, 37th and 38th (R 99, 100)
Egypt . . . . .	31st (C 88; R 83), 32nd (C 98), 35th (C 101) and 38th	31st (C 87, 89, 90), 32nd (C 91, 92, 93, 94, 95, 96, 97; R 84, 85, 86, 87), 33rd, 34th, 35th (C 102, 103; R 93, 94, 95), 36th and 37th
Ethiopia . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th
Finland . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	—
France . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	38th
Germany (Federal Republic) <sup>2</sup> . . . . .	34th, 35th, 36th, 37th and 38th	—
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, 37th and 38th

<sup>1</sup> Byelorussia became a Member of the Organisation in 1954.

<sup>2</sup> The Federal Republic of Germany became a Member of the Organisation at the 34th 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)
Guatemala . . . . .	31st, 32nd (C 94, 95, 96, 97, 98; R 84, 85, 86)	32nd (C 91, 92, 93; R 87), 33rd, 34th, 35th, 36th, 37th and 38th
Haiti . . . . .	31st (C 90) and 32nd (C 98)	31st (C 87, 88, 89; R 83), 32nd (C 91, 92, 93, 94, 95, 96, 97; R 84, 85, 86, 87), 33rd, 34th, 35th, 36th, 37th and 38th
Hungary . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	38th
Iceland . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	—
India . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	—
Indonesia <sup>1</sup> . . . . .	—	33rd, 34th, 35th, 36th, 37th and 38th
Iran . . . . .	31st, 32nd, 33rd, 34th (C 99, 100), 35th (C 101, 102, 103) and 38th (C 104)	34th (R 89, 90, 91, 92), 35th (R 93, 94, 95), 36th, 37th and 38th (R 99, 100)
Iraq . . . . .	31st (C 88)	31st (C 87, 88, 90; R 83), 32nd, 33rd, 34th, 35th, 36th, 37th and 38th
Ireland . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	—
Israel <sup>2</sup> . . . . .	32nd, 33rd, 34th (C 99, 100; R 89, 90), 35th, 36th and 37th	34th (R 91, 92) and 38th
Italy . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	38th
Japan <sup>3</sup> . . . . .	35th, 36th, 37th and 38th	—
Lebanon . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th
Liberia . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th
Libya <sup>4</sup> . . . . .	—	35th, 36th, 37th and 38th
Luxembourg . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	38th
Mexico . . . . .	31st, 34th (C 99, 100; R 89, 90)	32nd, 33rd, 34th (R 91, 92), 35th, 36th, 37th and 38th
Netherlands . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	38th
New Zealand . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	—
Norway . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	—
Pakistan . . . . .	31st, 32nd, 33rd, 34th and 35th	36th, 37th and 38th
Panama . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th
Peru . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th
Philippines . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	38th
Poland . . . . .	31st (C 87), 32nd (C 91, 92, 95, 96, 98), 34th (C 100; R 90), 35th (C 101) and 36th	31st (C 88, 89, 90; R 83), 32nd (C 93, 94, 97; R 84, 85, 86, 87), 33rd, 34th (C 99; R 89, 91, 92), 35th (C 102, 103; R 93, 94, 95), 37th and 38th
Portugal . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	38th
El Salvador . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th
Sweden . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	—
Switzerland . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	—
Syria . . . . .	31st (C 89), 32nd (C 94, 95, 96, 98), 34th (C 100), 36th (R 97) and 38th (C 104)	31st (C 87, 88, 90; R 83), 32nd (C 91, 92, 93, 97; R 84, 85, 86, 87), 33rd, 34th (C 99; R 89, 90, 91, 92), 35th, 36th (R 96), 37th and 38th (R 99, 100)
Thailand . . . . .	31st, 32nd, 33rd, 34th, 35th and 36th	37th and 38th
Turkey . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	—
Ukraine <sup>5</sup> . . . . .	37th and 38th	—
Union of South Africa . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	—
U.S.S.R. <sup>6</sup> . . . . .	37th and 38th	—

<sup>1</sup> Indonesia became a Member of the Organisation at the 33rd Session.

<sup>2</sup> Israel became a Member of the Organisation at the 32nd Session.

<sup>3</sup> Japan re-entered the Organisation after the closure of the 34th Session.

<sup>4</sup> Libya became a Member of the Organisation at the 35th Session.

<sup>5</sup> Ukraine became a Member of the Organisation in 1954.

<sup>6</sup> The U.S.S.R. re-entered 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)
United Kingdom . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	38th
United States . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	38th
Uruguay . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th (R 99, 100)	38th (C 104)
Venezuela . . . . .	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th
Viet-Nam <sup>1</sup> . . . . .	33rd, 34th, 35th, 36th and 37th	38th
Yugoslavia . . . . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	—

<sup>1</sup> Viet-Nam became a Member of the Organisation at the 33rd Session.

Appendix II. 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 COMMUNICATED, WITHIN THE PRESCRIBED TIME LIMITS, INFORMATION INDICATING THAT CONVENTIONS AND RECOMMENDATIONS HAVE BEEN SUBMITTED TO THE COMPETENT AUTHORITIES

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)	38th (June 1955)
All the decisions have been submitted	16	17	21	25	25	28	29	24
Some of these decisions have been submitted . . . . .	7	2	— <sup>1</sup>	4	3	1	— <sup>1</sup>	4
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	41
Number of States which were Members of the Organisation at the time of the session . . . . .	60	61	63	64	66	66	69	69

<sup>1</sup> At this session the Conference adopted only one Recommendation.

TABLE II. OVER-ALL POSITION OF MEMBERS AS AT 1 APRIL 1957

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)	38th (June 1955)
All the decisions have been submitted	41	38	39	39	39	41	37	24
Some of these decisions have been submitted . . . . .	11	12	— <sup>1</sup>	8	7	1	— <sup>1</sup>	4
None of these decisions have been submitted (including cases in which no information has been supplied by the government) . . . . .	8	11	24	17	20	24	32	41
Number of States which were Members of the Organisation at the time of the session . . . . .	60	61	63	64	66	66	69	69

<sup>1</sup> At this session the Conference adopted only one Recommendation.

**Appendix III. Table of "Competent Authorities" (Article 19 of the Constitution of the I.L.O.) and of Authorities Empowered to Legislate under National Constitutions**

(\* = Federal States)

Country	Authority empowered to legislate under the national Constitution <sup>1</sup>	Article of the national Constitution	Authority considered as competent by the Government (article 19 of the Constitution of the I.L.O.)
Afghanistan . . . . .	Shura-i-Milli (National Council) (Parliament)	39, 41, 44, 51, 68	Sadarat-i-Azma (Council of Ministers)
Albania . . . . .	People's Convention (Parliament)	39 <sup>2</sup>	Praesidium of the People's Assembly
Argentina * . . . . .	Congress (Chamber of Deputies and Senate)	41 <sup>3</sup>	Congress. At present the Executive Power
Australia * . . . . .	Parliament of the Commonwealth (Senate and House of Representatives)	1	Parliament of the Commonwealth (Senate and House of Representatives)
Austria * . . . . .	Nationalrat (National Council) and Bundesrat (Federal Council)	24, 41 (1)	Nationalrat (National Council)
Belgium . . . . .	Chamber of Representatives and Senate	26	Chamber of Representatives and Senate
Bolivia . . . . .	National Congress (Chambers of Deputies and of Senators)	47	National Congress (Chambers of Deputies and of Senators)
Brazil * . . . . .	National Congress (Chamber of Deputies and Senate)	5 (xv) (a), 37, 65 (ix)	National Congress (Chamber of Deputies and Senate)
Bulgaria	National Assembly	16	Praesidium of the National Assembly
Burma	Parliament (Chamber of Deputies and Chamber of Nationalities)	65	Parliament (Chamber of Deputies and Chamber of Nationalities)
Byelorussia . . . . .	Supreme Soviet (Parliament)	23	Praesidium of the Supreme Soviet
Canada * . . . . .	Parliament (Senate and House of Commons)	17, 91	Parliament (Senate and House of Commons)
Ceylon	Parliament (Senate and House of Representatives)	7, 29 (1)	Parliament (Senate and House of Representatives)
Chile . . . . .	National Council (Senate and Chamber of Deputies)	24, 45	National Council (Senate and Chamber of Deputies)
China . . . . .	Legislative Yuan	62	Legislative Yuan
Colombia . . . . .	Congress (Senate and House of Representatives)	76 <sup>4</sup>	Congress. At present the Executive Power.
Costa Rica . . . . .	Legislative Assembly	105	Legislative Assembly
Cuba . . . . .	Congress (House of Representatives and Senate)	119	Congress. As regards Recommendations, both Congress and the Executive Power.
Czechoslovakia . . . . .	National Assembly	V	No information
Denmark . . . . .	Folketing (Parliament)	3	Folketing (Parliament)
Dominican Republic	Congress (Senate and Chamber of Deputies)	13	Congress (Senate and Chamber of Deputies)
Ecuador . . . . .	Congress (Senate and Chamber of Deputies)	26	Congress (Senate and Chamber of Deputies)
Egypt . . . . .	National Assembly	65 <sup>5</sup>	Council of Ministers
Ethiopia . . . . .	Chamber of Senators and Chamber of Deputies	7, 9, 34 <sup>6</sup>	No information
Finland . . . . .	Diet (Chamber of Representatives)	2 <sup>7</sup>	Diet (Chamber of Representatives)
France . . . . .	Parliament (National Assembly and Council of the Republic)	5, 13, 20	Parliament (National Assembly and Council of the Republic)
Federal Republic of Germany * . . . . .	Federal Parliament (Bundestag and Bundesrat)	72 (2), 74 (12)	Federal Parliament (Bundestag and Bundesrat)
Greece . . . . .	Parliament	22	Parliament

<sup>1</sup> In certain countries the legislative authority is vested jointly in Parliament and the Chief of the State. For the purposes of this table, however, it has not been considered necessary to mention the latter.

<sup>2</sup> Constitution of 15 March 1946. A new Constitution has been adopted since then, and was promulgated on 4 July 1950.

<sup>3</sup> Constitution of 16 March 1949.

<sup>4</sup> Constitution of 4 August 1886, amended on 16 February 1945.

<sup>5</sup> Constitution of 16 January 1956. The elections for the National Assembly have not yet taken place.

<sup>6</sup> Constitution of 16 July 1931. The text of a new Constitution has been prepared, which will modify substantially the present text.

<sup>7</sup> Form of Government Act of 17 July 1919.

Country	Authority empowered to legislate under the national Constitution	Article of the national Constitution	Authority considered as competent by the Government (article 19 of the Constitution of the I.L.O.)
Guatemala . . . . .	Congress	113 <sup>1</sup>	Congress
Haiti . . . . .	National Assembly (Chamber of Deputies and Senate)	35	National Assembly (Chamber of Deputies and Senate)
Hungary . . . . .	Parliament	14	Presidential Council
Iceland . . . . .	Althing (Parliament)	2	Althing (Parliament)
India * . . . . .	Parliament (Council of States and House of the People)	79, 107	Parliament (Council of States and House of the People)
Indonesia . . . . .	Government and Chamber of Representatives	89	Government and Chamber of Representatives
Iran . . . . .	Parliament (National Assembly and Senate)	27 <sup>2</sup>	Parliament (National Assembly and Senate)
Iraq . . . . .	Senate and Chamber of Deputies	28	Senate and Chamber of Deputies
Ireland . . . . .	Oireachtas (Parliament) (House of Representatives and Senate)	15, 2 (1)	Government. Nevertheless the decisions of the Conference are also submitted to the Oireachtas
Israel . . . . .	Knesseth (Parliament)	1	Knesseth (Parliament)
Italy . . . . .	Parliament (Senate and Chamber of Deputies)	70	Parliament (Senate and Chamber of Deputies)
Japan . . . . .	Diet (Parliament)	41	Diet (Parliament)
Lebanon . . . . .	Chamber of Deputies	16	No information
Liberia . . . . .	House of Representatives and Senate	2. sec. 1	No information
Libya * . . . . .	Parliament (Senate and House of Representatives)	41	Parliament (Senate and House of Representatives)
Luxembourg . . . . .	Chamber of Deputies	46, 47, 50	Chamber of Deputies
Mexico * . . . . .	Congress (Chamber of Deputies and Senate)	50	No information
Netherlands . . . . .	States-General (Parliament)	112	States-General (Parliament)
New Zealand . . . . .	House of Representatives	32, 53	House of Representatives
Norway . . . . .	Storting (Parliament)	49	Storting (Parliament)
Pakistan * . . . . .	Parliament	—	Parliament
Panama . . . . .	National Assembly	106	National Assembly
Peru . . . . .	Congress (Senate and Chamber of Deputies)	89, 123 (1)	Congress (Senate and Chamber of Deputies)
Philippines . . . . .	Congress (Senate and House of Representatives)	VI (1)	Congress (Senate and House of Representatives)
Poland . . . . .	Sejm (Parliament)	15	Council of State
Portugal . . . . .	National Assembly	91 (1)	National Assembly
El Salvador . . . . .	Legislative Assembly	35	Legislative Assembly
Sweden . . . . .	Riksdag (Parliament)	49, 87	Riksdag (Parliament)
Switzerland * . . . . .	Federal Assembly (National Council and Council of States)	71, 84, 85, 89	Federal Assembly (National Council and Council of States)
Syria . . . . .	Chamber of Deputies	35	Chamber of Deputies
Thailand . . . . .	National Assembly	7	National Assembly
Turkey . . . . .	Grand National Assembly	6	Grand National Assembly
Ukraine . . . . .	Supreme Soviet (Parliament)	23	Praesidium of the Supreme Soviet
Union of South Africa . . . . .	Parliament (Senate and House of Assembly)	19	Executive Council. Nevertheless the decisions of the Conference are also submitted to Parliament
U.S.S.R. * . . . . .	Supreme Soviet (Parliament)	32	Praesidium of the Supreme Soviet

<sup>1</sup> Constitution of 2 February 1956.<sup>2</sup> Constitutional Act of Iran of 8 October 1907.

Country	Authority empowered to legislate under the national Constitution	Article of the national Constitution	Authority considered as competent by the Government (article 19 of the Constitution of the I.L.O.)
United Kingdom .	Parliament	—	Parliament
United States * . .	Congress (Senate and House of Representatives)	I (1)	Congress (Senate and House of Representatives)
Uruguay . . . . .	General Assembly (Senate and Chamber of Deputies)	83	General Assembly (Senate and Chamber of Deputies)
Venezuela * . . . .	National Congress (Chamber of Deputies and Senate)	62	No information
Viet-Nam . . . . .	President of the Republic	3 <sup>1</sup>	President of the Republic
Yugoslavia * . . . .	Federal People's Assembly	15.5 (b) <sup>2</sup>	Federal People's Assembly (when the adoption of new legislation or amendments is required) and Federal Executive Council (in the other cases)

<sup>1</sup> Order No. 1 of 1 July 1949.  
<sup>2</sup> Fundamental Law of 13 January 1953.

## PART THREE

### CONCLUSIONS OF THE COMMITTEE CONCERNING CONVENTIONS AND RECOMMENDATIONS WITH REGARD TO WHICH REPORTS WERE REQUESTED UNDER ARTICLE 19 OF THE CONSTITUTION

#### X. General Remarks

- (A) LABOUR INSPECTION CONVENTION (No. 81) AND RECOMMENDATION (No. 81), 1947; LABOUR INSPECTION (MINING AND TRANSPORT) RECOMMENDATION 1947 (No. 82).

##### *Introduction*

1. In view of the fundamental importance of labour inspection, nationally and internationally alike, this is the second occasion on which reports under article 19 of the Constitution of the I.L.O. on the application of the Convention and the two Recommendations which supplement it have been called for by the Governing Body. The Committee's General Remarks on the earlier reports are to be found in its report submitted to the 34th Session of the Conference.<sup>1</sup> It may be noted that in the intervening six years the number of ratifications of the Convention has risen from 11 to 28, the ratifying States being: Argentina, Austria, Belgium, Bulgaria, Ceylon, Cuba, the Dominican Republic, Egypt, Finland, France, the Federal Republic of Germany, Greece, Guatemala, Haiti, India, Iraq, Ireland, Israel, Italy, Japan, the Netherlands, Norway, Pakistan, Sweden, Switzerland, Turkey, the United Kingdom and Yugoslavia.

##### *Reports Received*

2. Reports on the effect given to the Convention have been submitted under article 19 of the Constitution by the governments of 29 States.<sup>2</sup> The present survey also covers annual reports submitted under article 22 of the Constitution by the governments of 20 States which have ratified the Convention<sup>3</sup>, and is therefore based on information from a total of 49 countries.

<sup>1</sup> I.L.O.: *Report of the Committee of Experts on the Application of Conventions and Recommendations*, Report III (Part IV), International Labour Conference, 34th Session, Geneva, 1951 (Geneva, 1951), pp. 48 to 54.

<sup>2</sup> Australia, Belgium, Byelorussia, Canada, Ceylon, Chile, Costa Rica, Czechoslovakia, Denmark, Egypt, Honduras, Iceland, Iran, Jordan, Luxembourg, Mexico, New Zealand, the Philippines, Poland, Portugal, Spain, the Sudan, Tunisia, Ukraine, the Union of South Africa, the U.S.S.R., the United States, Uruguay and Viet-Nam. The ratifications of the Convention by Belgium, Ceylon and Egypt were registered after reports were requested. The reports of Australia, Czechoslovakia and Tunisia were received too late to be summarised in Report III (Part II) prepared for the 40th Session of the Conference (1957).

<sup>3</sup> Austria, Bulgaria, Cuba, the Dominican Republic, Finland, France, Guatemala, Haiti, India, Iraq, Ireland, Italy, Japan, the Netherlands, Norway, Pakistan, Sweden, Switzerland, Turkey and the United Kingdom. No such reports are yet due from eight governments whose ratification is of recent date: those of Argentina, Belgium, Ceylon, Egypt, the Federal Republic of Germany, Greece, Israel and Yugoslavia. The names of ratifying countries which have reported under article 22 are printed in *italics* wherever reference is made to the application of the Convention.

3. The governments of 52 countries<sup>4</sup> have submitted reports under article 19 of the Constitution on the Labour Inspection Recommendation, 1947, and the Labour Inspection (Mining and Transport) Recommendation, 1947.

##### *Contents*

4. As regards the Convention, most of the reports submitted under article 19 of the Constitution, as also the reports available under article 22, are detailed enough to enable an assessment to be made of the extent to which the Convention is being applied. In certain cases ratifying countries have not as yet supplied adequate information on, or given full effect to, all the Articles of the Convention. The Committee's observations as regards these countries will be found in Part Two above. The reports from Egypt and Luxembourg state that the Convention is in process of ratification, but give no information as to its application.<sup>5</sup> The reports of Iran and the Philippines supply limited information as to the inspection systems in these countries. The reports from Honduras and Jordan indicate that no operative legislation on labour inspection exists.

5. The position as regards the contents of the reports on the Labour Inspection Recommendation, 1947, is less satisfactory. Full reports are available from only 19 of the 52 reporting countries.<sup>6</sup> Many countries omit to give information as to one or more of the four Parts of the instrument. As regards the Labour Inspection (Mining and Transport) Recommendation, 1947, the reports received are generally adequate.<sup>7</sup>

##### *Position of Law and Practice in the Various Countries*

##### *Scope, Organisation and Functions of Labour Inspection Systems.*

6. *Article 1 of the Convention* requires the maintenance of a system of labour inspection in industrial

<sup>4</sup> With the exception of Egypt and Portugal, all the States which have ratified the Convention or have submitted reports on its application pursuant to article 19 of the Constitution have also submitted reports on the two Recommendations. In addition to the 52 reports referred to in the text above, reports have been received from the Netherlands Government on the Labour Inspection Recommendation, 1947, in respect of Netherlands New Guinea and Surinam, and on both Recommendations in respect of the Netherlands Antilles.

<sup>5</sup> Accordingly, the findings hereafter do not cover the systems of labour inspection existing in these two countries.

<sup>6</sup> Argentina, Austria, Belgium, Denmark, Finland, France, the Federal Republic of Germany, India, Ireland, Japan, New Zealand, Norway, Pakistan, the Philippines, Sweden, Switzerland, Turkey, the United Kingdom and the United States.

<sup>7</sup> However, the reports of Ceylon and Pakistan do not contain detailed information, and those of Poland and the Sudan do not deal with labour inspection in transport.

workplaces, and *Article 2, paragraph 1*, provides that such system shall apply to all workplaces subject to protective legislation enforceable by labour inspectors.

7. With the exception of Honduras and Jordan, labour inspection appears to exist in all reporting countries.

8. Under *paragraph 2 of Article 2*, mining and transport may be exempted from the Convention, but the *Labour Inspection (Mining and Transport) Recommendation, 1947*, states that proper systems of labour inspection should exist in these industries to ensure compliance with legal provisions relating to conditions of work and the protection of workers.

9. As regards mines, the general inspection system extends to such undertakings in 17 countries.<sup>1</sup> In 15 other countries the general inspection system applies with only slight modifications.<sup>2</sup> In 16 countries there are special mines inspectorates, subject to the jurisdiction of an appropriate government department.<sup>3</sup>

10. As regards transport, the general inspection system applies in 25 countries.<sup>4</sup>

11. In 12 other countries the general inspection system applies, subject to certain modifications.<sup>5</sup> Special transport inspectorates exist in ten countries.<sup>6</sup>

<sup>1</sup> Argentina, Costa Rica, Cuba, Denmark, the Dominican Republic, Guatemala, Haiti, Iceland (where, however, mining as an industry is unknown), Iran, Iraq, Mexico, Norway, the Philippines, Sweden, Turkey, Uruguay and Yugoslavia. In addition, in Greece the general system applies to work in mining undertakings above ground.

<sup>2</sup> In four countries the modification consists of the vesting of control of the inspectorate in the Ministry responsible for mines instead of the Ministry (normally the Ministry of Labour) responsible for inspection in industry generally (Chile, Finland, Japan, Tunisia). In eight countries, while the general inspection system extends to mining, additional safety or technical inspections are carried out by the Ministry responsible for mines (Australia, Bulgaria, Byelorussia, Poland, the Sudan, Ukraine, the U.S.S.R., Viet-Nam). In France, inspections are carried out by mines engineers having the status of labour inspectors. In Israel legislation regarding safety committees and safety delegates does not apply to mines. In Spain safety inspections are carried out by mines engineers, to whom labour inspectors may report contraventions of safety requirements.

<sup>3</sup> Austria, Belgium, Canada (federal inspection of pipelines, special inspectorates in mining provinces), Ceylon, Czechoslovakia, the Federal Republic of Germany, Greece (underground workings), India, Ireland, Italy, the Netherlands, New Zealand, Pakistan, the Union of South Africa, the United Kingdom and the United States (federal inspection of coal mines, state inspection in all mining states). It may be noted here that the report of the United States Government includes reference to the labour inspection systems in the District of Columbia, Alaska and Hawaii, which for present purposes are classed as states.

<sup>4</sup> Argentina, Belgium, Byelorussia, Canada (several provinces), Ceylon, Chile, Costa Rica, Cuba, Denmark, the Dominican Republic, Guatemala, Haiti, Iceland, Iran, Iraq, Japan, Mexico, Norway, the Philippines, Spain, Sweden, Ukraine, the U.S.S.R., Uruguay and Yugoslavia. In addition, the general inspection system applies to workshops belonging to transport undertakings in Switzerland, and to those parts of transport undertakings which are "factories" within the Factories Acts and the loading and unloading of ships in the United Kingdom.

<sup>5</sup> The general system applies to transport undertakings, but additional inspections are carried out by the Ministry responsible for transport, in Australia, Bulgaria, Greece, Italy, the Netherlands and Viet-Nam (where, however, crews of ships and aircraft are subject to special legislation). In Finland the state railways are subject to inspection only in respect of repair shops, construction works, and hours of work of operating staff. In the Federal Republic of Germany the state railways and postal services are subject to internal inspections, and ships are inspected by qualified staff of the shipowners' mutual insurance association. In Israel legislation regarding safety committees and safety delegates does not apply to transport undertakings. In Tunisia control of inspection services is vested in the Director

12. *Part II of the Convention (Articles 22 to 24)* provides for the maintenance of a system of inspection in commercial workplaces corresponding to that prescribed for industrial workplaces, but these provisions may be excluded from ratification, under Article 25. The following ratifying countries have excluded Part II: India, Iraq, Ireland, Switzerland and the United Kingdom. In India some of the states have enacted legislation in respect of shops, and have inspection systems for its enforcement. In Ireland there is inspection in respect of legislation regarding annual holidays for certain classes of workers in commerce, and regarding conditions of work of shop workers, of law clerks and of messengers in certain areas. In the United Kingdom inspection in commercial establishments relates to provisions regarding wages, the employment of children and young persons, and working conditions in shops.

13. All the inspection systems in respect of which information has been supplied under article 19 of the Constitution appear to cover commercial establishments (except that in Iceland, where there are three systems of inspection, the state safety and health inspection system does not extend to these undertakings).

14. *Article 4 of the Convention* provides that, as far as is compatible with administrative practice, labour inspection shall be under the control of a central authority. This requirement is generally met, the most common practice being for ultimate responsibility to rest with the Ministry of Labour, subject to the transfer of responsibility as regards inspection in mining and transport already noted. In a number of countries, however, parallel to state inspectorates there are other agencies, such as public boards or trade union inspectorates, which perform inspection functions. In all but one of the Canadian provinces, as well as in five states of the United States, inspection staffs are maintained by Workmen's Compensation Boards. In Bulgaria, Byelorussia, Czechoslovakia, Poland, Ukraine and the U.S.S.R. the main inspection work is in the hands of the trade unions, and ultimate responsibility rests with the Central Committee of Trade Unions. In Iceland there are three inspection systems: state inspection regarding safety and health, inspection relating to employment of children directed by local boards supervised by a central board appointed by the Minister of Labour and Social Affairs, and trade union inspection to enforce collective agreements and social legislation. In the Union of South Africa enforcement of working conditions embodied in collective agreements is left to the joint industrial councils set up for particular

of Public Works in place of the Ministry of Labour. In Turkey, as regards air transport, the general system applies only to ground services. In the Union of South Africa inspection applies only in industries or branches of industries in which industrial councils have been established.

<sup>6</sup> Austria (covering railways, trams, motor, water and air transport, and postal and telegraphic services), Canada (federal inspection of steamships and railways, provincial inspection of motor transport in all but two provinces), Czechoslovakia (covering railways, aviation, road transport, inland water transport and ocean shipping), France (covering railways, road and air transport), India (central government inspection of railways, state inspection in road transport), Ireland (covering railways, with some provisions relating to road transport drivers enforced by civic guards), New Zealand (covering road transport, sea transport, and civil aviation), Switzerland (federal inspection of state and concessionary railways and of shipping, cantonal inspection of non-concessionary transport), the United Kingdom (in respect of railways) and the United States (federal inspection of road and rail transport, with similar state inspectorates).



industries, each of which is autonomous, but this system of inspection does not apply to Native workers, for whom there is separate legislation on which the government gives no information in its report. In a number of countries, minor inspection duties are left to local authorities, e.g. in most of the Canadian provinces and in Denmark; in a few predominantly rural states of the United States all inspection activities are left to local authorities or the labour or health departments.

15. *Article 3 of the Convention* lays down the functions of inspection systems (enforcement of labour legislation, information and advice on measures to comply therewith, and discovery of defects and abuses not covered by existing laws) in *paragraph 1*, and provides in *paragraph 2* that any further duties entrusted to inspectors shall not prejudice the effective discharge of their primary duties. It would appear that in most countries the functions of inspectorates are on the lines laid down in paragraph 1, and that, subject to what is said hereunder regarding conciliation and arbitration functions, the requirements of paragraph 2 are also observed.

16. *Article 3* is supplemented by *Part III of the Labour Inspection Recommendation, 1947*, which provides that the functions of labour inspectors shall not include those of conciliators or arbitrators in labour disputes. This provision is stated to be complied with in 25 countries<sup>1</sup>, but is not implemented in 12 countries.<sup>2</sup>

17. The governments of several States have commented on the circumstances of non-application of *Part III* of the Recommendation in their countries. The Belgian Government considers that labour inspectors can play an important part in maintaining industrial peace. The French Government states that in practice, and by virtue of a well established custom, labour inspectors constantly act as friendly mediators. The New Zealand Government points out that the fact that labour inspectors are frequently asked to adjudicate on minor differences or to arbitrate under awards has occasioned no opposition and has often provided a satisfactory substitute for formal enforcement action. The Viet-Nam Government, finally, has observed that the existing system, whereby inspectors not only act as conciliators but represent the workers in the absence of trade unions, is convenient and to the workers' advantage.

#### *Co-operation.*

18. *Article 5 of the Convention* provides for co-operation between the inspectorate and other government services and public or private institutions engaged in similar activities, and for collaboration between inspectors and employers and workers and their organisations. These principles are further elaborated in *Part II of the Labour Inspection Recommendation, 1947*. The reports of 11 non-ratifying countries<sup>3</sup> indicate that arrangements for co-operation

with other government services and/or other institutions exist, and the position appears to be the same in the countries which have reported under article 22 of the Constitution (although in a number of these cases the available information is somewhat vague). Aid may be enlisted from the Ministry of Health (e.g. in Chile, Denmark and New Zealand) or provision may be made for national accident prevention or safety and health committees or associations, frequently on a tripartite basis. Such national bodies exist in 20 countries.<sup>4</sup>

19. The provisions of *Part II* of the Recommendation appear to be given full effect in 17 countries<sup>5</sup>, and substantial effect in five other countries.<sup>6</sup> In a number of countries legislation provides for the establishment of works safety committees or the appointment of workers' safety delegates; in others similar arrangements have been made voluntarily, either in individual undertakings or on the basis of agreements between employers' and workers' organisations. A detailed analysis of the information supplied regarding the application of *Part II* of the Recommendation is not possible here, but a few examples may serve to illustrate the type of arrangements which implement the provisions of the Recommendation. In Belgium and France safety and health committees are required to submit reports to the inspectorate. In Bulgaria and Byelorussia clauses regarding safety and health are inserted in annually concluded collective agreements. In the latter country quarterly meetings of trade union committees, labour inspectors and management representatives are held at which the implementation of these agreements and the current state of labour protection in undertakings are discussed. In Costa Rica inspectors must send copies of notices served on undertakings to their safety committees. In Poland and the U.S.S.R. works safety committees have an inspector as chairman. The countries with national safety committees or associations have been enumerated above in connection with Article 5 of the Convention. As an example of such institutions may be mentioned the Austrian Accident Prevention Commission, comprising representatives of employers and workers, which has existed since 1899 and provides expert opinions and advice to the Government. In a number of countries the activities of organisations representative of employers and workers concerning themselves with industrial safety and health problems are subsidised by the State. In Denmark an occupational safety and health exhibition is financed by contributions from the State, the Copenhagen City Council, accident insurance companies and employers' and workers' organisations, all of which are represented on its board. Many countries refer to permanent and mobile safety exhibitions or to exhibitions at trade fairs. Industrial safety and health weeks are organised annually in Japan. The inclusion of industrial health and safety among the subjects taught at technical schools is widespread, and in most countries inspectors themselves engage to some extent in providing instruction, by way of occasional lectures, as in Switzerland and the United Kingdom, or in continuous courses, as in the Philippines. In Canada,

<sup>1</sup> Argentina, Australia, Austria, Bulgaria, Canada, Cuba, Denmark, Finland, the Federal Republic of Germany, Haiti (in the capital, Port-au-Prince, only), India, Iran (except in places where the absence of sufficient officials makes it necessary for inspectors also to act as arbitrators), Ireland, Italy, Japan, the Netherlands, Norway, Pakistan, the Philippines, Poland, Sweden, Switzerland, Tunisia, the United Kingdom and the United States (with the exception of one or two states).

<sup>2</sup> Belgium, Ceylon, Chile, Costa Rica, France, Greece, Mexico, New Zealand, Turkey, the Union of South Africa, Viet-Nam and Yugoslavia.

<sup>3</sup> Australia, Byelorussia, Canada, Chile, Czechoslovakia, Denmark, New Zealand, Spain, Ukraine, the U.S.S.R. and the United States.

<sup>4</sup> Austria, Belgium, Costa Rica, Finland, France, the Federal Republic of Germany, Iceland, Ireland, Israel, Italy, Japan, New Zealand, Norway, Pakistan, the Philippines, Sweden, Switzerland, Tunisia, the United Kingdom and Viet-Nam.

<sup>5</sup> Austria, Belgium, Bulgaria, Byelorussia, Canada, Czechoslovakia, Denmark, Finland, France, the Federal Republic of Germany, Ireland, Israel, New Zealand, the Philippines, Sweden, the U.S.S.R. and the United Kingdom.

<sup>6</sup> Costa Rica, the Netherlands, Norway, Spain and Yugoslavia.

the Manitoba Labour Department, in co-operation with the evening institute of Manitoba University, conducts accident prevention courses for personnel in industry, and in the Federal Republic of Germany the Federal Industrial Safety Institute has on a number of occasions organised special courses for teachers in technical and vocational schools.

*Status, Qualifications, Training and Geographical Distribution of Inspectors.*

20. *Article 6 of the Convention* provides that inspection staffs shall consist of public officials assured of stability of employment and independence of changes of government and of improper external influences. *Article 7* provides that the recruitment of inspectors shall be on the basis of their qualifications only, as determined by the competent authority, and that inspectors shall be adequately trained.

21. According to the reports, effect is given to these articles in all the ratifying countries from which reports are available under article 22 of the Constitution (except *Bulgaria*, where the position is not yet quite clear) and in 13 non-ratifying countries.<sup>1</sup> They are partially given effect in four non-ratifying countries.<sup>2</sup> In Byelorussia, Ukraine, the U.S.S.R., *Bulgaria* and Poland, on the other hand, the technical and social inspection services are in the hands of the trade unions. The reports of the first three state that inspectors are free from all economic agencies and government departments, and in all five States the trade unions select and train inspectors along the lines indicated in Article 7. In Czechoslovakia, where certain inspection activities are also carried on by the trade unions, the Government states that trade union inspectors enjoy stability of employment, are independent of changes of government and free from improper external influences, and are selected on the basis of their qualifications.

22. In Mexico, Uruguay and 23 states of the United States, while inspectors are public officials, they are not legally assured of stability of employment. The Governments of Mexico and Uruguay state, however, that in practice inspectors have hitherto enjoyed such stability. Mexico and all the states of the United States are stated to give effect to Article 7, and a proposed reorganisation of the inspection services in Uruguay is to carry this Article into effect there also.

23. *Article 8 of the Convention* provides that both men and women should be eligible for appointment as inspectors. This provision is stated to be implemented in all the ratifying countries from which reports under article 22 of the Constitution are available and in nine non-ratifying countries.<sup>3</sup> It is also substantially given effect in two further non-ratifying countries.<sup>4</sup>

<sup>1</sup> Australia, Canada, Ceylon, Chile, Costa Rica, Iran, New Zealand, the Philippines, Portugal, Spain, the Sudan, Tunisia and Viet-Nam.

<sup>2</sup> Denmark (as regards the main inspection service, but not as regards the machinery examiners appointed by local councils), Iceland (as regards the state safety and health inspectorate, but not as regards children's protection boards appointed by town councils and the trade union-nominated workers' representatives who enforce collective agreements and social legislation), the Union of South Africa (as regards the state inspection service, but not as regards inspectors employed by industrial councils), the United States (as regards the federal inspectorate and the state inspectors of 28 states).

<sup>3</sup> Byelorussia, Chile, Iran, New Zealand, Spain, Tunisia, Ukraine, the U.S.S.R. and Uruguay.

24. *Article 9 of the Convention* provides for technical experts and specialists to be associated in the work of inspection. In Iran and Uruguay effect will be given to this provision only under proposed legislation. In the Philippines and Poland inspectors are required to have a technical education or medical training. Medical inspectors are attached to the inspectorates of Iceland and Viet-Nam. It would appear from the reports that in the remaining countries which have reported on their inspection systems, with two exceptions<sup>5</sup>, *Article 9* of the Convention is implemented, either because experts and specialists form part of the inspection staff or because experts in other government departments (e.g. the Ministry of Health) or from outside can be consulted. The former is the case in most of the ratifying countries which have reported under article 22 of the Constitution and in a number of countries which have reported under article 19 of the Constitution, such as Belgium, where the technical and medical inspectorates consist of specialists, and Ceylon, where a separate specialist inspection staff is maintained and a labour medical officer is in charge of industrial hygiene. The latter is the case, for example, in Canada and in Ukraine.

25. *Article 10 of the Convention* provides that the number of inspectors shall be adequate, and indicates the various criteria which should be taken into account in fixing the size of inspectorates. Most of the reporting countries have supplied information on the size, and often also on the distribution, of their inspectorates. It would, however, be impossible to judge the adequacy of inspection staffs without detailed consideration of the geographical, demographic, industrial and other conditions of the countries concerned.

26. *Article 11 of the Convention* requires the competent authority to provide suitable local offices and necessary transport facilities, and to reimburse inspectors' travel and incidental expenses. Australia, New Zealand, the United States and Uruguay, and all the ratifying countries from which reports are available under article 22 of the Constitution, other than *Cuba*, indicate that this is done. The reports of Belgium, *Cuba* and the Philippines state that transport is provided and inspectors' expenses reimbursed, but do not mention the provision of suitable local offices. The report of Ceylon states that inspectors are required to maintain conveyances themselves, although their travel expenses are reimbursed.

*Powers and Duties of Inspectors.*

27. *Article 12 of the Convention* lays down inspectors' powers of entry and to carry out examinations, to interrogate witnesses, to require the production of books and other documents, to enforce the posting of notices, and to take samples for analysis. Most reporting countries with inspection systems appear to give effect to the Article. In *Pakistan*, inspectors have as yet no powers to require posting of notices and to take samples. The power to enforce the posting of notices does not exist in Poland and is not mentioned in the report of Portugal. The power to take samples does not exist in the *Dominican Republic*, *Iraq* and the Union of South Africa, and it

<sup>4</sup> Australia (federal inspectorate and state inspectorates except in Queensland), the United States (federal inspectorate and most state inspectorates).

<sup>5</sup> Chile states only that the labour inspectorate is itself a technical department of the Ministry of Labour. Portugal does not give information regarding this Article.

exists in only four states of the United States; it is not mentioned specifically in the reports of Canada, *Guatemala* and Iceland. In Iran, pending new legislation, only the power of entry exists, and in *Cuba* inspectors have only powers of entry and to carry out investigations. In the Philippines, inspectors have no power of entry, but can order the attendance of witnesses before them and the production of documents. The report of Tunisia mentions powers of entry, to carry out investigations, and to call for production of documents. In Belgium, inspectors are not empowered to enter workplaces which they merely believe to be liable to inspection, and in Australia federal inspectors have power of entry during working hours only.

28. *Article 13 of the Convention* deals with inspectors' powers to require the remedying of defects in plant, layout or working methods which endanger the health or safety of the workers. In most reporting countries with an inspection system the specified powers appear to exist. This Article is only partially applied in *Iraq* and is not yet given effect in the *Dominican Republic* and Iran. The reports of *Cuba* and the Philippines do not expressly refer to provisions applying it.

29. *Article 15 of the Convention* provides (a) that inspectors shall be prohibited from having any direct or indirect interest in the undertakings under their supervision, (b) that they shall not reveal any trade secrets learned in the course of their duties, and (c) that they shall treat any complaint as confidential. It is stated to be given effect in ten of the countries<sup>1</sup> which have reported under article 19 of the Constitution and in all except five of the countries<sup>2</sup> from which reports are available under article 22 of the Constitution. In two countries<sup>3</sup> requirements (a) and (b) are observed, in two others<sup>4</sup> requirements (b) and (c). In four countries<sup>5</sup> effect is given to requirement (a), and in seven others<sup>6</sup> to requirement (b).

30. *Article 16 of the Convention* provides that workplaces shall be inspected as often and thoroughly as is necessary to ensure the effective application of labour legislation. This provision is stated to be given effect in all the countries which have reported under article 22 of the Constitution (in some of which annual inspection of all establishments is required by legislation, or more frequently by administrative direction), and in six non-ratifying countries.<sup>7</sup> The reports of three other countries<sup>8</sup> indicate that technical inspectors must regularly visit the undertakings subject to their supervision. The Canadian report states, by way of example, that in Ontario all commercial and industrial establishments are inspected at least once a year.

<sup>1</sup> Belgium (where, however, only mines inspectors are prohibited from having an indirect interest in undertakings under their supervision), Canada, Ceylon, Denmark, Iceland, New Zealand, Portugal, Spain, the United States and Uruguay.

<sup>2</sup> The five exceptions are *Bulgaria, Cuba, Guatemala, Iraq* and *Pakistan*. In these countries partial effect is given to the Article, as indicated hereunder.

<sup>3</sup> *Bulgaria* and Mexico.

<sup>4</sup> Australia and the Philippines.

<sup>5</sup> Byelorussia, *Pakistan*, Ukraine, the U.S.S.R.

<sup>6</sup> Chile, Costa Rica, *Cuba, Guatemala, Iraq, Tunisia, Viet-Nam*.

<sup>7</sup> Australia, Costa Rica, New Zealand, the Philippines, the United States, Uruguay.

<sup>8</sup> Byelorussia, Ukraine, the U.S.S.R.

<sup>9</sup> Austria, Bulgaria, Byelorussia, France, the Federal Republic of Germany, Norway, Switzerland, Turkey, Yugoslavia. In addition, effect appears to be given to the provisions in three

31. *Articles 17 and 18 of the Convention* provide for legal proceedings against persons guilty of contraventions of provisions enforceable by inspectors and for the imposition of adequate penalties in such cases and in cases of obstruction of inspectors. Effect appears to be given to these provisions in most reporting countries with inspection systems. They are not yet implemented in Iran, and the reports of Belgium and the Philippines do not give precise information.

32. *Part I of the Labour Inspection Recommendation, 1947*, supplements the above-mentioned provisions by specifying certain preventive duties of labour inspectorates (applying to both industrial and commercial establishments), including the giving of advance notice to the inspectorate of the opening of undertakings and in certain other cases, the submission of plans to inspectors for advice, and the subjection of plans of dangerous or unhealthy establishments, plants or processes to the inspectorate's requirements. Full effect appears to be given to these provisions in nine countries.<sup>9</sup> In three other countries they are given effect subject only to minor modifications.<sup>10</sup>

33. In nine countries substantial effect appears to be given to Part I of the Recommendation in respect of industrial workplaces only<sup>11</sup>; divergencies from the Recommendation in these countries most frequently arise from absence of a requirement that notice be given in advance or that notice be given on taking over an establishment.

34. In most reporting countries not already referred to, some of the provisions of Part I of the Recommendation are given effect. In a number of States building projects require the prior approval of the inspectorate or of other authorities who may consult the inspectorate<sup>12</sup>; in others notice is required (although normally not in advance) of the opening of industrial and commercial undertakings<sup>13</sup>, of industrial undertakings only<sup>14</sup>, or of commercial undertakings only.<sup>15</sup> In Iran and Iraq, Part I of the Recommendation is not given effect. The reports of Costa Rica, the Dominican Republic and Uruguay contain no information regarding it.

#### *Inspection Reports.*

35. *Article 14 of the Convention* provides that the inspectorate shall be notified of industrial accidents and occupational diseases. It is stated to be applied in 16 countries.<sup>16</sup> In four countries<sup>17</sup> industrial accidents only are reported.

Australian states (New South Wales, Queensland, Victoria) and in a few states of the United States.

<sup>10</sup> In Denmark notice need not normally be given in advance and is not required for mere taking over of an establishment. In Finland the requirement of notice is limited to the opening of establishments. In Poland advance notice of new processes of production is not required.

<sup>11</sup> Iceland, India, Italy, New Zealand, the Philippines, Spain, Sweden, the Union of South Africa and the United Kingdom. This is also the case in two Australian states (South Australia and Tasmania) and three Canadian provinces (Manitoba, Nova Scotia, Ontario).

<sup>12</sup> Argentina, Guatemala, Israel, Mexico, the Netherlands, the Sudan, Tunisia, Ukraine, the U.S.S.R.

<sup>13</sup> Greece, Haiti, Japan.

<sup>14</sup> Canada (remaining seven provinces), Ceylon, Chile, Ireland, Pakistan, the Philippines.

<sup>15</sup> Cuba.

<sup>16</sup> Austria, Bulgaria, Finland, France, India, Iraq, Ireland, Italy, Japan, the Netherlands, Norway, Sweden, Switzerland, Turkey, the United Kingdom and Uruguay.

<sup>17</sup> Australia, Haiti, New Zealand, *Pakistan*. This is also the position in certain states of the United States.

36. *Article 19 of the Convention* provides for labour inspectors or local inspection offices to submit periodical reports on their activities to the central inspection authority, and *Article 20* provides for the publication by the latter, within a year, of annual reports on the inspection services under its control. As regards ratifying countries which have reported under article 22 of the Constitution, all appear to give effect to Article 19 of the Convention, but six of them do not at present publish an annual inspection report<sup>1</sup> and in one extracts only have hitherto been published.<sup>2</sup> As regards countries which have reported under article 19 of the Constitution, Articles 19 and 20 of the Convention are stated to be given effect in 14 countries<sup>3</sup>, and in seven other countries Article 19 is stated to be observed.<sup>4</sup>

37. Article 20 also provides for copies of the annual inspection reports to be sent to the I.L.O. Reports are regularly supplied by 14 countries.<sup>5</sup> Three countries<sup>6</sup> have attached copies of their inspection reports to the reports on the Convention submitted under article 19 of the Constitution.

38. *Article 21 of the Convention* prescribes the subjects to be covered by the annual inspection reports, and *Part IV of the Labour Inspection Recommendation, 1947*, enumerates the detailed information which should be given in respect of each of these subjects. The inspection reports of 18 States<sup>7</sup> cover substantially all the subjects specified in Article 21. In five other countries<sup>8</sup> inspection reports contain most of the specified particulars. The more detailed requirements of Part IV of the Recommendation are met in great measure, if not wholly, in the inspection reports of only nine countries.<sup>9</sup>

<sup>1</sup> Bulgaria, Cuba, the Dominican Republic, France, Iraq and Turkey.

<sup>2</sup> Haiti.

<sup>3</sup> Australia (except that the federal inspectorate does not publish reports), Canada (annual reports are published in eight provinces), Ceylon, Chile, Costa Rica, Denmark, Iran, Mexico, New Zealand, Portugal, Spain, the Sudan, the Union of South Africa (so far as regards the government inspection services) and the United States (federal inspection and most states).

<sup>4</sup> Byelorussia and Ukraine (as regards the trade unions' technical inspection services), the Philippines, Poland, Tunisia, Uruguay and Viet-Nam. In Uruguay and Viet-Nam annual reports are prepared, but in the former country only extracts are published in the press, and the report of the latter does not make it clear whether the report is published.

<sup>5</sup> Austria, Denmark, Finland, the Federal Republic of Germany, India and some of the Indian provinces (e.g. Bombay and Madras), Ireland, Italy, Japan, Luxembourg, the Netherlands, Norway, Sweden, Switzerland and the United Kingdom; two of these are non-ratifying countries (Denmark and Luxembourg). In addition, some Australian states (e.g. New South Wales and Queensland) supply their reports.

<sup>6</sup> Belgium, Spain, the Sudan.

<sup>7</sup> Australia (state inspection reports), Austria, Ceylon, Chile, Finland, the Federal Republic of Germany, India, Ireland, Japan, Luxembourg, New Zealand, Norway, the Philippines, Portugal, Spain, Sweden, Switzerland and the United Kingdom. However, statistics of industrial accidents and occupational diseases are within the competence of the National Health Service in Chile, and they are published separately in most Australian states (by the Health Department or workmen's compensation administration), in Finland (by the Office of Social Research), in Spain (by the Industrial Accident Prevention Section of the Ministry of Labour), in Sweden (by the National Insurance Institution) and in Switzerland (by the National Accident Insurance Fund).

<sup>8</sup> The reports of the Netherlands omit only statistics of workplaces liable to inspection; those of Belgium, Pakistan and the United States (federal inspection) omit only statistics of occupational diseases. In Canada, the reports of Nova Scotia and Ontario omit only statistics of workplaces liable to inspection, and Manitoba's reports omit only these statistics and statistics of occupational diseases.

### *Federal States.*

39. Reports have been supplied by nine federal States: Australia, Austria, Canada, India, Mexico, Pakistan, Switzerland, the United States and the U.S.S.R. In Austria, labour protection (except as regards agricultural and forestry workers) falls within the competence of the federal Government. In Switzerland, the Confederation is responsible for labour inspection, but the cantons also have jurisdiction in this field and several of them have established inspectorates. In Canada, labour inspection is within the competence of the provincial legislatures except as regards certain matters where their jurisdiction is not exclusive. In Australia and the United States the Convention is considered appropriate in part for federal action and in part for state action. In the remaining federal States the central and state governments have concurrent jurisdiction over labour inspection: in India, for example, while labour legislation is enacted mainly by the Union Parliament, it is administered by the state governments in accordance with rules prescribed by the latter.

### *Difficulties Preventing the Ratification of the Convention.*

40. The main obstacle to ratification of the Convention in a number of States appears to be represented by the requirement of Article 6 that the inspectorate should be composed of public officials, assured of stability of employment. Thus, the Polish Government observes that, as the main inspection services are assured by the trade unions, inspectors are not public officials in the strict sense. The Government of Czechoslovakia states that its non-ratification of the Convention is due to the fact that certain inspectors are employed by the trade unions and not by the State. In the Union of South Africa, the administration of wage-regulating measures in almost all the major industries is in the hands of industrial councils representing employers' and workers' organisations; the Government observes that this system does not fit into the framework of the Convention but has proved effective and satisfactory to both sides of industry. In Denmark, where the existing legislation was drafted with a view to ratification of the Convention and accordingly conforms to its provisions to a high degree, the local machinery examiners are elected and, as the Government observes, cannot be considered public officials. The Mexican Government observes that Article 6 of the Convention has retarded ratification, as under Mexican legislation inspectors hold confidential posts. The Government of Uruguay, where the position is similar, observes that it will not ratify the Convention so long as Article 6 remains in its present form.

41. Among other difficulties preventing ratification, the Polish Government refers to the fact that no inspection reports are published, as required by Article 20, and the Government of the Union of South Africa observes that collaboration between the labour inspectorate and employers and workers or their organisations as envisaged by Article 5 (b) is lacking and that inspectors have no power to take samples in accordance with Article 12, paragraph 1 (c) (iv).

42. The Canadian Government indicates that ratification is not contemplated because labour inspection falls within the legislative jurisdiction of both the Dominion and provincial legislatures.

<sup>9</sup> Austria, Belgium, Finland, the Federal Republic of Germany, Ireland, Japan, Luxembourg, Norway and Sweden.

*Modifications Made or Contemplated in National Legislation and Practice.*

43. The Danish Government states that the legislation regarding labour inspection now in force (which was enacted in 1954) was drawn up with a view to Denmark's ratification of the Convention. The Philippines Government observes that the rules and regulations of inspection in the Philippines comply substantially with the provisions of the Convention as a result of their consolidation, in 1954, with the assistance of an I.L.O. expert.<sup>1</sup> In Portugal the measures required to bring national legislation into conformity with the Convention are stated to have been taken.

44. It has already been noted that Honduras has no labour inspection system. However, a Directorate-General of Labour Inspection exists in the Ministry of Labour, Social Affairs and the Middle Classes, as well as a section for commercial and agricultural inspection. The legislation defining the powers and duties of these agencies, which must be enacted before they can function, already exists in draft.

45. Several countries propose to extend the scope of their inspection systems. In the *United Kingdom* it is intended to extend the Factories Acts to certain parts of railway undertakings, and to enact legislation regulating the safety, health and welfare of workers in shops, offices and other non-industrial workplaces, which will make provision for inspection. In the Federal Republic of Germany, where inspection on board ship has so far been carried out by the ship-owners' mutual insurance association, it is intended to establish a state labour inspectorate for shipping. In *India*, the central Government is considering the enactment of comprehensive legislation covering motor transport workers, which would include the creation of inspection services. In *Israel*, the extension of the Factories Ordinance, which contains provisions for the appointment of safety delegates and safety committees, to mines is under consideration.

46. The Belgian Government, in the Memorandum accompanying the ratification Bill, indicated that national legislation did not give effect to Article 12, paragraph 1 (b), regarding inspectors' power of entry of premises reasonably believed to be liable to inspection, and that only mines inspectors were prohibited from having an indirect interest in undertakings subject to their inspection (as well as a direct interest) as required by Article 15 (a); the Government observed that measures would have to be taken to give full effect to these provisions. The report of Iran refers to an Industrial Safety Bill which, if passed, will provide for the establishment of laboratories in the University of Teheran on which the inspectorate will be able to call for assistance (Article 9); the Bill also defines inspectors' powers of supervision and inspection (Article 12) and to issue orders requiring improvements or the elimination of defects (Article 13), provides for the action to be taken in case of infringements (Article 17), and prescribes penalties (Article 18). In *Uruguay*, a plan for the reorganisation of the National Labour Institute makes provision for the recruitment and training of inspectors in accordance with Article 7 of the Convention and for the association of experts and specialists in the inspection work (Article 9). In the *Dominican Republic* and *Pakistan*

the granting of additional powers to inspectors is contemplated (Articles 12 and 13). The report of the Sudan indicates that, while the provisions of the Convention are already covered, further measures to strengthen the inspection services will be taken whenever necessary.

47. Several of the ratifying States in which annual inspection reports have not been published in accordance with Article 20 of the Convention propose to take steps to secure compliance with this Article. The *Dominican Republic*, *Guatemala* and *Iraq* have indicated their intention of publishing such reports, and in *Turkey* regulations have been drafted whose enactment would make publication of annual inspection reports possible. In *Haiti*, where only extracts from the inspection report have hitherto been included in the annual report of the Department of Labour, it is intended to publish a full report in future. The Governments of *Italy* and the *Netherlands* have indicated their intention to include additional information in their annual inspection reports, and in *Denmark* the form of annual reports is in course of revision.

48. Proposals bearing on the Labour Inspection Recommendation, 1947, are mentioned by *Pakistan* (legislation to give effect to Paragraphs 2 and 7, dealing respectively with the submission of plans to the inspectorate and measures regarding instruction on labour legislation and industrial safety and health) and *Tunisia* (provisions in a draft Labour Code would give effect to the advance notice requirements of Paragraph 1). *Ceylon* and *Guatemala* state generally that further measures to implement the Recommendation will be taken when opportune, and the Union of South Africa gives a similar indication in respect of the Labour Inspection (Mining and Transport) Recommendation, 1947.

*Ratification Prospects*

49. The Convention is in process of ratification in *Chile*, *Iran*, *Luxembourg* and *Tunisia*.<sup>2</sup> The reports from *Costa Rica*, *New Zealand* and *Viet-Nam* indicate that ratification is contemplated. The reports of *Portugal*, *Spain* and the *Sudan* state that national legislation is in conformity with the Convention and that no obstacle to ratification exists. The *Australian* report states that there are no current difficulties regarding the application of the Convention in the federal sphere, and that ratification of the Convention is being closely examined.

*Conclusions*

50. The Committee has stressed on more than one occasion that its examination of the effect given to ratified Conventions is greatly facilitated when the reporting countries apply the Labour Inspection Convention, 1947. For the existence of a well-organised inspection service tends to ensure on the one hand that the existing labour legislation is implemented in practice, and on the other hand that a clear and authoritative picture is provided of the extent to which this is done. The Committee took note, therefore, with great interest of the vast range of data available from over 50 countries on the organisation and functioning of their labour inspectorates. The Committee felt that in studying this information it was not only concerning itself with the effect given to the specific Convention and Recommendations

<sup>1</sup> The reports of *Argentina*, *Haiti*, *Iraq* and *Pakistan* also refer to assistance from the I.L.O. in the field of labour inspection.

<sup>2</sup> The Government of *Brazil*, from which no report has been received, has stated officially that the ratification of the Convention has been approved by Congress.

under review, but was at the same time taking advantage of a valuable opportunity to gain a more concrete idea of the day-to-day application of all national, and consequently of international, labour standards.

51. Since the Committee's first review, in 1951, of article 19 reports on the effect given to Convention No. 81, the number of ratifying countries has increased from 11 to 28, and it is not without significance that these additional ratifications come in roughly equal proportion from Europe, from the Americas, and from the Asian-African Continents. As a consequence the Convention now binds, or will shortly bind, an impressive cross-section of the membership, not only in Europe, where half the member States have ratified it, but also in Asia and the Americas, where roughly 40 and 25 per cent. of the members have done so thus far. And, as noted above, the area of application of the Convention is shortly due for further expansion, since ratification has been decided upon, or is contemplated, by eight further countries, seven of which are non-European. The Committee welcomes this trend as concrete proof that more and more countries are accepting a clear-cut obligation to pattern their labour inspection services on the detailed precepts fixed by the International Labour Conference.

52. It may also be worth recalling in this connection that Convention No. 81 and its sister Convention concerning labour inspectorates in non-metropolitan Territories (No. 85), have been declared applicable in a considerable number of the territories for whose international relations Australia, France, Italy, the Netherlands and the United Kingdom are responsible.<sup>1</sup>

53. The review of the position in both ratifying and non-ratifying countries indicates that labour inspection exists in 51 countries and generally covers mining, transport and commercial undertakings as well as industrial workplaces. The particulars supplied by the governments make it equally clear, however, that there are wide differences in the degree of organisation and in the functioning of the services set up for this purpose. While the available information has already been analysed above, with the various provisions of the Convention and the Recommendations serving as a yardstick, it may be useful at this stage to mention briefly a few salient conclusions which have emerged from this review and which may help to point the way towards further progress in the practical working of labour inspection in the member countries.

54. The Committee noted with interest that most countries express the view that the staffs of their labour inspectorates are sufficiently large to ensure that thoroughness of supervision without which the effective application of the relevant legislation could not be guaranteed (Articles 10 and 16 of the Convention). It is obviously quite impossible for the Committee to try to evaluate whether the numerical strength of the inspection staff of a given country, and the frequency of its visits, suffice to do the job. Many countries state that inspection visits are made at regular intervals and this type of systematic supervision is bound to be far more effective than the method of limiting visits to cases where complaints have been made or disputes have arisen. The Committee would stress, however, even at the risk of stating the obvious, that no labour inspectorate can be expected to do

justice to its manifold and vital tasks unless adequate human and material resources are placed at its disposal.

55. This is all the more important since the functions of labour inspection appear over the years to have undergone a gradual shift away from the traditional enforcement concept and towards a more positive approach which places special emphasis on the advisory and preventive aspects of inspection, referred to in Article 3 of the Convention and in Parts I and II of Recommendation No. 81. If the inspectorate is seriously understaffed or if its members are burdened with duties which are liable to impede their main responsibilities, e.g. if called upon to settle labour disputes, they will find it difficult to perform their primary duties adequately or at all.

56. Even if the inspectors should have sufficient time and opportunity, however, for the discharge of these duties, they could hardly hope to do so successfully unless their technical qualifications and their independence of political and other improper external influences enable them to gain the confidence of employers and workers and to deal with them in a spirit of collaboration and mutual trust. Any efficient inspectorate must therefore be composed, as laid down in Articles 7 to 9 of the Convention, of technically qualified officials whose training and experience help in the solution of the manifold and often complex problems arising in the application of the legislation enacted for the protection of the workers' health, safety and welfare. The Committee noted with concern in this connection that a number of governments appear to consider Article 6 of the Convention as an obstacle to its full implementation. This Article contains indeed a key requirement, since it defines the minimum guarantees needed to safeguard the independence of labour inspectors. It is the Committee's view that the real test of this independence is to be found in the inspector's unquestioned ability to point out, without fear of open or covert reprisal, that the methods followed in a given undertaking are contrary to the law and must therefore be changed. Any hesitation on the part of an inspector, whatever his official status, to draw attention to abuses and to call for their elimination, is bound to sap the effectiveness of his work.

57. There emerges, finally, another significant conclusion from the review of the information supplied by the governments. This concerns the provisions of the Labour Inspection Convention, 1947 (Articles 20 and 21) and of the Labour Inspection Recommendation, 1947 (Part IV) calling for the preparation and publication of an annual general report on the work of the inspection services. The Committee found with regret that in six countries which have ratified the Convention no such reports are at present being published, and it expresses the hope that the technical and other difficulties which may have stood in the way will be overcome without delay. The work of the inspection services will not be complete unless its results are published in a clear, regular and authoritative manner so as to enable employers and workers, and indeed the government itself, to gain a full picture of the way in which labour legislation is implemented. These inspection reports indicate the level of compliance in the various countries with the goals set by their legislation and by the I.L.O. standards to which the legislation is in many cases intended to give effect. The publication by governments of detailed inspection reports may therefore

<sup>1</sup> Cf. in this connection Part Two of the present report.



be considered not only as reflecting but also as underpinning a government's efforts in the field of labour protection.

58. Viewed in this light, the Labour Inspection Convention assumes its full significance, and the encouragingly wide echo which this instrument has found during the decade since its adoption—ratification by half the I.L.O. membership is now a distinct possibility for the near future—confirms the Committee in the belief that its own work of supervision rests on an increasingly solid foundation. The progress yet to be made in improving the efficiency of labour inspection depends, in many cases, on the elimination of material and technical difficulties, which may be facilitated by assistance on the spot, and it is interesting to note that, as already indicated above, reference is made to such assistance in the reports of several countries engaged in economic development programmes. Experience has shown that large-scale industrialisation must be accompanied by parallel action, through the adoption and effective implementation of protective labour standards, to ensure that those whose labour makes economic progress possible receive adequate protection in the process.

#### (B) FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANISE CONVENTION, 1948 (NO. 87)

##### Introduction

1. For the second time since the entry into force of the amended Constitution, the Committee has been called upon to examine reports furnished by the States Members of the Organisation, under article 19 of the Constitution, on the position of their law and practice in regard to the matters dealt with in the Freedom of Association and Protection of the Right to Organise Convention, 1948. Whereas the examination made by the Committee in 1953 related to reports furnished by 23 States, the remarks of the Committee this year are based on information contained in reports furnished by 57 States, that is, 74 per cent. of the States Members of the Organisation; 41 of these reports were furnished in accordance with the provisions of article 19 of the Constitution relating to the making of reports on unratified Conventions, and 16 were annual reports furnished in accordance with article 22 by States which have ratified this instrument.

2. In accordance with the new procedure adopted in 1956, the Committee's remarks relate not only to the information furnished by States which have not ratified the Convention but also to the various annual reports transmitted by those States which have ratified it.

3. The larger number of reports from which information has on this occasion been drawn has enabled the Committee to present a much more complete picture in the form of a general survey of the position of States Members in regard to the matters dealt with in the Convention. Such a picture may assist the Conference and the Governing Body in judging the extent to which their concern to see the institution or maintenance throughout the world of necessary guarantees for ensuring freedom of association, which constitutes one of the principal aspects of civil rights, has been met. The concern which the Organisation has felt in regard to this

matter has been expressed in particular by the adoption of several resolutions in which the States Members are, *inter alia*, invited to ratify and ensure the application of the two international labour Conventions relating to freedom of association.

4. When outlining briefly in 1953 the history of the Freedom of Association and Protection of the Right to Organise Convention, 1948, the Committee mentioned that following the establishment in 1950 of the "Fact-Finding and Conciliation Commission on Freedom of Association", the Governing Body of the International Labour Office had in 1951 instituted a "Committee on Freedom of Association" for the purpose of making a preliminary examination of allegations relating to infringements of trade union rights. The Committee noted then that the Committee on Freedom of Association had itself defined its functions by declaring that it was not called upon "to formulate general conclusions concerning the position of trade unions in particular countries", but that its function was simply "to evaluate specific allegations".<sup>1</sup>

5. Subsequently, a new body which, in carrying out its mandate, also based itself upon the provisions of the Freedom of Association and Protection of the Right to Organise Convention, 1948—the "Committee on Freedom of Employers' and Workers' Organisations"—was set up, following a resolution adopted by the Governing Body at its 128th Session (March 1955). This Committee of three members specially appointed for this purpose—and presided over by Lord McNair, whom the Committee of Experts was fortunate to count among its members for many years—was instructed "to prepare a report covering the membership of the I.L.O. regarding the extent of the freedom of employers' and workers' organisations from government domination and control". This report was presented in March 1956.

6. It would therefore seem necessary for the Committee to point out once again that it has to make its own examination from a different point of view. As already indicated in 1953, it bases its conclusions on the information contained in the reports furnished by the various member States on their law and practice in regard to the matters dealt with in the Freedom of Association and Protection of the Right to Organise Convention, 1948.

7. In this connection, and although the remarks of the Committee relate to all the member States which have presented reports, whether they have ratified the Convention or not, the Committee must emphasise that, under its mandate, the scope of its conclusions is obviously different with respect to these two categories of States. With regard to those States which have ratified the Convention and for which the Convention is in force—States which have, therefore, voluntarily undertaken more precise international obligations with respect to freedom of association and protection of the right to organise—the Committee is called upon to indicate, where appropriate, provisions of the national legislation which are not in conformity with the Convention. On the other hand, with respect to those States which have not ratified the instrument or for which it has not entered into force, the Committee's conclusions must be limited to findings in respect of the position of law and practice

<sup>1</sup> See *Sixth Report of the I.L.O. to the United Nations* (Geneva, I.L.O., 1952), Appendix V, First Report of the Committee on Freedom of Association, paragraph 30.



in regard to the matters dealt with in the Convention, in so far as this is possible on the basis of the information contained in the reports supplied under article 19.

8. The Freedom of Association and Protection of the Right to Organise Convention, 1948, guarantees to individuals, workers and employers, without distinction whatsoever, the right freely to establish and join organisations, and accords to these organisations certain rights and guarantees permitting them to determine their objects and to develop their activities without interference. For this purpose, the Convention is not limited to a more or less negative definition of the obligations of the State towards employers, workers and their respective occupational organisations. Article 11 of the Convention obliges States which have ratified it "to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise". All States which ratify the Convention, whatever legal methods may be employed to apply the standards contained in the instrument (constitutional provisions, laws or regulations or other means such as case law, common law, current practice or even collective agreements) are therefore under the obligation to take such measures as may be necessary to ensure the protection of the right to organise in all circumstances. The protection of this right, which relates especially to actions of the State in its capacity as public authority, must also extend to acts by the State in its capacity as an employer (in relation to its officials and to workers employed in undertakings in the public sector) and to acts by other bodies which might infringe, directly or indirectly, the free exercise of the right to organise.

9. The Freedom of Association and Protection of the Right to Organise Convention, 1948, entered into force on 4 July 1950. It has so far been ratified by the following 26 States: Austria, Belgium<sup>1</sup>, Burma, Byelorussia, Cuba, Denmark<sup>2</sup>, the Dominican Republic, Finland, France<sup>3</sup>, the Federal Republic of Germany, Guatemala, Honduras, Iceland, Ireland, Israel, Mexico, the Netherlands<sup>4</sup>, Norway, Pakistan, the Philippines, Poland, Sweden, Ukraine, the U.S.S.R., the United Kingdom<sup>5</sup> and Uruguay.

<sup>1</sup> According to the declaration communicated by the Government of Belgium pursuant to article 35 of the Constitution, this Convention is not applicable to the Belgian Congo and to Ruandi-Urundi. It should be noted, however, that Belgium has ratified the Right of Association (Non-Metropolitan Territories) Convention, 1947.

<sup>2</sup> By a declaration communicated pursuant to article 35 of the Constitution, Denmark has undertaken to apply the provisions of this Convention to Greenland.

<sup>3</sup> The French Government has declared that it will apply the provisions of this Convention to the following territories: Cameroons, French Equatorial Africa, French Guiana, French Settlements in Oceania, French Somaliland, French West Africa, Guadeloupe, Madagascar, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon, Togoland. France has also ratified the Right of Association (Non-Metropolitan Territories) Convention, 1947, and has undertaken to ensure its application to all the territories within the purview of the Ministry for Overseas France.

<sup>4</sup> The Government of the Netherlands has accepted the obligations of this Convention on behalf of the Netherlands Antilles and Surinam. It has undertaken to ensure its application in Netherlands New Guinea.

<sup>5</sup> This Convention is applicable *ipso jure* to Guernsey, Jersey and the Isle of Man. The United Kingdom has also ratified the Right of Association (Non-Metropolitan Territories) Convention, 1947, and the obligations under this Convention extend to almost all the territories for whose international relations that State is responsible.

### Reports Examined by the Committee

10. Reports communicated in accordance with article 19 of the Constitution concerning the position of law and practice in regard to the matters dealt with in the Convention have been received from 37 States. Among the 26 States which have ratified the Convention, only 16 were called upon to supply this year annual reports pursuant to article 22 of the Constitution; all these States have carried out this obligation.<sup>7</sup> Of the ten States which ratified the Convention at a relatively recent date and were not yet under the obligation to supply an annual report this year, eight, as already seen, nevertheless furnished reports pursuant to article 19 of the Constitution.<sup>8</sup> Further, it has appeared useful to take account in addition of information contained in reports examined in 1953 which were furnished by four States, two of which (Burma and Ireland), having since ratified the Convention, were not yet obliged to furnish an annual report this year, and two of which (Bolivia and Yugoslavia) have omitted this year to furnish the reports requested. In all, therefore, it has been possible for the Committee to base its general examination on the position of the law and practice in regard to the matters dealt with in the Convention in 57 member States<sup>9</sup> which have furnished reports, either pursuant to the provisions of article 19 of the Constitution relating to unratified Conventions, or pursuant to article 22 in the case of some of those which have ratified the Convention.<sup>10</sup>

### Contents of Reports

11. As this was the second occasion on which most of the member States which have not ratified the Convention had been called upon to furnish reports on the Convention pursuant to article 19 of the Con-

<sup>6</sup> Argentina, Australia\*, Bulgaria, Byelorussia\*\*, Canada, Ceylon, Chile, Costa Rica, Czechoslovakia\*, the Dominican Republic\*\*, Ecuador, Egypt, the Federal Republic of Germany\*\*, Greece, Haiti, Honduras\*\*, India, Iran, Iraq, Israel\*\*, Italy, Japan, Jordan, Luxembourg, New Zealand, Poland\*\*, Portugal, Spain, the Sudan, Switzerland, Tunisia\*, Turkey, Ukraine\*\*, the Union of South Africa, the U.S.S.R.\*\*, the United States and Viet-Nam.

\* Reports received too late to be summarised in Report III, Part II, prepared for the 40th Session of the Conference (1957).

\*\* Ratification by these States being of recent date, they were not yet under the obligation to supply in the present year a report pursuant to article 22 of the Constitution. Reports received, therefore, have been communicated in accordance with article 19.

<sup>7</sup> Austria, Belgium, Cuba, Denmark, Finland, France, Guatemala, Iceland, Mexico, the Netherlands, Norway, Pakistan, the Philippines, Sweden, the United Kingdom and Uruguay. See Report III, Part I, prepared for the 35th Session of the Conference (1952) and subsequent sessions.

<sup>8</sup> Byelorussia, the Dominican Republic, the Federal Republic of Germany, Honduras, Israel, Poland, Ukraine, the U.S.S.R.

<sup>9</sup> Argentina, Australia, Austria, Belgium, Bolivia\*, Bulgaria, Burma\*, Byelorussia, Canada, Ceylon, Chile, Costa Rica, Cuba, Czechoslovakia, Denmark, the Dominican Republic, Ecuador, Egypt, Finland, France, the Federal Republic of Germany, Greece, Guatemala, Haiti, Honduras, Iceland, India, Iran, Iraq, Ireland\*, Israel, Italy, Japan, Jordan, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, Pakistan, the Philippines, Poland, Portugal, Spain, the Sudan, Sweden, Switzerland, Tunisia, Turkey, Ukraine, the Union of South Africa, the U.S.S.R., the United Kingdom, the United States, Uruguay, Viet-Nam, Yugoslavia.\*

\* Reports examined in 1953 by the Committee and summarised in Report III, Part II, prepared for the 36th Session of the International Labour Conference (1953).

<sup>10</sup> In the rest of the text, the names of the States which have ratified the Convention and in respect of which the information utilised was furnished in their annual reports are given in italics.

stitution, a more detailed special form of report was adopted by the Governing Body. Consequently, in a fairly large number of cases, the information furnished this year pursuant to article 19 of the Constitution has, in detail and volume, been more or less comparable with the information furnished under article 22 by States which have ratified the Convention. The Committee notes that the two Conventions<sup>1</sup> relating to the right of association of workers and employers have again been selected by the Governing Body for report pursuant to article 19, and will come before the Committee at its session in 1959. It would be desirable that, in connection with the reports to be supplied on that occasion also, the form of report should be of the detailed nature used on the present occasion and that a more detailed form to guide the governments in preparing their reports on the Right to Organise and Collective Bargaining Convention, 1949, be adopted. Special mention should be made of the reports of Canada and New Zealand, which were particularly detailed. On the other hand, the reports furnished by Bulgaria, Iran, Iraq, Jordan, Luxembourg, Poland and Spain were extremely brief. The Governments of Luxembourg and Poland indicated that they had not considered it necessary to furnish more detailed information by reason of the fact that the procedure for ratifying the Convention was pending.<sup>2</sup> The reports of Iraq and Jordan are confined to a statement that the national legislation concerning the matters dealt with in the Convention is not in conformity with the instrument, in the case of Iraq, and does not exist in the case of Jordan. While the reports of Bolivia, Burma, Ireland and Yugoslavia were sufficiently detailed, regard must, of course, be had to the fact that, as they were drawn up several years ago, the situation which they describe is perhaps no longer exactly the situation which now exists in those countries. Finally, the reports of Bulgaria, Byelorussia, Poland, Portugal, Spain, Ukraine and the U.S.S.R. must be analysed in the light of the economic, political and social conditions prevailing in these countries.

12. The study of the information furnished in the reports of the different governments makes it possible—

- (a) to give a general description of the position of the law and practice of these different States in regard to the matters dealt with in the Convention;
- (b) to indicate the different techniques utilised for this purpose;
- (c) to discover the problems raised by the Convention and the possibilities of its ratification.

These three questions will be examined in turn below.

#### General Description of the Position in the Different States

13. The Freedom of Association and Protection of the Right to Organise Convention, 1948, provides a number of guarantees and safeguards for individuals, organisations and federations of organisations. In the first place, individuals (workers and employers) should have the right to establish organisations of their own choosing and to join such organisations freely. In the second place, workers' and employers' organisations—that is to say, organisations which

have the object of “furthering and defending the interests” of their members—should enjoy certain rights and guarantees intended to ensure their freedom. Finally, inter-union organisations, federations and confederations should enjoy the same rights and guarantees as the basic trade union organisations. The results of the analysis of the information communicated by the governments and the examination of the constitutional or legislative texts to which they refer make possible a general assessment of the extent to which the rights and guarantees prescribed by the Convention for safeguarding freedom of association are ensured for each of the three specified cases.

#### A. Rights and Guarantees Enjoyed by Individuals

14. The rights and guarantees which shall be enjoyed by individuals are defined or specified in several Articles of the Convention. The categories of individuals who shall enjoy these rights and guarantees are determined by Article 2, which is exceedingly broad in scope and is limited only by Article 9, which permits each State to decide the extent to which certain workers (armed forces and police) shall or shall not enjoy the rights and guarantees in question. It was necessary in the first place, therefore, to endeavour to ascertain the extent to which all the individuals covered by the Convention may effectively enjoy trade union rights in the different States which have submitted reports, and, on the other hand, to ascertain in which States such rights are refused. The extent of the rights of the individuals in question are defined or specified in different provisions of the Convention (Article 2, in particular, and Articles 7, 8 and 10) and may be briefly summarised as follows:

- (a) the right of individuals to establish freely organisations of their own choosing;
- (b) the right of individuals to join such organisations, subject only to the rules of the organisations concerned.

The ways in which these two fundamental rights would appear to be ensured in the different countries, according to the information communicated in the reports, may be analysed, therefore, after reviewing the various distinctions made in certain cases among those to whom they apply.

#### Individuals Enjoying the Right to Organise.

15. According to Article 2 of the Convention “workers and employers, without distinction whatsoever” shall have the right to establish and join occupational organisations.<sup>3</sup> However, Article 9 leaves it to the national legislation of each State to determine the extent to which the right shall apply to the armed forces and the police.<sup>4</sup>

<sup>3</sup> “Subject only to the rules of the organisation concerned.” However, the conditions of membership or withdrawal from membership must not bring into question the principle of non-discrimination in relation to organisational rights. On this point see I.L.O.: *Freedom of Association and Protection of the Right to Organise*, Report VII, International Labour Conference, 31st Session, San Francisco, 1948 (Geneva, 1948), p. 89.

<sup>4</sup> Among the 21 countries which have furnished information on this point, it would appear from the information given by the governments that the situation may be summarised as follows:

*Armed forces*: right to organise without limit or subject to conditions similar to those applicable in the case of public officials: *Denmark, France, the Netherlands, Norway and Sweden*. The report by *Austria* declares that the question will be dealt with later by legislation; the report of *Iceland* declares that this country does not possess armed forces.

*Police*: right to organise without limit or subject to conditions similar to those applicable in the case of public officials:

<sup>1</sup> In addition reports under article 19 will also be requested as regards the Right of Association (Non-Metropolitan Territories) Convention, 1947.

<sup>2</sup> Ratification by Poland was registered on 25 February 1957.

16. The analysis of the reports received reveals that in the majority of the countries no substantial distinction is made between the different categories. Nevertheless, some countries make the right of organisation subject to more or less specific conditions which may, directly or indirectly, give rise to distinctions between the different categories of workers or employers with respect to the exercise of the right to organise. These conditions, which vary in character, may be grouped under five main heads: nationality, political opinions, race, sex and occupation or employment. Further, in a fairly large number of countries, legislation prescribes a minimum age at which a person may belong to an occupational organisation or, more generally, to any association.

17. *Distinctions based on nationality.* In nearly all the States which have submitted reports it would appear, from the information available, that alien residents enjoy without distinction the rights and guarantees prescribed by the Convention. In certain countries, nevertheless, it would appear that, at least in principle, aliens may not claim the enjoyment of these rights. Thus, under the constitutional provisions in force in Portugal, it would seem that only citizens enjoy the right of association. A similar conclusion would appear necessary judging by the letter of the Constitutions in *Belgium* and *Luxembourg*, but the two countries concerned declare, nevertheless, that aliens in fact freely enjoy the right to organise. In Italy the national Constitution accords the right of association to aliens only on a reciprocal basis; in practice, nevertheless, it would appear that the Italian trade unions admit aliens to membership on condition that they have resided a certain time in the country. Finally, in a number of States distinctions based on nationality are prescribed by law. This is the case, for example, in *Honduras* and *Iran*, where at least two-thirds of the members of a trade union must be nationals of the country concerned.

18. *Distinctions based on political opinions.* It would appear that the legislation in most of the countries which have submitted reports does not make any distinction in this connection. In some countries<sup>1</sup> the legislation prescribes certain disabilities with respect to persons who have particular political opinions. Moreover, the criterion of the political opinions of workers and employers, although not expressly laid down by law, also appears to be applied in a number of other countries; this is the case, for instance, in the *Philippines*<sup>2</sup>, where registered organisations may not admit to membership persons professing certain political opinions. In the U.S.S.R. a fairly similar situation would appear to result from the provisions of the Constitution<sup>3</sup> and from the Rules of the Trade Unions of the U.S.S.R. The information furnished in some of the reports does not

*Austria, Belgium, Denmark, Finland, France, Iceland, Norway, Sweden and the United Kingdom.* In the report from the United States it is pointed out that some of the states accord the right to organise to members of the police but that most of the states subject this right to certain restrictions or refuse it. In Egypt and New Zealand, the right to associate, but not for trade union purposes, is accorded to members of the police forces.

<sup>1</sup> This would appear to be the case in Chile (Labour Law, section 365), the Dominican Republic (Law No. 1443, section i), Turkey and the Union of South Africa (suppression of Communism Act, No. 44 of 1950, as amended).

<sup>2</sup> Republic Law No. 875, article 17 (d).

<sup>3</sup> Article 126 of the Constitution provides: "...the Communist Party is the leading core of all organisations of the working people...."

make it possible to ascertain whether any such distinctions exist or not.

19. *Distinctions based on race.* It would appear that distinctions based on race exist under legislation only in one of the States which have presented reports—the Union of South Africa, in which special legislative provisions apply to Native and coloured workers.<sup>4</sup> Further references in this report to the Union of South Africa relate only to organisations of "European" workers.

20. *Distinctions based on sex.* It would appear from the information supplied in the reports examined that, in nearly all the States which have presented such reports, no distinction based on sex with regard to trade union matters is established by legislation. However, in certain cases restrictions placed by civil law on the juridical capacity of married women may constitute an obstacle to their free adhesion to a trade union. Thus, in Canada, in one province (Quebec), and in Viet-Nam, women may belong to a trade union only if their husbands do not object. Moreover, the reports furnished by a number of countries do not make it possible to ascertain with certainty whether women in those countries enjoy the same trade union rights as do employers and workers of the male sex.<sup>5</sup>

21. *Distinctions based on occupation or employment.* It is with respect to the occupation or employment of individuals that distinctions seem to be made in the largest number of countries. In certain cases, these distinctions are purely formal and, therefore, are only of very limited scope. Thus, in certain countries workers employed in different branches of industry or different areas may not constitute or belong to the same trade union but, having established separate unions on an occupational or regional basis, they may constitute federations and confederations. Also, in a fairly large number of countries, public officials may belong only to trade unions whose membership is confined to public officials. In certain other cases, according to the information furnished by the governments<sup>6</sup>, distinctions are made for the purpose of preventing acts of interference with workers' trade unions on the part of employers; this would appear to be the case, especially, in four countries<sup>7</sup>, where managerial and supervisory staff may not belong to the same organisations as the workers but have the right to establish their own organisations.

22. In a number of countries, nevertheless, clearer restrictions exist, either because the trade union rights of certain categories are subject to stricter regulation, which leads in practice to a refusal of the right to constitute trade union organisations within the meaning of Article 10 of the Convention, or because persons belonging to certain occupations are in fact deprived of all trade union rights. The principal distinctions made relate to the following categories: public officials, persons employed in public

<sup>4</sup> The Industrial Conciliation Act, No. 36 of 1937 and the Native Labour (Settlement of Disputes) Act, No. 48 of 1953.

<sup>5</sup> This is the case, for example, with regard to the reports furnished by the following countries: Egypt, Iran, Iraq, Jordan, Spain and the Sudan.

<sup>6</sup> See Report III, Part IV, prepared for the 39th Session of the Conference (1956). General Remarks on the Right to Organise and Collective Bargaining Convention, 1949, pp. 135 ff.

<sup>7</sup> Dominican Republic (Law No. 2059, section 302 of 22 June 1949); Cuba (Decree No. 2605 of 7 November 1933); Haiti (Trade Union Act of 19 July 1947, amended by Act of 2 March 1948); Sweden (such exclusions may be provided by Collective Agreements Law of 11 September 1936, section 3).

or semi-public undertakings, workers employed in certain branches of industry and employers. These different distinctions are examined respectively below.

23. With regard to public officials, the large majority of the States which have presented reports do not draw any distinction, or prescribe conditions only of a more or less formal character which do not appear to place these categories of workers in a special position with regard to trade union rights. In two countries (Costa Rica<sup>1</sup> and Viet-Nam<sup>2</sup>) provision is made for special legislation in the case of public officials or certain categories thereof but, this legislation not having been enacted, all public officials have the right to constitute and join organisations. On the other hand, in two countries (Denmark<sup>3</sup> and Pakistan<sup>3</sup>) the conditions which are applied by the regulations to trade unions of public officials may limit to a certain degree the possibility of establishing trade union organisations. In nine countries (Chile<sup>4</sup>, Cuba<sup>3</sup>, the Dominican Republic<sup>5</sup>, Ecuador<sup>6</sup>, Guatemala<sup>3</sup>, Portugal<sup>7</sup>, Spain<sup>8</sup>, Turkey<sup>9</sup>, the United States—seven states<sup>10</sup>), the right to organise is refused entirely in the case of public officials. Further, in two countries (Iran<sup>11</sup> and Italy<sup>12</sup>) prohibition exists in respect of certain public officials. Finally, in four countries (Haiti<sup>13</sup>, Honduras, Mexico<sup>14</sup> and the Sudan) the information available does not make it possible to ascertain whether such distinctions exist or, if they do exist, what their extent may be.

24. With regard to employees of undertakings in the public or semi-public sector, it would appear that in nearly all the States which have submitted reports there exists no distinction, except that in some cases, as with respect to officials, there are also a number of conditions of a more or less formal character which are established by the regulations. However, the reports of three governments (the Dominican Republic, Haiti<sup>13</sup> and Portugal) do not contain any information on this point. Finally, in three countries (Chile<sup>14</sup>, Ecuador (except in the case of railwaymen) and Guatemala<sup>3</sup>) workers in these categories are refused the right to organise.

25. Other distinctions relating to workers employed in certain branches of industry result either from the fact that certain undertakings are not included within the scope of application of trade union legislation, as is the case in three countries (the Dominican

Republic<sup>15</sup>, Iran<sup>16</sup> and Turkey<sup>17</sup>) or from the existence of stricter legislation with regard to certain occupations, as in Chile<sup>18</sup> and Guatemala.<sup>3</sup> The most general of these distinctions apply in the case of workers employed in agriculture.

26. Finally, in certain countries, the position of employers differs from that of workers either because the intervention of the State in the constitution of their organisations is more marked, as in Egypt<sup>19</sup> and Portugal<sup>20</sup>, or because, as in Byelorussia, the Ukraine and the U.S.S.R., there are no "private capitalist owners" and the directors of undertakings may form organisations the purpose of which seems to be only "the exchange of scientific and technical experience or information", the discussion of "administrative and managerial problems, the organisation of work, etc.". Such organisations do not appear to conform to the definition given in Article 10 of the Convention. The reports of certain countries, Bulgaria and Poland, contain no information with respect to employers and their organisations. The report supplied by the Government of Czechoslovakia merely states that there is "no provision forbidding employers to establish organisations".

#### *Free Establishment of Organisations by Those Concerned.*

27. According to Article 2 of the Convention, workers and employers shall have the right "to establish organisations of their own choosing without previous authorisation". This right, therefore, has a twofold aspect: first, the exclusion of all previous authorisation, and, secondly, the free choice of the organisation which those concerned may desire to establish. However, while it would appear from the information received that the absence of previous authorisation or of formalities which, in practice, are equivalent to authorisation, is a necessary condition for enabling individuals to establish an organisation of their own choosing, the absence of authorisation alone is not always sufficient. It is evident that in most countries the free choice of individuals is naturally limited by certain constitutional or legislative provisions which are merely the expression of the internal legal system of the State and the existence of which should not give rise to any problem, in view of the fact that under the provisions of Article 8, paragraph 1 of the Convention, "workers and employers... shall respect the law of the land". Nevertheless, in some cases, the existence of these provisions does not always appear to be in complete harmony with Article 8, paragraph 2 of the Convention, according to which any restrictive provision "shall not be such as to impair nor shall it be

<sup>1</sup> Political Constitution of the Republic of Costa Rica, 7 November 1949, articles 25 and 60.

<sup>2</sup> Ordinance No. 23 of 16 November 1952 does not apply to public officials (an ordinance affecting officials is being prepared).

<sup>3</sup> See Observation addressed to the government of this country.

<sup>4</sup> Labour Law, section 368.

<sup>5</sup> Law No. 2059 of 22 July 1949.

<sup>6</sup> Constitution, article 185 (g).

<sup>7</sup> Decree No. 23048 (with the exception of certain engineers, etc.).

<sup>8</sup> Order of 11 August 1953, section 1, *in fine*.

<sup>9</sup> Law No. 5018 of 20 February 1947.

<sup>10</sup> The Government points out, however, that there are doubts as to the constitutionality of this distinction.

<sup>11</sup> In the case of the staff of the Ministry of War (Law of 3 March 1946, section 1).

<sup>12</sup> In the case of civilian staff responsible for ensuring public security (Decree No. 205 of 24 April 1945).

<sup>13</sup> However, constitutional provisions appear to guarantee the right of association to officials and workers of all undertakings (Constitution, article 25).

<sup>14</sup> See request for information addressed to the government of this country.

<sup>15</sup> Employees of agricultural undertakings for stock-raising or forestry which do not permanently employ more than ten workers, farmers and tenant farmers (Labour Law, section 265).

<sup>16</sup> Agricultural workers: legislation is being prepared.

<sup>17</sup> Intellectual workers (except journalists employed in private undertakings).

<sup>18</sup> Agricultural workers may organise only in the form of works unions and the restrictions are such that they result in practice in depriving seasonal agricultural workers of the right to organise (see Observations addressed to the government of this country on the application of the Right to Organise (Agriculture) Convention, 1921).

<sup>19</sup> Legal personality is granted by decree; employers' organisations may be made compulsory.

<sup>20</sup> The State may make the membership of employers compulsory "in order to co-ordinate the economic forces of the nation". Decree No. 23049 of 23 September 1933.

so applied as to impair the guarantees provided for . . . ”.

28. *Exclusion of any previous authorisation.* It is evident that the principle of freedom of association might very often remain a dead letter if employers and workers were required to obtain any previous authorisation to enable them to establish an organisation. Nevertheless, it would appear from the information received that the fact that it must be possible to create organisations “without previous authorisation” naturally has not resulted in liberating the founders of an organisation from the duty of observing formalities as to publicity or other similar formalities which may be prescribed in certain countries either generally, in respect of all associations, or specifically in respect of trade unions. It follows, however, from the provisions of Article 8 of the Convention referred to above, that the various formalities prescribed, even though they may be of general application in respect of all associations, must not be such as to be equivalent in practice to previous authorisation or as to constitute such an obstacle to the establishment of an organisation that it amounts in practice to a prohibition pure and simple. In this connection, Article 7 of the Convention relates expressly to the acquisition of legal personality which, in some countries, constitutes a substantive condition of the existence and activities of organisations and which, according to that Article, “shall not be made subject to conditions of such a character as to restrict” the right of employers and workers to establish occupational organisations.

29. It appears from the information received that in some countries the formalities prescribed by law (deposit of constitution and rules, registration or other measures of publicity) are compulsory; in others, these formalities are only optional. However, it would seem that the compulsory or optional nature of the formalities prescribed does not always provide a sufficient criterion for determining whether there is or is not a requirement of previous authorisation. In fact, in some cases, although registration is compulsory, the authority competent to effect the registration does not have power to refuse it or, which amounts to practically the same thing, can refuse registration only because of a formal defect which it is always possible to remedy; moreover, in nearly all cases, refusal may be appealed against to the courts. In other cases, on the other hand, registration, while being of an optional nature, may confer on the registered organisation such rights (legal personality, right to bargain collectively, immunity from prosecution in respect of the offence of conspiracy or other similar offences) that an organisation deprived thereof might have great difficulties in “furthering and defending the interests” of its members; it is clear that in such cases, if the authority competent to effect the optional registration has power to refuse this formality in its discretion, the situation is not very different from that in cases in which previous authorisation is required.

30. In the majority of the countries which have furnished sufficiently detailed information in this connection in their reports<sup>1</sup> it would seem that there exists in fact no need to obtain previous authorisation in order to be able to establish an organisation. This is the case, particularly, in countries in which

the constitution of an organisation is subject to no formality<sup>2</sup>; in those in which the formalities respecting publicity or registration may not be the subject of a refusal on the part of the authorities responsible under the law for effecting such formalities<sup>3</sup>; finally, in countries in which, although the competent authorities may refuse registration, it would not appear that such refusal (which, most generally, may be appealed against to the courts) may be based on anything other than failure to observe certain formalities which are not substantive in character.<sup>4</sup>

31. The situation is less clear in a number of other countries in which the authorities responsible for registration have more extensive powers of exercising judgment in certain cases and in which registration, whether compulsory or nominally optional, is in practice necessary to the organisation which is being founded to enable it to achieve its objects. This is the case, especially, when the refusal of registration, which in nearly all cases may be the subject of an appeal to the courts, may be motivated either by the existence of another organisation in the occupation or area<sup>5</sup> or by the political opinions of the leaders of the organisation.<sup>6</sup>

32. The situation appears even more complex in certain countries in which, as in Spain, “local” trade unions must be registered with higher organisations.<sup>7</sup> A somewhat comparable situation appears to exist in the U.S.S.R. in the case of the workers, whose associations may avail themselves of the titles and rights of occupational trade unions only if they are registered by an inter-trade-union organisation<sup>8</sup>; in the latter country, moreover, the information furnished with respect to the right of directors of undertakings to constitute associations does not specify what formalities are necessary in order to establish such bodies.

33. Finally, in four countries (Bolivia<sup>9</sup>, Chile<sup>10</sup>, Guatemala<sup>11</sup>, and Portugal<sup>12</sup>) registration is compulsory and the competent authorities appear to be endowed with very extensive powers, not only to grant or to refuse registration, but also to give their approval to the rules of organisations; in addition, it would appear that in nearly all cases there is no right of appeal to the courts.

<sup>2</sup> Belgium, Canada, Denmark (except in the case of organisations of public officials, which must be “recognised”), Iceland, Italy, Luxembourg, Norway, Sweden, Switzerland, the United Kingdom and Uruguay (in the last two countries, however, there appears to be a possibility for the founders of an organisation to choose between registering and not registering, and the advantages obtained by this formality do not seem indispensable to enable an organisation to pursue its objects).

<sup>3</sup> France, the Federal Republic of Germany, Israel, Tunisia, Turkey.

<sup>4</sup> Argentina, Austria, Burma, Ceylon, Costa Rica, Cuba, the Dominican Republic, Finland, Greece, India, Ireland, Japan, Mexico, Pakistan (except in the case of organisations of public officials, which must be “recognised”).

<sup>5</sup> Australia (Commonwealth Conciliation and Arbitration Act, section 82), Egypt (in the case of organisations of workers; employers’ organisations may be made compulsory), Iran, New Zealand (Industrial Conciliation and Arbitration Act, 1954), the Sudan, the Union of South Africa (Industrial Conciliation Act No. 360 of 1937, section 4).

<sup>6</sup> The Philippines (Republic Law No. 875, sections 23 (b) (2)) and the United States.

<sup>7</sup> Act of 6 December 1940, section 5.

<sup>8</sup> Labour Law, sections 152 and 153.

<sup>9</sup> Decree of 19 May 1948, sections 1 to 7.

<sup>10</sup> Labour Law, Book III, Title I.

<sup>11</sup> See Observation addressed to the government of this country.

<sup>12</sup> Decree No. 23050, section 8.

<sup>1</sup> The information furnished by the following States is not sufficiently detailed on this point: Iraq, Jordan, Poland, Yugoslavia.

34. *Free choice as to type of organisation to be established.* In a number of countries, the free choice by those concerned of the organisations which they desire to establish appears to be more or less limited by legislative or constitutional provisions. Thus, in Chile, agricultural workers may constitute only organisations each of which is limited to one estate and the objects of which are limited to purposes of mutual aid and welfare. The free choice of the founders of an organisation also appears to be limited in Portugal<sup>1</sup> and in Spain<sup>2</sup> by virtue of provisions which define, in particular, the political objects which the trade unions must pursue. A somewhat similar situation appears to result, in the U.S.S.R., from the constitutional provisions already mentioned.<sup>3</sup>

*Right of Individuals to Adhere Freely to Organisations.*

35. The third guarantee laid down by Article 2 of the Convention is that "workers and employers... shall have the right... to join" organisations of their own choosing "subject only to the rules of the organisation concerned".<sup>4</sup> In this connection, it is of course appropriate to refer to the information already analysed in the earlier paragraphs, both with respect to the distinctions made in different cases between the different categories of persons concerned and with regard to the establishment of organisations. Among the countries which have reported and in which, in most cases, the State refrains from placing obstacles in the way of the free adhesion of individuals to an organisation, two tendencies may be observed. Firstly, there is the tendency seen in those countries in which, as, for example in *Belgium*<sup>5</sup>, *Costa Rica*<sup>6</sup>, *Cuba*, the *Dominican Republic*<sup>7</sup>, *France*<sup>8</sup> and the *Netherlands*, in accordance with the traditional conceptions existing in these countries, the State not only does not intervene to place obstacles in the way of the free adhesion of workers or employers to an organisation but even guarantees to individuals the right to refuse their adhesion and represses any constraint which may be exercised with a view to causing any person to adhere to a given organisation. A second tendency is to be observed in those countries in which union security clauses<sup>9</sup> are traditionally inserted in collective agreements or utilised in practice, as is the case in *Australia*, *Mexico*, *Sweden*, the *Union of South Africa*, the *United Kingdom* and the *United States*; in this latter group of countries, however, a distinction should be drawn between those in which the State leaves it to employers and workers to negotiate such clauses in freedom, without intervention<sup>10</sup>, and those in which the State makes the utilisation of such clauses subject to certain conditions and, in particular, the condition that the rules of the trade unions shall not contain any rules which are "oppressive" or discriminatory.<sup>11</sup> A special situation is seen in *New Zealand*; in that country the obligation to

adhere to a trade union may result not only from a clause to that effect inserted in a freely negotiated agreement; the obligation, which is prescribed by law, may result in certain occupations from a binding arbitration award. In this connection, the Government indicates in its report that certain clauses relating to this system, the abrogation of which would encounter opposition "in the country as a whole", are not "strictly in harmony" with the Convention. Finally, in certain countries (e.g. *Chile*<sup>12</sup>, *Portugal*<sup>13</sup> and *Spain*<sup>14</sup>) individuals may be obliged, by law, to join a trade union which they have not chosen.

**B. Rights and Guarantees Applicable to Organisations**

36. The rights and guarantees which may be enjoyed by organisations of workers and employers are defined in Articles 3, 4 and 5 of the Convention. The different rights prescribed in these Articles of the Convention may be enumerated as follows: the right to draw up their constitutions and rules, the right to elect their representatives in full freedom, the right to organise their administration and activities and to formulate their programmes (Article 3 (1)), the right to establish and join federations and confederations, the right to affiliate with international organisations (Article 5). The guarantees prescribed are three in number: organisations shall not be liable to be dissolved or suspended by an administrative authority (Article 4); the public authorities shall refrain from any interference which would restrict or impede the lawful exercise of the rights of organisations (Article 3 (2)); finally, because naturally organisations are obliged "to respect the law of the land", the same safeguard clause as is prescribed in the case of employers and workers as individuals is also valid in respect of their organisations: the law of the land "shall not be such as to impair nor shall it be so applied as to impair the guarantees provided..." (Article 8 (2)).

37. The information furnished in the reports with respect to each of the rights enumerated above will be analysed in turn; however, this examination will naturally be made having regard to the last two guarantees mentioned which, being of general application, could not be the subject of entirely separate examination; then, the information furnished on the methods of suspending and dissolving organisations will, in its turn, be considered.

38. *Drawing-up of constitutions and rules.* There exists a very large variety of situations in the countries which have reported and furnished information on this point. In a considerable number of cases, national laws and regulations either include no special provisions relating to the contents of constitutions and rules or simply give an enumeration of questions which must be dealt with in those rules. In other, also numerous, cases, on the other hand, the legislation contains provisions which are frequently very detailed but which, in general, are only of formal character and do not appear likely to infringe the rights of the organisations: it would appear, even, that these detailed requirements have in some cases the purpose of preventing a situation arising at a later date in which the trade unions would have to cope with complicated legal problems which could arise as the result of constitutions and rules being

<sup>1</sup> Decree No. 23050, sections 9, 11, and 15 (b) and (c).

<sup>2</sup> Labour Charter, Chapter XIII.

<sup>3</sup> See paragraph 18 above.

<sup>4</sup> See above: footnote 3 to paragraph 15.

<sup>5</sup> Law of 24 May 1921, section 1.

<sup>6</sup> Constitution, article 25.

<sup>7</sup> Labour Law, sections 306 and 307.

<sup>8</sup> Labour Law, Book III and 1956 Law.

<sup>9</sup> Clauses by virtue of which a worker is obliged to join a given trade union if he desires to be employed in a particular occupation or undertaking (closed shop), or by virtue of which all the workers in an undertaking may be obliged to join a trade union (union shop), etc.

<sup>10</sup> *Sweden*, the *Union of South Africa* and the *United Kingdom*.

<sup>11</sup> *Australia*, *Mexico* and the *United States*.

<sup>12</sup> Labour Law, Book III, Title I.

<sup>13</sup> In the case of employers (see above, footnote 20 to paragraph 26).

<sup>14</sup> Labour Charter, Chapter XIII, section 2 and Law of 6 December 1940, sections 1 and 17.



drawn up in insufficient detail. However, in a number of countries, it would appear that constitutions and rules must be submitted for previous approval by the authorities, whose power of decision does not appear to be limited by any specific rules. This is the case in Chile<sup>1</sup>, Ecuador<sup>2</sup>, Egypt (with respect to employers' organisations), Portugal<sup>3</sup> and Spain. In the last two countries, it would seem, even, that approval can be given only if the constitution and rules are in accordance with the social policy of the Government.

39. *Election of representatives.* The analysis of the information received shows that there are two principal categories of rules applicable in the case of elections: firstly, procedural rules and, secondly, rules defining the conditions as to eligibility which persons must fulfil. With regard to the rules of procedure, it would seem that, in the large majority of the States which have made reports, no special rule exists. In the countries in which such rules exist, it would seem that their particular purpose is to avoid any dispute arising as to the result of the election; this would seem to be the case, for example, in Greece, where elections are presided over by a judge. In other countries (Chile<sup>4</sup>, Cuba<sup>5</sup> and Turkey) a labour inspector may (or must, as the case may be) be present at elections; in this connection, the Committee has already pointed out that in certain cases this requirement may be incompatible with Article 3, paragraph 2, of the Convention. Finally, it would appear that in certain countries the rules applicable to the election of trade union officers cannot be regarded simply as procedural rules because, as in Portugal<sup>6</sup>, the results of the elections must be officially approved or, as would seem to be the case in Spain, the higher trade union leaders are appointed by the Government.

40. With regard to the qualifications with which trade union leaders must comply in order to be eligible, it would seem that the national laws and regulations of a large number of countries contain no specific provisions on this point. In certain countries, however, it is provided that persons who have been subject to a penal sentence are ineligible. In some of those cases, nevertheless, it is provided that this rule shall not apply in the case of sentences pronounced in respect of a political offence.<sup>7</sup> In some ten countries all the trade union leaders, or at least a certain proportion of them, must belong to the occupation in respect of which the organisation carries on its activities<sup>8</sup>, which in certain cases might involve a limitation of the free choice of representatives. In some dozen countries, national legislation establishes a prohibition based on nationality: only nationals may be trade union officers.<sup>9</sup> The problem raised by a provision of this kind is fairly complex; the Committee has already had occasion to refer to it in one of its earlier reports.<sup>10</sup> It may be admitted that in certain cases a provision of this kind cannot give rise

to difficulty. However, everything depends on the manner in which such a clause is applied in practice. In fact, it is not impossible that according to local circumstances the application of a provision of this kind might lead in practice to a refusal of all right to organise to certain categories of workers. In some countries, certain persons may also be removed from their functions as trade union officers by reason of their political opinions. However, whereas in certain cases this exclusion relates only to persons belonging to a particular political party<sup>11</sup>, in other countries, on the contrary, it would seem that adherence to any political party other than that which is in power is necessarily excluded.<sup>12</sup> Finally, it is evident that certain of the distinctions referred to above with respect to individuals enjoying the rights and guarantees prescribed in the Convention are also applicable in the case of trade union leaders.<sup>13</sup>

41. *Right of organisations to organise their administration and activities and to formulate their programmes.* In a large number of countries which have made reports, it would seem that there is no limitation on the right of organisations to "organise their administration and activities and to formulate their programmes".<sup>14</sup> In these countries workers' and employers' organisations are of course obliged "to respect the law of the land", but it would seem that this common law rule is not formulated in such a manner that it may constitute a limitation on the potential activities of organisations; moreover, control over the activities of organisations can be effected only *a posteriori* and nearly always by the judicial authorities or under their control. In a number of countries there exist provisions relating specifically to occupational organisations and prohibiting them in general terms from engaging in any political activities.<sup>15</sup> The extent of such a prohibition is naturally very variable, according to how it is applied in practice. In certain cases the governments indicate that the object of the prohibition is solely to prevent trade unions from abandoning their occupational role in order to transform themselves into political parties, and add that, in fact, the existing trade unions have never been limited in their activities by a provision of this kind.<sup>16</sup> However, as the Committee has had occasion to remark, such provisions, of general scope and referring especially to trade unions, may, by establishing a prohibition *a priori*, raise difficulties by the fact that the interpretation given to them in practice may change at any moment and restrict considerably the possibility of action of the organisations. In this connection the Committee thinks it useful to make reference to the resolution adopted by the International Labour Conference at its 35th

<sup>11</sup> The Philippines (see Observation addressed to the government of this country), the Union of South Africa and the United States (in the case of organisations which wish to enjoy certain advantages) (Communist Party in all three cases).

<sup>12</sup> Spain (Labour Charter, Chapter XIII, section 4) and the U.S.S.R. (Constitution, section 126).

<sup>13</sup> See above, paragraphs 17 to 26.

<sup>14</sup> This would appear to be the case, for example, in the following countries: Austria, Belgium, Canada, Denmark, Finland, France, Greece, Haiti, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Mexico, the Netherlands, New Zealand, Norway, the Sudan, Sweden, Switzerland, Tunisia, the United Kingdom, the United States.

<sup>15</sup> This is the case, it would appear, in the following countries: Costa Rica (Labour Law, section 280), Cuba (see Observations addressed to the government of this country), the Dominican Republic (Labour Law, section 314), Ecuador (Labour Law, section 363 (8)), Iran, Turkey and Viet-Nam.

<sup>16</sup> In particular, Cuba.

<sup>1</sup> Decree No. 1030 of 26 December 1949.

<sup>2</sup> Labour Law, section 363.

<sup>3</sup> Decree No. 23050, section 8.

<sup>4</sup> Decree No. 1030, section 29.

<sup>5</sup> See Observations addressed to the government of this country.

<sup>6</sup> Decree No. 25116 of 12 March 1935.

<sup>7</sup> This is the case, for example, in France and Tunisia.

<sup>8</sup> Cuba, Ecuador, Haiti, Honduras, India, Iran, Japan (in respect of public employees), Pakistan, Viet-Nam.

<sup>9</sup> Argentina, Chile, Costa Rica, Cuba, Ecuador, Finland, France, Haiti, Honduras, Iran, Mexico, Tunisia (Tunisian and French), Viet-Nam.

<sup>10</sup> See Report III, Part IV, prepared for the 37th Session of the International Labour Conference (1954), p. 39.



Session (Geneva, 1952) in which it is stated, among other things, that when trade unions undertake or associate themselves with political action, this action should not be "of such a nature as to compromise the continuance of the trade union movement or its social or economic functions, irrespective of political changes in the country". It would therefore seem that States should be able, but without prohibiting in general terms and *a priori* all political activities by occupational organisations, to entrust to the judicial authorities the task of repressing abuses which might, in certain cases, be committed by organisations which had lost sight of the fact that their fundamental objective should be "the economic and social advancement of the workers". Finally, in some countries there do not exist, properly speaking, provisions prohibiting organisations from engaging in any political activity. However, this may result indirectly from legislative<sup>1</sup> or constitutional<sup>2</sup> provisions which closely associate the activities of occupational organisations with those of the political party in power.

42. It is also evident that, as the Governing Body Committee on Freedom of Association has emphasised, the degree of freedom enjoyed by occupational organisations in determining and organising their activities depends very largely upon certain legislative provisions of general application relating to the right of free meeting, the right of free expression and, in general, to civil and political liberties enjoyed by the inhabitants of a country. In this connection the information supplied in the reports of the governments has not enabled the Committee always to assess very accurately the exact effect of these general provisions on the possibilities of action by organisations. It has nevertheless appeared to the Committee that in a large number of the countries which have furnished reports, if not in most of them, the rules applicable in this connection do not appear to be calculated to impede the possibilities of action of the organisations.

43. *Right of federation and confederation.* Under the terms of Article 5 of the Convention, workers' and employers' organisations shall have the right to establish and join federations and confederations. Generally speaking, in the very large majority of the countries which have furnished information on this point, the constitution of federations or confederations is not subject to rules different from those applicable to the constitution of basic organisations by individuals. Reference should therefore be made to the analysis made above on the basis of the information furnished on the rules applicable to the establishment of the workers' and employers' organisations. In a certain number of countries, however, there exist special rules of procedure applicable to the case under review; thus, in certain countries<sup>3</sup> the regulations prescribe a specified majority, generally two-thirds, by which the members of each organisation may validly decide to constitute a federation or to affiliate with an existing federation. In certain countries, special rules in this connection are applicable only in the case of organisations of public officials, which may only federate among themselves.<sup>4</sup> In other countries it would seem that the right of federation

or confederation itself is refused to organisations of public officials or is granted only on certain conditions.<sup>5</sup> The prohibition of federation is sometimes more general in character and applies to organisations catering for workers employed in certain activities, as, for example, in agriculture in Chile.<sup>6</sup> In other cases the right of federation of all organisations would appear to be subject to previous authorisation.<sup>7</sup> Finally, in certain cases the adhesion of organisations to a federation or confederation may be compulsory: this is the case, for example, in Egypt<sup>8</sup> and in Spain, where, as was pointed out earlier in connection with the establishment of the basic organisations it would appear that "local" trade unions are obliged to federate because their registration must be effected by the higher trade union organisation; a somewhat similar situation would appear to ensue in the U.S.S.R. from the fact that only associations registered with an inter-union organisation may avail themselves of the title and rights of a trade union.

44. *The right of organisations to affiliate with international confederations.* The right of organisations to affiliate with international organisations established by Article 5 of the Convention does not appear to be subject to any particular formality in almost all reporting countries. However, it would seem that in certain cases this right may be limited indirectly in countries in which there is an absolute and general prohibition of organisations from engaging in political activities or when this prohibition results, as seen above, from legislative or constitutional provisions which closely associate organisations with the political party in power. Moreover, it would seem that in countries in which there exist limitations on the right of organisations to establish or join federations or confederations, the same rules are applicable with respect to affiliation with international organisations. However, it would seem that in two countries<sup>9</sup> affiliation of organisations with international organisations is subject to previous authorisation. Finally, in Portugal, such affiliation appears very limited.

45. *Suspension and dissolution of organisations.* Article 4 of the Convention provides a fundamental guarantee for organisations by stipulating that they shall not be liable to be dissolved or suspended "by administrative authority". Here again the scope of such a provision may vary considerably according to the civil liberties which the inhabitants of a country in fact enjoy. It would seem that, in some cases, the de-registration of an organisation may have the same results as does a suspension or even a dissolution. Nevertheless, the effect of such a measure of de-registration can vary according to whether registration constituted or did not constitute a formality necessary to enable the organisation to achieve its objects (see above, paragraphs 28 and 29) and according to the grounds on which the decision may be taken. That is why the information received with respect to the de-registration of organisations will be examined at the same time as that which relates to suspension and dissolution properly so-called.

46. According to the information received suspension by administrative authority appears to be impos-

<sup>1</sup> Portugal, Spain (see above, footnotes 1 and 2 to paragraph 34).

<sup>2</sup> U.S.S.R. See above, paragraph 18.

<sup>3</sup> Honduras, Iran (Rules of 3 March 1946, section 10), Turkey (Law No. 5018 of 20 February 1947, section 8).

<sup>4</sup> Canada (in one province—Quebec), Japan, the Union of South Africa.

<sup>5</sup> For example, Ceylon, India, Iran.

<sup>6</sup> See Observations made by the Committee with respect to the application of the Right of Association (Agriculture) Convention, 1921 (No. 11).

<sup>7</sup> Portugal (Decree No. 23050, section 8), the Union of South Africa.

<sup>8</sup> In the case of employers' organisations.

<sup>9</sup> Honduras, Turkey.

sible in nearly all the countries reporting. Among these countries, some specify that the power of suspension is accorded to the judicial authorities in cases in which organisations contravene the law.<sup>1</sup> In three countries<sup>2</sup> the suspension of organisations may be pronounced by an administrative authority but the suspension may be the subject of an appeal to the courts; moreover, it would seem that in Argentina the suspended occupational organisation can subsist as an association at common law. Finally, three countries<sup>3</sup> furnish no information on this point in their reports.

47. With regard to dissolution, which, according to Article 4, shall not be ordered by the administrative authorities, it would seem that, in the majority of countries reporting, this decision can be taken only by the judicial authorities. However, in some of these countries<sup>4</sup> the dissolution of organisations results from their de-registration by the competent authority but it would seem that such a decision would be taken only where the organisation contravenes the law and its own rules and that further, the decision to de-register can always be the subject of an appeal to the courts. In certain cases<sup>5</sup> dissolution is preceded by an order of suspension made by the competent administrative authorities, which results in the case coming immediately before the judicial authorities (or, alternatively, on pain of being held to be null and void, the order must immediately be referred to such authorities), and it is for the judicial authorities to decide whether or not there should be a dissolution; in the event of a negative decision, the order of suspension appears automatically to be terminated.

48. In a number of countries<sup>6</sup> it would seem that dissolution can be pronounced by the administrative authorities, but in most cases an appeal to the courts against the measure is provided; it does not appear clearly however from the information furnished whether the appeal suspends the measure of dissolution or not. Finally, in countries in which basic organisations must be registered with higher trade union organisations<sup>7</sup> it would appear that the latter organisations are competent to order at one and the same time de-registration and dissolution.

### C. Rights and Guarantees of Inter-Union Organisations

49. According to Article 6 of the Convention federations and confederations shall enjoy the same rights and guarantees as are prescribed in the Convention in the case of basic organisations. According to the information furnished in the reports examined by the Committee, in all the countries which have furnished information on this point, with the exception of five, the same rules as apply to organisations are also applicable to federations and confederations. In two countries<sup>8</sup> federations and confederations appear

to be subject to financial regulations which are somewhat stricter than those applying in the case of organisations. In Chile federations or confederations created by works unions or by unions of agricultural workers may have only cultural or welfare objects. In Honduras federations and confederations may not declare a strike or lock-out. Finally, in the Union of South Africa it would seem that the competent Minister may, in certain cases, grant or refuse registration and order the de-registration of federations or confederations, that is to say, in effect, order their dissolution.

#### Legal Methods Employed by the Various States

50. Like the Right to Organise and Collective Bargaining Convention, 1949, with respect to which the Committee endeavoured last year to distinguish the different methods adopted or already existing to ensure its application, the Freedom of Association and Protection of the Right to Organise Convention, 1948, in no way makes necessary the adoption of special legislation when the rights and guarantees which it provides for individuals, workers and employers, or organisations and federations and confederations, are effectively ensured by practice. However, while it would appear that in a certain number of countries<sup>9</sup> the recognition of the right to organise follows from the suppression of the old offences of combination and restraint of trade, it is to be observed that, even in countries whose legal systems are based on common law, special legislative provisions have very often been adopted to guarantee the rights provided in the Convention for employers and workers and their respective organisations.<sup>10</sup> It would appear from the information communicated that, in the very large majority of the countries which have made reports, the right to organise, or, more generally, the right of association is guaranteed by a constitutional provision. In most of these countries, moreover, special laws have been enacted to define and delimit the scope of these rights and guarantees. In some of these countries the legislation adopted for this purpose contains, as has already been pointed out, detailed, and sometimes exceedingly detailed, provisions with regard, among other things, to the constitution of trade unions. Although such provisions do not place any obstacle in the way of the free constitution of organisations and, on the contrary, appear to be intended to prevent certain legal difficulties from arising and to guide trade unions when the trade union movement is in its first stage of development, it may nevertheless be doubted whether such an accumulation of details is always necessary. In other cases legislative or constitutional provisions result indirectly in limiting the free choice of individuals or in considerably restricting the right of individuals to form an organisation or, in some cases, even amount to a pure and simple prohibition. While collective agreements are very extensively utilised as the means of ensuring the guarantees laid down in the Right to Organise and Collective Bargaining Convention, 1949 (No. 98), as the Committee pointed out in its report in 1956, it is not surprising that very few countries refer to such agreements in their reports on the present Convention, in view of the fact that this instrument deals essentially with relations between the State, as the public power, and individuals and their organisations. Finally, in some cases the reports explain that the application

<sup>1</sup> Honduras, Iran, New Zealand, Turkey.

<sup>2</sup> Argentina, Ceylon, Haiti.

<sup>3</sup> Egypt, Greece, the Sudan.

<sup>4</sup> Austria, Cuba, Ecuador, Finland, Haiti, Israel, Mexico, Turkey and Viet-Nam.

<sup>5</sup> Austria, Cuba, Denmark, Finland and Iceland.

<sup>6</sup> Bolivia, Chile, Ceylon, Ecuador, Egypt (in the case of employers' organisations), Guatemala (see Observations addressed to the government of this country), Portugal, the Union of South Africa (by virtue of the Suppression of Communism Act).

<sup>7</sup> Spain, the U.S.S.R. (in the case of the latter country, however, no information is furnished with respect to directors of undertakings).

<sup>8</sup> Egypt and Turkey (fixing of a maximum limit on contributions from federated organisations).

<sup>9</sup> E.g. the United Kingdom.

<sup>10</sup> E.g. Australia.

of the standards laid down in the Convention, or of some of them, is ensured by means of arbitration awards<sup>1</sup> or defined in detail and reinforced by case law.<sup>2</sup>

#### Problems Raised by the Convention and Ratification Prospects

51. The reports examined also contain information concerning: (a) the sharing of competence in federal States; (b) difficulties of application; (c) amendments made to legislation and practice in order to give effect to the Convention; (d) ratification prospects.

52. *Federal States.* Among the ten federal States which have reported on the measures taken to give effect to the Convention, two (*Austria* and *Mexico*) have not stated specifically whether the application of this instrument falls within the competence of the federal authorities or of the authorities of the constituent units; however, the information furnished in their reports would appear to indicate that the federal authorities have jurisdiction, at least as regards legislation. The reports of Argentina<sup>3</sup>, Switzerland<sup>4</sup>, and the United States<sup>5</sup> indicate that jurisdiction is vested in the federal authorities. On the other hand, it would appear that in Australia, Canada<sup>6</sup>, India<sup>7</sup> and the U.S.S.R.<sup>8</sup> legislative competence for the questions dealt with in the Convention is shared between the federal authorities and the authorities of the constituent units.

53. *Difficulties of application.* None of the reports furnished pursuant to article 19 of the Constitution points out any difficulties of application as such. However, some governments express doubt as to the exact obligations which the Convention imposes on governments<sup>9</sup>, or as to the compatibility with the provisions of this instrument of regulations laid down by the State in respect of the right to organise of public officials<sup>10</sup>, or, finally, as to the real effect of the formality of registration<sup>11</sup>. Among the 16 States which have ratified the Convention and have reported pursuant to article 22 of the Constitution, the application of the standards laid down in the instrument appears, in almost all cases, to give rise to no particular difficulty. However, in some cases the Committee has had to draw attention to provisions which appear to it to be incompatible with these standards, involving discrimination between the various categories entitled to the right to organise: in one case, as regards agricultural workers<sup>12</sup>, in two cases, as regards public officials who are denied the right to organise.<sup>13</sup>

<sup>1</sup> Australia, New Zealand.

<sup>2</sup> France, Sweden.

<sup>3</sup> The Convention is "legally a matter for the federal authorities". Cf. Report III, Part II, prepared for the 40th Session of the Conference (1957), p. 61.

<sup>4</sup> "Any action in connection with the Convention could be taken only by the federal authorities." (Ibid., p. 79.)

<sup>5</sup> "The Convention is regarded by the Government as appropriate under the constitutional system for federal action." (Ibid., p. 84.)

<sup>6</sup> There exists a "division of legislative jurisdiction as between the federal and provincial authorities". (Ibid., p. 64.)

<sup>7</sup> "Trade unions" is a concurrent subject under the Constitution." (Ibid., p. 73.)

<sup>8</sup> The Convention "is the responsibility of the federal authorities of the U.S.S.R. and the authorities of the constituent republics, each within their respective fields of competence". (Ibid., p. 83.)

<sup>9</sup> Japan, Switzerland, the United States.

<sup>10</sup> India, Japan.

<sup>11</sup> India, Viet-Nam.

<sup>12</sup> Guatemala.

<sup>13</sup> Cuba, Guatemala (in the latter country, the prohibition also extends to employees of public undertakings).

Further, with respect to the exclusion of any previous authorisation and administrative dissolution, the Committee has had to make observations in one case.<sup>14</sup> Moreover, the Committee has very often found it necessary to request further information on the matters included in the first annual report furnished by the governments. That is why (as indicated in the general part of its report) it appears to the Committee that it would be very useful to supplement the annual report form relating to this Convention. In most cases, once these details have been furnished, the Committee has been able to satisfy itself that the national legislation of the States in question contained no provisions which seemed incompatible with the Convention in respect of the points raised. In one case<sup>15</sup>, nevertheless, the information requested has not yet been furnished. In four other cases, after having noted the further information furnished, the Committee has had to point out to the governments concerned that the relevant provisions in their national legislation did not appear to be compatible with certain of the standards laid down in the Convention<sup>16</sup>, or that the situation was still not clear.<sup>17</sup>

54. *Amendments made to national legislation and practice.* A number of the reports received indicate that amendments have already been made to legislation in order to give effect to certain provisions of the Convention; in other reports the governments express their intention of making amendments to existing legislation dealing with matters directly or indirectly related to the provisions of the Convention. With respect to the amendments already made, four States indicate the action taken in their reports: Argentina has repealed various laws which established a system of unitary trade unionism, restricted the right to strike and contained numerous provisions incompatible with the exercise of the duties of trade union officers. The report of Honduras points out that, because its legislation had been enacted subsequent to the adoption of the Convention, it had been possible to take the provisions of the Convention into account. Turkey explains that its Associations Act has been amended so as to free federations and confederations from the need to obtain the previous authorisation of the competent Minister. Finally, the report of France points out that, in order to put an end to a situation created by an Order dating from the termination of hostilities and which had established a monopoly in respect of engagement in certain undertakings in favour of a particular trade union organisation, a new law has now been adopted by Parliament which prohibits any pressure being exerted on an individual to force him to adhere to an organisation which he has not chosen freely.

55. With regard to amendments which are contemplated, the Governments of Costa Rica, Ecuador and Haiti declare that they wish to repeal provisions in their legislation which permit the administrative dissolution of organisations. In Italy a new law regulating industrial relations is to be promulgated very shortly. The Government of the Sudan states that a new law is being studied, which would provide for the registration of federations and confederations in order that such organisations might be accorded

<sup>14</sup> Guatemala.

<sup>15</sup> Mexico (right to organise of public officials).

<sup>16</sup> Cuba (programmes of organisations), Pakistan (organisations of public officials), the Philippines (registration and legal personality).

<sup>17</sup> Denmark (public officials' organisations).

legal personality. Finally, the report of Switzerland refers to a Bill dealing with collective agreements and the extension of such agreements and to a further examination of the Labour Bill.

56. *Ratification prospects.* Among the States which have reported pursuant to article 19 of the Constitution, eight have recently ratified this instrument: Byelorussia, the Dominican Republic, the Federal Republic of Germany, Honduras, Israel, Poland, Ukraine and the U.S.S.R. Further, according to the report, the Convention is in course of ratification in Luxembourg. The report of Iran states that no obstacles exist to prevent or delay ratification, since national legislation is in harmony with the Convention. According to the reports, ratification is being considered in Egypt and Greece. The Government of Ceylon declares that, having decided not to ratify the Convention for the moment, it intends to take up the examination of the question again at a later date. Several governments wish to bring their national legislation into harmony with the Convention before they take steps to ratify the instrument. This is the case in Costa Rica, Ecuador, Haiti and Italy, already mentioned in the preceding paragraph. Among the countries which indicate the considerations preventing or delaying ratification of the Convention (and apart from those cases in which governments wish to satisfy themselves as to the exact extent of the obligations which they would assume as a result of ratification<sup>1</sup>), some refer to difficulties of a constitutional nature: this is the case in Canada, which indicates that ratification would be very difficult because of the division of jurisdiction in respect of the matters dealt with in the instrument between the federal Government and the provincial governments. Other countries consider that certain provisions in their national legislation prevent ratification: this is the case, for example, in New Zealand, which indicates that certain provisions restricting the freedom of choice of organisation to which persons may wish to belong are not in complete harmony with the Convention but that the abolition of this system would encounter opposition on the part of the large majority of those concerned; likewise, Viet-Nam considers that the right of the administrative authorities to inspect trade union constitutions and rules when unions are being registered constitutes an obstacle, but that this system, which must be maintained in order to avoid the courts declaring union constitutions to be null and void, is necessary in view of the present state of trade union development. Iraq and Jordan also refer to the insufficient development of occupational organisations to explain why it is impossible to ratify the Convention. Finally, the Government of Portugal states that, having regard to the system in that country, ratification of the Convention is impossible.

#### Conclusions

57. On several occasions already the Committee has emphasised the fundamental importance which the International Labour Organisation attaches to the Freedom of Association and Protection of the Right to Organise Convention, 1948, the principles of which are regarded as an essential factor in social progress. This Convention, which on the occasion of the first examination of reports furnished thereon pursuant to article 19 in 1953 had already been ratified by 14 States, has now received 26 ratifications. It appears to the

Committee that the number of ratifications, which may be considered encouraging when it is remembered that the instrument was adopted by the Conference less than ten years ago, will in a short time be considerably increased.

58. The Committee has been happy to observe that, among the States whose reports it has examined, national legislation, in a relatively considerable number of cases, contains no provisions which appear to be incompatible with the standards laid down in the Freedom of Association and Protection of the Right to Organise Convention, 1948. As might be expected, this is the case (with two or three exceptions) with the 16 States which have ratified the Convention and have reported pursuant to article 22 of the Constitution. As regards States which have not ratified the Convention, the Committee has observed that, in addition to the relatively large number in which no real obstacles to ratification would appear to exist, in a considerable number of cases only very slight amendments to national legislation would appear to be required to enable the Convention to be ratified.

59. Examination of the various laws and regulations in force has led the Committee to the conclusion that, as already emphasised, it might be desirable for the legislation of certain countries relating to occupational associations to be simplified. Nevertheless, in view of the universal character of this Convention, which is compatible both with systems under which organisations of workers and employers are based on the general law of association, and with systems under which the right to organise is the subject of very detailed special regulations, the existence of such provisions should not constitute an obstacle to ratification. In fact, here again, more than in all other fields covered by international labour Conventions, respect for established international standards is not merely a question of conformity of legislation, because such respect does not automatically result from the simple fact that the legislation contains no provision which goes against the rights and guarantees prescribed by the Convention. With respect to freedom of association and protection of the right to organise, the Committee cannot emphasise too strongly that national practice is of exceptional importance, in as much as such practice necessarily reflects the more general background of the civil and political liberties enjoyed by the inhabitants of a country.

60. In a number of States, moreover, the Committee has observed that full effect was not given to one or more of the provisions of the Convention, the application of which, nevertheless, does not seem to present any particular difficulty. It may be hoped, therefore, that the economic and social development of these countries and, more especially, the progress made by occupational organisations, will enable them to grant fairly quickly to workers and employers, and to their respective organisations, the rights and guarantees provided for in the Convention.

61. The Committee has, however, been particularly struck by the existence in certain countries—relatively few, it is true—of legislative or constitutional provisions which in effect indirectly restrict the rights and guarantees provided for in the Convention or sometimes even lead to the prohibition, pure

<sup>1</sup> See paragraph 53 above: Difficulties of application.

and simple, of the free exercise of the right to organise; in certain cases, moreover, while the principle of the right to organise is proclaimed in general terms, special legislative provisions or particular regulations result in the restriction, or even the suppression, of the rights and guarantees prescribed. It appears to the Com-

mittee that the existence of provisions of this kind needs to be pointed out all the more because, although there can be no doubt as to their incompatibility with the standards laid down in the Convention, their effect is often difficult to discern at first sight and may accordingly escape notice.

Geneva, 13 April 1957.

(Signed) P. TSCHOFFEN,  
Chairman.

H. S. KIRKALDY,  
Reporter.

#### Appendix. Reports Requested and Reports Received by 13 April 1957

State <sup>1</sup>	Reports requested			Reports received		
	Nos. of Conventions	Nos. of Recommendations	No. of reports requested	Nos. of Conventions	Nos. of Recommendations	No. of reports received
Afghanistan	81, 87	81, 82	4	—	—	—
Albania	81, 87	81, 82	4	—	—	—
Argentina	87	81, 82	3	87	81, 82	3
Australia	81, 87	81, 82	4	81, 87	81, 82	4
Austria	—	81, 82	2	—	81, 82	2
Belgium	81	81, 82	3	81	81, 82	3
Bolivia	81, 87	81, 82	4	—	—	—
Brazil	81, 87	81, 82	4	—	—	—
Bulgaria	87	81, 82	3	87	81, 82	3
Burma	81	81, 82	3	—	—	—
Byelorussia	81, 87 <sup>2</sup>	81, 82	4	81, 87	81, 82	4
Canada	81, 87	81, 82	4	81, 87	81, 82	4
Ceylon	81 <sup>2</sup> , 87	81, 82	4	81, 87	81, 82	4
Chile	81, 87	81, 82	4	81, 87	81, 82	4
China	81, 87	81, 82	4	—	—	—
Colombia	81, 87	81, 82	4	—	—	—
Costa Rica	81, 87	81, 82	4	81, 87	81, 82	4
Cuba	—	81, 82	2	—	81, 82	2
Czechoslovakia	81, 87	81, 82	4	81, 87	81, 82	4
Denmark	81	81, 82	3	81	81, 82	3
Dominican Republic	87 <sup>2</sup>	81, 82	3	87	81, 82	3
Ecuador	81, 87	81, 82	4	87	—	1
Egypt	81 <sup>2</sup> , 87	81, 82	4	81, 87	—	2
Ethiopia	81, 87	81, 82	4	—	—	—
Finland	—	81, 82	2	—	81, 82	2
France	—	81, 82	2	—	81, 82	2
Germany (Fed. Rep.)	87 <sup>2</sup>	81, 82	3	87	81, 82	3
Greece	87	81, 82	3	87	81, 82	3
Guatemala	—	81, 82	2	—	81, 82	2
Haiti	87	81, 82	3	87	81, 82	3
Honduras	81, 87 <sup>2</sup>	81, 82	4	81, 87	81, 82	4
Hungary	81, 87	81, 82	4	—	—	—
Iceland	81	81, 82	3	81	81, 82	3
India	87	81, 82	3	87	81, 82	3
Indonesia	81, 87	81, 82	4	—	—	—
Iran	81, 87	81, 82	4	81, 87	81, 82	4
Iraq	87	81, 82	3	87	81, 82	3
Ireland	—	81, 82	2	—	81, 82	2
Israel	87 <sup>2</sup>	81, 82	3	87	81, 82	3
Italy	87	81, 82	3	87	81, 82	3
Japan	87	81, 82	3	87	81, 82	3
Jordan	81, 87	81, 82	4	81, 87	81, 82	4
Lebanon	81, 87	81, 82	4	—	—	—
Liberia	81, 87	81, 82	4	—	—	—
Libya	81, 87	81, 82	4	—	—	—
Luxembourg	81, 87	81, 82	4	81, 87	81, 82	4

<sup>1</sup> Members on 27 December 1955, date on which reports were requested.

<sup>2</sup> This State has ratified the Convention.

## Report of the Committee of Experts

State <sup>1</sup>	Reports requested			Reports received		
	Nos. of Conventions	Nos. of Recommendations	No. of reports requested	Nos. of Conventions	Nos. of Recommendations	No. of reports received
Mexico . . . . .	81	81, 82	3	81	81, 82	3
Morocco . . . . .	81, 87	81, 82	4	—	—	—
Netherlands . . . . .	—	81, 82	2	—	81, 82	2
New Zealand . . . . .	81, 87	81, 82	4	81, 87	81, 82	4
Norway . . . . .	—	81, 82	2	—	81, 82	2
Pakistan . . . . .	—	81, 82	2	—	81, 82	2
Panama . . . . .	81, 87	81, 82	4	—	—	—
Peru . . . . .	81, 87	81, 82	4	—	—	—
Philippines . . . . .	81	81, 82	3	81	81, 82	3
Poland . . . . .	81, 87 <sup>2</sup>	81, 82	4	81, 87	81, 82	4
Portugal . . . . .	81, 87	81, 82	4	81, 87	—	2
Rumania . . . . .	81, 87	81, 82	4	—	—	—
El Salvador . . . . .	81, 87	81, 82	4	—	—	—
Spain . . . . .	81, 87	81, 82	4	81, 87	81, 82	4
Sudan . . . . .	81, 87	81, 82	4	81, 87	81, 82	4
Sweden . . . . .	—	81, 82	2	—	81, 82	2
Switzerland . . . . .	87	81, 82	3	87	81, 82	3
Syria . . . . .	81, 87	81, 82	4	—	—	—
Thailand . . . . .	81, 87	81, 82	4	—	—	—
Tunisia . . . . .	81, 87	81, 82	4	81, 87	81, 82	4
Turkey . . . . .	87	81, 82	3	87	81, 82	3
Ukraine . . . . .	81, 87 <sup>2</sup>	81, 82	4	81, 87	81, 82	4
Union of South Africa . . . . .	81, 87	81, 82	4	81, 87	81, 82	4
U.S.S.R. . . . .	81, 87 <sup>2</sup>	81, 82	4	81, 87	81, 82	4
United Kingdom . . . . .	—	81, 82	2	—	81, 82	2
United States . . . . .	81, 87	81, 82	4	81, 87	81, 82	4
Uruguay . . . . .	81	81, 82	3	81	81, 82	3
Venezuela . . . . .	81, 87	81, 82	4	—	—	—
Viet-Nam . . . . .	81, 87	81, 82	4	81, 87	81, 82	4
Yugoslavia . . . . .	87	81, 82	3	—	81, 82	2
Total of reports . . . .	51 58	76 76	261	29 37	52 52	170

<sup>1</sup> Members on 27 December 1955, date on which reports were requested.

<sup>2</sup> This State has ratified the Convention.

**INDEX TO OBSERVATIONS AND REQUESTS FOR SUPPLEMENTARY  
INFORMATION MADE BY THE COMMITTEE  
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*Afghanistan :*

VII : A, and B, Nos. 4, 13, 41, 45.  
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*Albania :*

General Report, paragraphs 49 and 63.  
VII : A, and B, Nos. 5, 6.  
IX.

*Argentina :*

General Report, paragraph 23.  
VII : A, and B, Nos. 8, 17, 22, 23, 26, 27, 32, 33, 42, 52.  
IX.

*Australia :*

VII B, Nos. 63.  
VIII B, Nos. 29, 85.  
IX.

*Austria :*

VII B, Nos. 2, 4, 19, 24, 33, 42, 81, 87, 89, 94, 95, 99, 100.

*Belgium :*

VII B, Nos. 1, 7, 22, 32, 42, 58, 62, 69, 73, 74, 87, 88, 89, 94, 97, 98.  
VIII : A, and B, Nos. 29, 50, 64, 89, 94.  
IX.

*Bolivia :*

General Report, paragraphs 22 and 23.  
VII : A, and B, Nos. 5, 14, 19.  
IX.

*Brazil :*

VII B, Nos. 3, 16, 92, 98.  
IX.

*Bulgaria :*

VII : A, and B, Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 14, 15, 16, 18, 19, 20, 22, 23, 24, 25, 26, 29, 30, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 49, 52, 53, 55, 56, 58, 60, 62, 69, 73, 77, 78, 79, 81, 88.  
IX.

*Burma :*

VII B, Nos. 1, 26, 52.  
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*Byelorussia :*

IX.

*Canada :*

VII B, Nos. 1, 26.  
IX.

*Ceylon :*

VII B, No. 63.  
IX.

*Chile :*

VII B, Nos. 2, 3, 4, 11, 17, 24, 25, 34, 35, 36, 37, 38.  
IX.

*China :*

General Report, paragraphs 49 and 63.  
VII B, Nos. 7, 11, 14, 15, 16, 22, 23, 26, 27, 32, 45, 59.  
IX.

*Colombia :*

VII : A, and B, Nos. 1, 2, 3, 4, 5, 7, 8, 9, 13, 14, 15, 17, 18, 20, 22, 23, 24, 25, 26.  
IX.

*Costa Rica :*

IX.

*Cuba :*

VII B, Nos. 15, 20, 27, 29, 32, 52, 58, 59, 60, 63, 67, 77, 78, 79, 81, 87, 88, 92, 94, 95, 97, 100, 101, 103.  
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*Czechoslovakia :*

VII B, Nos. 1, 4, 14, 24, 25, 26, 34, 35, 36, 37, 38, 39, 40, 43, 44, 48, 49, 52, 63, 88, 89, 90.  
IX.

*Denmark :*

VII B, Nos. 5, 6, 14, 63, 87.  
VIII : A, and B, Nos. 2, 5, 6, 14, 16, 18, 19.

*Dominican Republic :*

VII B, Nos. 1, 79, 81, 88, 89, 98, 100.  
IX.

*Ecuador :*

VII : A, and B, Nos. 26, 29, 95.  
IX.

*Egypt :*

General Report, paragraph 23.  
VII B, Nos. 2, 11, 53, 63, 98.  
IX.

*Ethiopia :*

General Report, paragraphs 49 and 63.  
IX.

*Finland :*

VII B, Nos. 20, 22, 32, 52, 62, 63, 94, 96.

<sup>1</sup> The Roman numerals and the letters refer to the divisions of the report and the Arabic numerals to the numbers of the Conventions.



*France :*

VII B, Nos. 3, 6, 14, 19, 42, 43, 49, 52, 55, 62, 63, 69, 73, 77, 78, 81, 87, 89, 96, 97, 98, 100, 101.

VIII : A, and B, Nos. 3, 4, 5, 6, 10, 13, 14, 17, 26, 33, 42, 53, 55, 56, 58, 62, 69, 73, 74, 81, 85, 89, 92, 94, 95, 99, 100, 101.

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*Federal Republic of Germany :*

VII B, Nos. 3, 19, 27, 45, 63, 88, 96, 99.

*Greece :*

VII B, Nos. 1, 2, 3, 14, 17, 19, 27, 29, 41, 42, 45, 52.

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*Guatemala :*

General Report, paragraph 23.

VII : A, and B, Nos. 81, 87, 89, 95, 98.

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*Haiti :*

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*Hungary :*

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VII : A, and B, Nos. 2, 3, 6, 18, 19, 24, 27, 41, 42, 45, 48.

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*Iceland :*

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*India :*

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*Indonesia :*

General Report, paragraph 49.

VII B, Nos. 19, 29.

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*Iran :*

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*Iraq :*

VII : A, and B, Nos. 41, 77, 81, 88.

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*Ireland :*

VII B, Nos. 14, 81.

*Israel :*

General Report, paragraph 23.

VII B, Nos. 1, 5, 52, 77, 78, 79, 90, 94.

IX.

*Italy :*

VII B, Nos. 3, 13, 19, 26, 32, 52, 55, 59, 60, 69, 73, 77, 78, 79, 81, 88, 90, 95, 96.

VIII B, Nos. 4, 84, 85.

IX.

*Japan :*

VII B, Nos. 22, 27, 81, 88.

IX.

*Lebanon :*

General Report, paragraphs 49 and 63.

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*Liberia :*

General Report, paragraphs 22, 49 and 63.

VII : A, and B, No. 29.

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*Libya :*

General Report, paragraph 49.

IX.

*Luxembourg :*

General Report, paragraph 22.

VII : A, and B, No. 19.

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*Mexico :*

VII B, Nos. 8, 9, 13, 22, 23, 26, 27, 32, 34, 42, 43, 49, 52, 53, 55, 62, 63, 87, 100.

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*Netherlands :*

VII B, Nos. 17, 81, 87, 89, 90, 94, 97, 99.

VIII : A, and B, Nos. 2, 19, 29, 41, 42, 62, 69, 74, 81, 87, 88, 89, 90, 94, 95, 96.

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*New Zealand :*

VII B, Nos. 1, 32, 49, 59, 60.

VIII : A, and B, Nos. 14, 29, 65.

*Nicaragua :*

VII : A, and B, Nos. 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30.

*Norway :*

VII B, Nos. 8, 22, 30, 63, 87, 102.

*Pakistan :*

VII B, Nos. 1, 81, 87, 89, 90, 96, 98.

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*Panama :*

General Report, paragraphs 49 and 63.

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*Peru :*

General Report, paragraphs 22, 49 and 63.

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*Philippines :*

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*Poland :*

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*Portugal :*

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*Rumania :*

VII B, Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 16, 24, 27.

*El Salvador :*

General Report, paragraph 49.  
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*Spain :*

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*Switzerland :*

VII B, Nos. 6, 18, 81.

*Syria :*

General Report, paragraph 63.  
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*Thailand :*

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*Turkey :*

VII B, Nos. 81, 96, 98.  
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*Ukraine :*

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*Union of South Africa :*

VII B, No. 63.

*U.S.S.R. :*

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*United Kingdom :*

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*United States :*

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*Uruguay :*

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