

INTERNATIONAL LABOUR CONFERENCE

FORTY-SECOND SESSION

GENEVA, 1958

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, 1958

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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 Conventions to which it is a party. These reports shall be made in such form and shall contain such particulars as the Governing Body may request." Article 23 of the Constitution provides that the Director-General shall lay before the next meeting of the Conference a summary of the reports communicated to him by Members in pursuance of article 22, and that each Member shall communicate copies of these reports to the representative organisations of employers and workers.

The present Summary, which covers the period from 1 July 1956 to 30 June 1957, contains information on the 85 Conventions in force at that time. Information covering the preceding reporting period (1 July 1955 to 30 June 1956) but received too late for inclusion in last year's Summary has, in certain cases, been taken into account in preparing the present Summary. A table indicating ratifications and, in the case of non-metropolitan territories, declarations of application, appears under each Convention.

Voluntary reports (in respect of Conventions which are not in force for the countries concerned) supplied by certain governments are also summarised in the present volume.

A decision taken by the Governing Body at its 134th Session (Geneva, March 1957) laid down new criteria for the inclusion of information in the Summary of Annual Reports in order to reduce its size to a strict minimum, and to focus attention on particulars given in first reports and on important changes in the subsequent application of a Convention.

In accordance with this decision the present volume includes therefore, as regards *first reports* after ratification (which are specially indicated), the principal legislation and regulations giving effect to a Convention, information on the manner in which each of its substantive Articles is implemented and a brief record of

the way in which it is applied in practice. In the case of all *subsequent reports* mention is only made of information supplied in response to a request or an observation of the Committee of Experts or of the Conference Committee on the Application of Conventions and Recommendations (unless the information has already appeared in the reports of one or the other of these Committees, in which case the Summary merely refers to the relevant document), or of important changes which have occurred in the legislation or practice of a country. Information on practical application (statistics of workers covered, results of inspection, etc.) and on changes of secondary importance is no longer summarised, but separate mention is made, under each Convention, of countries which have supplied such data and of countries which refer to or repeat information previously reported.

In accordance with the practice followed in recent years the summaries of reports on the application of Conventions in non-metropolitan territories are printed in a separate section, following that concerning metropolitan countries.

At the end of the respective sections of the Summary information is given regarding the communication by the governments of copies of their reports to the representative organisations of employers and workers.

The present volume covers reports received by the Office up to 15 February 1958. 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 1958.

Note. The following abbreviations are used throughout the Summary:

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

Report of the Committee = *Report of the Committee on the Application of Conventions and Recommendations* (see International Labour Conference, 40th Session, Geneva, 1957: *Record of Proceedings* (Geneva, I.L.O., 1958)).

APPLICATION OF CONVENTIONS IN METROPOLITAN COUNTRIES
(ARTICLE 22 OF THE CONSTITUTION)

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 ¹	12. 6.1924
Belgium	6. 9.1926
Bulgaria	14. 2.1922
Burma ²	14. 7.1921
Canada	21. 3.1935
Chile	15. 9.1925
Colombia	20. 6.1933
Cuba	20. 9.1934
Czechoslovakia	24. 8.1921
Dominican Republic	4. 2.1933
France ¹	2. 6.1927
Greece	19.11.1920
Haiti	31. 3.1952
India	14. 7.1921
Israel	26. 6.1951
Italy ¹	6.10.1924
Luxembourg	16. 4.1928
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Pakistan ³	14. 7.1921
Peru	8.21.1945
Portugal	3. 7.1928
Rumania	13. 6.1921
Spain	22. 2.1929
Uruguay	6. 6.1933
Venezuela	20.11.1944

¹ Conditional ratification.
² The Union of Burma became a Member of the International Labour Organisation on 18 May 1948 and stated that Burma remained bound by the 14 Conventions which India had ratified up to 31 March 1937. The date given is that on which the ratification by India was registered.
³ Pakistan became a Member of the International Labour Organisation on 31 October 1947 and informed the Office that it had undertaken to implement the Conventions ratified by the Government of India up to 15 August 1947. The date given is that on which the ratification by India was registered.

Belgium.

The Government refers to a number of Royal Orders issued in 1956 and 1957, relating to exemptions from hours of work provisions or cases in which overtime or the redistribution of working hours is permitted. Information is also supplied on 15 decisions taken by joint committees as regards the reduction of working hours, and on collective agreements providing for shorter working hours.
The Government refers to the information supplied to the Conference Committee in reply to an observation made by the Committee of Experts, and adds that it will communicate as soon as possible the collective agreements and administrative regulations for postal workers.

Bulgaria.

Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

Section 39, paragraph 1, of the Labour Code, as amended in 1957, provides that the normal working week shall be 46 hours.
As a result of the repeal by the Act of 1957 of the second paragraph of section 42 of the Labour Code, overtime in seasonal occupations may now be worked subject to the conditions laid down in sections 46 to 48 of the Code.
The provisions relating to the non-standardised working day (section 43 of the Code) were also repealed by the Act of 1957.

Burma.

Under section 4 (1) of the Factories Act, 1951, all the provisions of the said Act have been extended to the undermentioned places wherein power is used and employing less than ten workers, and also to places where no power is used and employing less than 20 workers: motor workshops, motor body painting works, printing presses and oil mills.
In reply to a request made by the Committee of Experts in 1957, the Government states that any developments in the framing of rules regarding section 57 (1) of the Factories Act will be notified as requested.

Canada.

Manitoba Employment Standards Act, 1957.

In *Alberta*, for the pipeline construction industry, a revised Wage Order established normal hours of work at 48 a week and eight a day, or 40 a week and more than eight a day if fixed by collective agreement; a new Order to apply to land surveying requires that all field employees be paid overtime rates after 208 hours of work in a month. In *British Columbia*, the first general Wage Order (No. 17 of 1957) covering bus drivers was made: overtime rates are payable after eight-and-a-half hours a day, and after 47 a week where the eight-and-a-half hours are not exceeded on any day. The 1957 revision of General Order No. 4 in *Quebec* made a change in the exceptions from the 48-hour week provision, by eliminating the 60-hour standard category and placing the undertakings affected (buses and goods transport and dairy products factories) and also

certain types of work, under the 54-hour standard. In *Saskatchewan*, Orders under the Hours of Work Act (eight a day, 44 a week) withdrew the exception from the overtime provisions which had previously applied to city garage employees and certain food processing undertakings.

Some details of the exceptions authorised under the regulations (Article 6) are given in the report.

Cuba.

Resolution No. 117 of 21 June 1957 (*Gaceta Oficial*, 27 June 1957).

The above Resolution contains provisions relating to overtime worked in the sugar industry.

Dominican Republic.

The Government has taken note of the observations made by the Committee of Experts on the subject of sections 149 and 269 of the Labour Code. The Government is considering the possibility of introducing the corresponding amendments in the law; it wishes to point out, however, that the situation provided for in section 149 (lack of suitable workers), while it is not sufficient reason under the terms of the Convention for extending hours of work, is nevertheless a matter of the first importance in the Dominican economy, since the types of work in which the longer working hours provided for in this section are authorised are in practice confined to the sugar industry, which is the country's staple industry and which frequently has to cope with labour shortages.

As regards section 160 of the Labour Code, the Government believes that there has been an erroneous interpretation of the wording of the section, as it relates to a restrictive list of establishments to which the provisions of the above-mentioned Code on Sunday closing and closing on other statutory holidays will not apply, without prejudice, however, to the weekly rest and the normal hours of work provided for in section 137 of the Code. The case envisaged in the above-mentioned section does not prevent some of the establishments listed therein from being covered, by reason of the nature of their continuous-process operations, by the provisions of section 148, which is no more than a straightforward application of Article 4 of the Convention. The system adopted by undertakings where working is continuous consists of three eight-hour shifts which, where necessary, can continue working for another hour when they have to give instructions to the incoming shift.

Lastly, the Government states that the Secretariat of State for Labour has not made any use of section 154 of the Labour Code, under which he may provisionally increase the duration of normal working hours. This provision is reserved for emergencies or national disasters.

Greece.

As regards the observations made by the Committee of Experts on the application of the Convention to certain categories of railway

workers, the Government states that this question has not yet been settled but that the services of the Ministry of Labour and the Ministry of Communications are trying to find a way of bringing about the general application of the Convention by progressive stages.

Haiti.

In reply to the observations of the Committee of Experts the Government has confirmed that there are no legislative provisions or other regulations which govern the cases in which the competent authority may authorise overtime, nor which restrict the number of overtime hours which a worker may be required to perform. Overtime permits are restricted to serious situations or cases of *force majeure*, and are granted by the Department of Labour on the basis of a report made by the Labour Inspection Service. The Government states that its legislation will have to be amended to bring it into conformity with the several provisions of the Convention which were the subject of the Committee's observations, and that the matter is receiving the attention of the competent authority.

India.

In reply to the observation made by the Committee of Experts in 1957, the Government supplies the following information:

The rules framed by the state governments of Bombay, Uttar Pradesh, West Bengal, Orissa, Kerala, Rajasthan, Mysore and Madras limit the weekly hours of work in the cases covered by section 64 (2) (d) of the Factories Act to 56 as against the general limit of 48, while in the case of Punjab the limit is 54. Some state governments have framed rules fixing the hours of overtime that a worker may work in a quarter, e.g. 66 in the case of Delhi and 50 in the case of Rajasthan, Punjab and Bihar. The other state governments which have not yet fixed the maximum hours or which have fixed them at more than 56 under section 64 (2) (d) of the Factories Act have already been requested by the Government of India to frame or modify relevant rules.

As regards section 64 (2) (j) of the Act, the state governments have been advised by the Government of India to frame or modify relevant rules under this section so as to limit the weekly hours of work to a maximum of 60, as prescribed in Article 10 of the Convention.

The Government of West Bengal has stated that under the rules framed by the state government no worker, other than an adult male worker engaged in urgent repairs, is allowed to work for more than 56 hours a week. For urgent repairs a worker may be employed up to a maximum of 66 hours in a week, and this is in accordance with Article 3 of the Convention.

The Uttar Pradesh Government has published, for comment, a draft Notification relating to workers engaged in the loading and unloading of railway wagons. The Notification will be finalised shortly.

In Uttar Pradesh 30 undertakings (ordnance factories, government presses and a sugar factory) were granted exemption beyond the

limits laid down in section 64 (4) of the Act, *vide* powers vested in the state governments under section 5 of the Act. Of these 30 undertakings, 12 ordnance factories were given exemption continuously during the period under review except from 1 January to 31 March 1957.

New Zealand.

Factories Amendment Act, 1956.

The above-mentioned Act, which amends the principal Act of 1946, provides that, subject to securing the written consent of the Inspector of Factories (which in certain circumstances may be granted only with the prior approval of the Secretary of Labour) the limitations as to overtime need not be observed in respect of (a) those industries where raw materials which, in the opinion of the Inspector, are subject to rapid deterioration, are processed for sale as foodstuffs, and (b) those industries where, in the opinion of the Inspector, extended hours are necessary in order to meet a public demand resulting from approaching or existing holidays or from extraordinary circumstances.

In connection with the observation made by the Committee of Experts in 1957 the Government supplies statistics on hours of work, in which account is taken of the considerable increase in the number of part-time workers and which show that the average of working hours for all industries, inclusive of overtime, was 39.1 per week as on 15 April 1957; the highest average of weekly hours worked, including overtime, was 45.9 in rail transport.

The report refers to the restrictions on working hours imposed by statutory provisions and by collective agreements and arbitration awards, and indicates that the Government has always taken the view that—

- (a) overtime is subject to the permissive authority contained in awards and industrial agreements and these instruments have the same force as regulations provided for in the Convention;
- (b) because of the general application of the 40-hour, five-day working week, at least eight hours of overtime would require to be worked in any week before the 48-hour maximum of the Convention is reached;
- (c) the penalty rates are regarded as sufficiently severe to ensure that an employer would incur the cost of them only to meet unavoidable circumstances of the kind referred to in the Convention; the fact that the overtime clauses have the agreement of the industrial unions of workers (who have proved particularly jealous of the 40-hour week) can be regarded as a further guarantee that they are not being used to the detriment of workers or as a means of undermining the 40-hour week;
- (d) statistics show that the total working hours even for male workers rarely exceed 48 a week; as has been stated to the Committee of Experts, it has been verified that in the industries where overtime has come near or has exceeded this level special conditions within the permissive clauses of the Convention have existed.

It has traditionally been the prerogative of industrial unions of employers and of workers, or of the court of arbitration where these parties fail to reach agreement, to determine the conditions under which overtime shall be worked. There is no reason to find fault with the way in which they have discharged this responsibility and it appears certain that statutory interference with this prerogative would not be acceptable to them.

Accordingly the Government asks the Committee of Experts for a ruling that, subject to continuing surveillance by the Department of Labour of cases where hours of work, including overtime, approach or exceed 48 a week, the position in New Zealand meets the requirements of the Convention to the satisfaction of the Committee.

Nicaragua.

In reply to observations made by the Committee of Experts, the Government has forwarded a copy of the Labour Code, together with the text of certain amendments and regulations governing labour inspection. It points out that, since Nicaragua is essentially an agricultural country, there are no special provisions applicable to industrial workers, with the exception of Decree No. 85 which deals with work in mines. However, industrial workers are protected as regards hours of work by the provisions applicable to all workers. The Government refers in particular to sections 47, 49, 54, 55 and 56 of the Labour Code.

As regards section 56 of the Labour Code, which authorises overtime in special cases, the Government states that in cases of disaster or imminent danger imperilling the life of persons or the existence of the undertaking, for example, overtime work is not remunerated at twice the normal wage, as required by section 74 of the Labour Code and article 95 (11) of the Constitution. In keeping with a logical interpretation of the law, the labour inspectors authorise special overtime within legal limits in cases of accidents or serious risk of accident, when urgent work must be done on machinery or installations, or in cases of *force majeure*; this, however, is done only in so far as it is indispensable to avoid serious disruption in the normal operation of the undertaking.

In the cases provided for in Articles 4, 5 and 6 of the Convention, Nicaraguan legislation does not authorise overtime: undertakings operating continuously must have the necessary relief shifts. There are no regulations such as those referred to in Article 6. The power to grant authorisation rests with the Labour Inspectorate. The rate for overtime is twice the normal wage, i.e. higher than the minimum fixed in this connection by the Convention.

With a view to facilitating the application of the Convention, undertakings are required to post schedules of working hours and hours of rest in the undertaking. Labour inspectors see to it that these schedules are posted in conspicuous places and report any violations to the labour judges; they are also entrusted with the inspection of records concerning over-

time in the undertaking, which must be paid for at double wages and may not exceed legal limits.

Pakistan.

In reply to the request by the Committee of Experts with regard to the extension of hours of employment regulations to the running personnel on railways, the Government states that this question is still under examination and hopes that a decision will be taken in the near future.

Spain.

The following information is supplied with regard to the observations made by the Committee of Experts in connection with this Convention:

Article 1 of the Convention. The eight-hour working day provided for in section 1 of the Act of 9 September 1931 also applies to bakeries since it covers all kinds of industrial work, office work and paid work. Consequently, section 2 of the Royal Decree of 3 April 1919 has been superseded in this respect.

Article 2. Section 1 of the Act of 9 September 1931 itself provides that weekly hours of work shall not exceed 48, by stating that in cases in which the nature of the work does not allow of a uniform daily distribution of hours of work—at the rate of eight a day—different hours may be laid down for each day provided that no worker's working day exceeds nine hours. Under section 1 of the Act of 13 July 1940 work may be done on all days of the year except on Sundays and official holidays of a religious character. No authorisation has been granted under section 7 of the Act of 13 July 1940 to suspend the weekly rest provided for in section 6 of that Act in the absence of Sunday rest.

Article 3. The terms of paragraph 2 of section 8 of the Act of 9 September 1931 do not conflict with Article 3 of the Convention since the making up of lost time subject to a limit of not more than one hour of overtime per day is authorised in circumstances such as emergencies, serious atmospheric disturbances, power failures, etc., which involve serious interference with the ordinary operations of the undertaking.

Article 4. The possible extension of weekly hours of work to 60, which is referred to in section 49 of the Act of 9 September 1931, involves the working of overtime, that is, of exceptionally long hours, and this does not conflict with the general limitations laid down in section 4 of the same Act with regard to the working of overtime, which may not exceed 50 hours a month. There is therefore no divergence between this and the average of 56 hours a week which is accepted in this Article of the Convention for specific cases. It should be pointed out that under the Labour (Iron and Steel) Regulations, 1946, an addition of at least 30 per cent., which may in certain circumstances reach 75 per cent., must be paid for all overtime.

Article 5. The provisions of the Act of 1931 to which reference is made have been superseded

by regulations concerning work on railways. Those for the Spanish National Railways provide (section 120) that for shift workers the figure of eight hours a day must be arrived at by averaging the hours worked over a period not exceeding six days.

Article 6. Similarly, section 97 of the Act of 1931, which applies to railways, has been superseded by the Labour Regulations, which, taking as an example section 133 of those for the Spanish National Railways, regard as overtime all hours worked in excess of either the normal daily hours or the average calculated over a period that may not cover more than six days.

The Government considers that questions regarding maximum hours of work and the calculation of overtime and overtime pay are totally distinct from measures of a disciplinary character that may be imposed for unsatisfactory work, which naturally includes arriving late for work. In no case does such lateness give rise to the working of unpaid overtime, and the financial penalty that may be imposed on this account does not involve any financial advantage for the employer since the sums involved are paid to the family allowances fund.

Article 7, paragraph 1 (a). The processes that are deemed to be necessarily continuous in character are covered by section 12 of the Regulations of 25 January 1941 to apply the Act of 13 July 1940. This provision corresponds to the definition contained in section 5, paragraph (1), of that Act of 1940, according to which work is regarded as being continuous if it cannot be interrupted, either because of the nature of the needs or public services which it is intended to meet, or for reasons of a technical character, or because the interruption would cause serious prejudice to the general interests of the industry concerned.

Paragraph 1 (c). The operations referred to are those defined in section 10 of the above-mentioned Act of 9 September 1931, namely those of employees on whose duties the beginning or stoppage of the work of the other employees depends, provided that on account of the dissimilarity of their work their duties cannot be performed by other employees in rotation within the 48 weekly hours of work. It should be noted that for such work to be carried out in these circumstances an authorisation must be obtained from the provincial representative of the Ministry of Labour, as laid down in section 80 of the Regulations of 21 December 1943. A similar authorisation is required for the working of overtime, which may only be decided on, according to section 4 of the Act of 1931, in cases of urgent need.

Article 8. Under section 6 of the Order of 11 April 1953 undertakings, when giving the workers their pay, must issue them with duplicates of any receipts they sign. The receipts must correspond to an official form and specify the normal hours, the overtime worked and the other items affecting earnings.

Under section 16 of the Act of 9 September 1931 and under the Order of 15 December 1944, notices must be posted up at workplaces; they should state the hours for the beginning and

ending of work, and, if work is carried on in shifts, the hours for the beginning and ending of the work of each shift, and the breaks for rest granted during the daily hours of work but not included therein. There is no official form for such notices but they have to be approved by the Labour Inspectorate.

Article 14. There is no general provision for the possibility to which this Article relates, but this does not mean that a suspension could not be decided by Act or Legislative Decree in the event of a war or an imminent danger of war.

Section 4 of the Act of 1931 relates to cases of urgent need in which a special authorisation must be obtained from the provincial representative of the Ministry of Labour.

For a shortage of the necessary employees to give rise to the working of overtime it would be necessary for the position to be one which affected the whole of an industry or occupation in a particular place or area according to the rule itself.

The possibility of festivals to which section 8 of the Act of 1931 refers has been practically eliminated since such festivals are listed in section 55 of the Regulations of 25 January 1941 to apply the Sunday Rest Act of 1940. The First of May has recently been added as an official holiday.

Section 11 of the Act of 1931 refers to artisans who play an auxiliary role in relation to the main activity of an undertaking, for example the staff of a carpenter's shop in a large establishment; in such cases the limitation on overtime is no different and it coincides with what is permitted under section 4 of the Act, which lays down general rules in this regard.

It has already been pointed out above that section 97 has been superseded by the Labour Regulations in respect to railways.

Section 47 relates to non-mechanised brick and tile works, which have practically gone out of existence.

Section 36 of the Act of 1931 bears no relation to Convention No. 1; it relates to work in mines when carried out underground, where, according to section 32, it may not exceed seven hours a day.

The provisions regarding hours of work in road transport that are to be found in section 101 of the Act have been superseded by the Regulations of 2 October 1947 applying to this category of undertakings, section 52 of which provides in general for an eight-hour day and a 48-hour week; the exceptions listed in the following sections provide that hours worked over and above eight and 48 respectively shall constitute overtime, in accordance with section 49 of the relevant ordinance.

Uruguay.

Decree of 9 October 1956 respecting the fines imposed for breaches of Act No. 5350 of 17 November 1915.
Decree of 9 July 1957 respecting persons holding positions of supervision in private undertakings who are exempted from the maximum daily hours of work provisions.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application:

Argentina, Belgium, Bulgaria, Canada, Chile, Cuba, Greece, India, Israel, Luxembourg, New Zealand, Portugal, Uruguay.

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 ¹	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 ²	6. 6.1925
Greece	19.11.1920
Hungary	1. 3.1928
Iceland	17. 2.1958
India ³	14. 7.1921
Ireland	4. 9.1925
Italy	10. 4.1923
Japan	23.11.1922
Luxembourg	16. 4.1928
Netherlands	6. 2.1932
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Norway	23.11.1921
Poland	21. 6.1924
Rumania	13. 6.1921
Spain	4. 7.1923
Sudan	18. 6.1957
Sweden	27. 9.1921

Countries	Date of registration of ratification
Switzerland	9.10.1922
Turkey	14. 7.1950
Union of South Africa	20. 2.1924
United Kingdom	14. 7.1921
Uruguay	6. 6.1933
Venezuela	20.11.1944
Yugoslavia	1. 4.1927

¹ See footnote 2 to Convention No. 1.

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

³ Has denounced this Convention.

Belgium.

See under Convention No. 88.

Bulgaria.

Order of the Council of Ministers of 1 October 1956 to approve an Ordinance respecting the work of the manpower registration and direction offices and the placement of handicapped persons (*L.S.* 1956—Bul.1).

Instruction of 25 January 1957 to apply the Ordinance of 1 October 1956.

The Administration for Manpower Reserves was abolished by a decision of the Council of Ministers of 1 July 1956. The regional and local employment service offices, which were previously placed under it, are now attached to the general public administration, i.e. to the executive committees of the people's councils, and are placed under the central direction of the Council of Ministers (through its Department for the Organisation and Supervision of the Executive Committees of the People's Councils) and of the Ministry of Public Health and Social Welfare.

See also under Convention No. 88.

Chile.

In reply to the observation made by the Committee of Experts the Government points out that section 86 of the Labour Code provides that "joint committees of employers and wage-earning employees shall be appointed to advise the General Labour Inspectorate in all matters relating to the working of the employment offices".

The Government further refers to the re-organisation of the employment service started by the two technical assistance experts sent by the I.L.O., and to the draft Bills prepared by them. The latest of these drafts is being studied by the Government and the message which will accompany its presentation to the current special session of Congress is in course of preparation.

Egypt.

At the present time the Superior Advisory Council of Labour is studying the establishment of committees composed of representatives of employers and workers to deal with all matters concerning employment policy.

As yet, no unemployment insurance system exists. Act No. 419 of 1955 to establish an insurance and provident fund for workers provides in section 33 that persons who are involuntarily unemployed for a period of more than six months will be entitled to an unemployment allowance.

Federal Republic of Germany.

Employment Exchanges and Unemployment Insurance (Amendment) Act of 23 December 1956 (*Bundesgesetzblatt* Part I, p. 1018).

Under the above Act the Federal Ministry of Labour may decide that membership of a foreign unemployment insurance scheme is assimilated to membership of the German scheme, provided the foreign insurance scheme is equivalent and that it grants reciprocity to German nationals.

The Preliminary European Agreement on Social Security of December 1953 and the additional Protocol to this Agreement (which, *inter alia*, covers unemployment insurance) came into force for the Federal Republic on 1 September 1956.

See also under Convention No. 88.

Greece.

The Government supplements the information which it gave to the Conference Committee in 1957 (see *Report of the Committee*, p. 664) as follows :

As regards the statistics which must be forwarded under Article 1 the Government states that under a Royal Decree of 27 February 1957 a Statistical Department has been formed with the necessary qualified staff. It reports to the Ministry of Co-ordination and is attached to the Ministry of Labour.

The Greek General Confederation of Labour has also transmitted a letter containing remarks of a general character on employment policy.

Hungary.

The Government's report states that because there has been a reduction in labour turnover over the last few months 11 of the 22 employment agencies that were operating in Budapest have been closed.

Italy.

A convention was signed with Northern Ireland on 29 January 1957 to guarantee equality of treatment concerning, *inter alia*, unemployment benefits for nationals of both countries.

Norway.

Act of 14 December 1956 to amend the Act of 27 June 1947 respecting measures to promote employment (*Norsk Lovtidend*, 9 Jan. 1957, No. 1, pp. 14-17).

The Social Security Convention between Norway, Denmark, Finland, Iceland and Sweden, of 15 September 1955 (see summary of report for 1956) came into force on 1 November 1956.

Spain.

The report states, in reply to the observations made by the Committee of Experts in 1957, that pursuant to the Order of 31 August 1938 advisory committees have been established in Spain which include representatives of employers and workers, and that, although no implementing regulations have yet been issued under the Act of 10 February 1943, effect is given to the provisions of the Convention by the earlier legislation, which has not been repealed.

Uruguay.

According to information supplied by the Government in reply to the observation made by the Committee of Experts last year, the employment service still operates precariously owing to lack of resources and technical personnel, and it has not been possible to bring it up to the standards set out in the Convention.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Argentina, Austria, Belgium, Bulgaria, Burma, Chile, Denmark, Egypt, France, Federal Republic of Germany, Greece, Hungary, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Poland, Sweden, Switzerland, Turkey, Union of South Africa, United Kingdom, Yugoslavia.

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

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 ¹	31. 10. 1927
Greece	19. 11. 1920
Hungary	19. 4. 1928
Italy	22. 10. 1952
Luxembourg	16. 4. 1928
Nicaragua	12. 4. 1934
Rumania	13. 6. 1921
Spain	4. 7. 1923
Uruguay ^a	6. 6. 1933
Venezuela	20. 11. 1944
Yugoslavia	1. 4. 1927

¹ See footnote 2 to Convention No. 2.

^a Has denounced this Convention.

Bulgaria.

Act of 15 November 1951 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

Under section 60 of the Labour Code, as amended by the above enactment, the leave granted for pregnancy and confinement is increased from 90 to 120 days, 45 of which are taken before confinement. During this leave women wage and salary earners are entitled to a cash maternity benefit amounting to 100 per cent. of their gross earned income.

The woman wage or salary earner is entitled to take one hour off (with pay) twice a day or two hours in a single period for the purpose of nursing her child until the latter is eight months old. When the child has reached this age the break is one hour per day, and it continues to be granted for such time as it may be necessary to nurse the child. The duration of maternity leave for women working a short-time schedule is specified by ordinance.

Section 35 states that the undertaking is not allowed to dismiss, with or without notice, any woman wage or salary earner after the fourth month of pregnancy, or any mother whose child has not reached the age of eight months, nor may it vary the terms of a contract of employment of indeterminate duration with such a woman during that period save for gross misconduct or in the event of the winding-up of the undertaking, and subject to the permission of the competent labour inspectorate in each individual case. While on maternity leave in virtue of section 60 of the Labour Code a woman wage or salary earner may not be dismissed or have the terms of her contract varied, whatever the seriousness of her misconduct.

Under section 119 any woman wage or salary earner who is dismissed after the fourth month of pregnancy on account of the liquidation of the undertaking or the termination of work in the case of a seasonal undertaking shall, if she

so requests, be placed by the next higher department or organisation in suitable employment in another undertaking. In such cases the woman wage or salary earner is entitled to draw the cash maternity benefit without having to complete a period of qualifying service.

Chile.

Decree No. 3 of 3 January 1957 to approve the regulations issued to apply Title III of Book II of the Labour Code respecting maternity protection (*Diario Oficial* No. 23661, 31 Jan. 1957).

France.

For the Government's reply to the observations made by the Committee of Experts see *Report of the Committee*, p. 665. The report adds that an amendment of the existing provisions would constitute a retrograde step.

Federal Republic of Germany.

For the Government's reply to the observations made by the Committee of Experts see *Report of the Committee*, p. 665.

Greece.

For the Government's reply to the observations made by the Committee of Experts see *Report of the Committee*, p. 666.

Persons not covered by the Social Insurance Institute (I.K.A.) or by other institutions are covered in part by the social assistance arrangements of the Ministry of Social Welfare. Moreover, under the Civil Code, all workers (including women) are entitled to one month's or 15 days' wages (depending on the duration of their employment) if for any serious reason beyond their control they are prevented from working.

A small number of persons subject in principle to the social insurance law have not yet been covered because of the brief seasonal nature of their work. However, the competent authority is studying the possibility of extending insurance on a modified basis to these categories of workers so that they would be able to benefit from the social insurance arrangements.

With further reference to the observations of the Committee of Experts, the Government's report lists the regions in which the social insurance scheme now applies.

Italy.

Consolidated Government Civilian Employees' (Employment Regulations) Act, approved by Presidential Decree No. 3 of 10 January 1957.

The above-mentioned Act contains provisions regarding special leave for pregnancy and confinement which apply to all women workers in government employment.

With reference to the observation of the Committee of Experts, see *Report of the Committee*, p. 666.

Nicaragua.

Regulations of 24 October 1956 issued under the Social Security Act (*La Gaceta*, 12 Nov. 1956, No. 257, p. 2753).

A beginning has been made with the implementation of the Social Security Act of 22 December 1955, and maternity benefits are at the moment being paid to government employees in the capital of the Republic by the National Social Security Institute. The scope of the Act will be gradually extended to cover women workers in private undertakings.

Under section 71 of the general regulations of the National Social Security Institute insured women are entitled to the following benefits: obstetrical, medical and surgical treatment; hospitalisation; dental treatment; supply of pharmaceutical products; a maternity leave allowance, payable in cash; a nursing allowance, payable in cash or kind; a layette; and medical treatment for the child. Under section 60 of the regulations the allowance is to be equal to 60 per cent. of the average total weekly remuneration, and is to be paid during the six weeks preceding and the six weeks following confinement.

Section 82 of the regulations provides for a nursing allowance.

According to the Government there is no discrepancy between section 129 of the Labour Code, which relates to maternity leave, and Article 3 of the Convention. There is only one point of difference: it provides for the payment of the full wage during maternity leave, whereas the Convention provides for the payment of an allowance. This discrepancy has in any case been eliminated by the Social Security Act.

A copy of a decision by the Higher Labour Court on a point of principle with regard to

the subject dealt with in the Convention is appended to the report.

Spain.

Act of 18 July 1938 to institute a compulsory system of family allowances (*L.S.* 1941—Sp. 3 B).
Act of 18 June 1942 to extend the benefits of maternity insurance (*L.S.* 1942—Sp. 5).

In reply to the Committee's observations last year the Government states as follows:

Non-manual women workers whose annual income exceeds 40,000 pesetas (the current ceiling for membership of the sickness and maternity insurance scheme) are entitled to the maternity benefits mentioned in Article 3 (c) of the Convention under the provisions of the Act of 18 June 1942; among other things this enactment applies to women workers insured under the family allowance system who cannot be insured under the maternity insurance system because their earnings exceed the prescribed limit under the latter scheme. Under section 1 (2) of the Act of 18 July 1938 the family allowance scheme extends to every person employed on account of another, irrespective of the form and amount of remuneration.

The Decree of 31 March 1944 "confirming the revised Acts on employment contracts of women and children", which contains fundamental provisions regarding maternity leave, breaks to enable women to nurse their children, and security of employment, remains in force.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application:

Argentina, Bulgaria, Chile, France, Federal Republic of Germany, Greece, Hungary, Italy, Luxembourg, Spain, Yugoslavia.

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 ¹	12. 7.1924
Brazil ²	26. 4.1934
Bulgaria	14. 2.1922
Burma ³	14. 7.1921
Ceylon ³	8.10.1951
Chile	8.10.1931
Colombia	20. 6.1933
Cuba	6. 8.1928
Czechoslovakia	24. 8.1921
France ¹	14. 5.1925
Greece ³	19.11.1920
Hungary ²	19. 4.1928
India	14. 7.1921
Ireland ¹	4. 9.1925
Italy	10. 4.1923
Luxembourg	16. 4.1928
Morocco	13. 6.1956
Netherlands ¹	4. 9.1922
Nicaragua	12. 4.1934
Pakistan ⁴	14. 7.1921
Peru	8.11.1945

Countries	Date of registration of ratification
Portugal	10. 5.1932
Rumania ¹	13. 6.1921
Spain	29. 9.1932
Switzerland ¹	9.10.1922
Tunisia	15. 5.1957
Union of South Africa ¹	1.11.1921
United Kingdom ⁵	14. 7.1921
Uruguay ¹	6. 6.1933
Venezuela ²	7. 3.1933
Viet-Nam	6. 6.1953
Yugoslavia ²	1. 4.1927

¹ Has denounced this Convention and has ratified Convention No. 89.
² Has denounced this Convention and has ratified Convention No. 41.
³ See footnote 2 to Convention No. 1.
⁴ See footnote 3 to Convention No. 1.
⁵ Has denounced Conventions Nos. 4 and 41.

Albania.

Constitution of the People's Republic of Albania.
Labour Code of 3 April 1956 (*L.S.* 1956—Alb. 2).
Penal Code.

Section 56 of the Labour Code prohibits all night work by expectant nursing mothers. Section 160 of the Code prohibits the employment of women at all times in particularly arduous or unhealthy work; a decision by the Council of Ministers dated 5 November 1957 applies this section to almost all the industrial establishments covered by Article 1 of the Convention. Exception is made for the textile industry, in which women may at present be employed at night. The enforcement of the provisions relating to the employment of women at night is entrusted to various public authorities, including the labour inspection service, and to the Central Council of Trade Unions.

Rumania.

Labour Code of 30 May 1950 (*L.S.* 1950—Rum. 1). Decree No. 369 of 13 July 1956 to amend the Labour Code (*L.S.* 1956—Rum. 1).

The Government states that section 91 of the Labour Code (as amended) provides that women shall not be assigned to night work in industrial units. 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.

Expectant mothers, as from the fifth month of pregnancy, and nursing mothers shall in no

case be assigned to night work in any industrial unit.

Work which is carried out between 10 p.m. and 6 a.m. or between 11 p.m. and 7 a.m. is considered to be night work (section 50 of the Labour Code).

Spain.

Decree of 24 July 1947 on the half-hour break for women on shift work (*Boletín Oficial del Estado*, No. 222, 10 Aug. 1947).

The Government states that the provisions of the 1928 Legislative Decree are repealed by the above decree, which provides that the night period must include the interval between 10 p.m. and 5 a.m.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application:

Argentina, Austria, Chile, Cuba, India, Italy, Luxembourg, Morocco, Nicaragua, Portugal.

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

Bulgaria, Burma, Pakistan, Viet-Nam, Yugoslavia.

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
Haiti	12. 4.1957
India	9. 9.1955
Ireland	4. 9.1925
Israel	23.12.1953
Japan	7. 8.1926
Luxembourg	14. 6.1928
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 ¹	6. 6.1933
Venezuela	20.11.1944
Viet-Nam	6. 6.1953
Yugoslavia	1. 4.1927

¹ Has denounced this Convention and has ratified Convention No. 59.

Albania.

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

The parent or legal guardian of a child under 14 years of age cannot conclude a contract of employment in the child's name, as section 9 of the Labour Code provides that any contract of employment concluded with a minor under 14 years of age either directly or through the agency of some other person is null and void.

Section 12 of the general section of the Civil Code lays down that a child under 14 years of age has no capacity to act at law. The same principle holds good in the case of appointment, in view of the fact that in order to establish labour relations by appointment an employment contract must be entered into if the requisite conditions for the conclusion of such contract are present.

Pursuant to article 16 of the Constitution of the Republic, every person has the right to elect and be elected on reaching the age of 18 years. It follows that labour relations cannot be established with an adolescent under 18 years of age by way of election. Similarly labour relations cannot arise out of a call-up to work in the case of young people who have not reached the age of 16 years, as section 40, paragraph (a), of the Labour Code prohibits call-ups to work of persons under that age.

The effect of all the above-mentioned provisions is that employment of children under

14 years of age is forbidden irrespective of the manner in which the labour relations arise.

Any "special regulations" issued under section 2, paragraph 2, of the Labour Code must conform to the provisions of this Code and to all other requirements of law.

It is provided in section 7 of the Labour Code that no manual worker or salaried employee may be admitted to employment without presenting an identity card or, failing that, a birth certificate. The date of birth is entered in the employment record book which, under section 8 of the Labour Code, must be issued to workers being employed for the first time. Furthermore, undertakings, institutions and organisations are required by law to maintain lists of their workpeople showing the date of birth of each worker.

Belgium.

Royal Order of 14 December 1956 to prohibit employment of children under 16 years of age on underground work in mines, surface mines and quarries (*Moniteur belge*, 20 Dec. 1956).

Bulgaria.

Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

This Act prohibits young persons who have not reached their 16th birthday from entering employment. Persons aged between 15 and 16 years may be admitted to employment in exceptional cases with the authorisation of the Labour Inspection Service (section 113 of the Labour Code, as amended).

Denmark.

A list of the different types of occupations has been prepared as a guide for the definition by the competent authority of the demarcation lines separating the three Occupational Safety and Health Acts (Industry; Commerce and Offices; and Agriculture, Forestry and Horticulture).

With reference to the observations of the Committee of Experts concerning registers of all persons under 16 years of age, the Government repeats the information supplied last year and adds that if the workbooks prove not to meet the purpose administrative provision may be made for the compulsory keeping of registers by employers.

Dominican Republic.

The Department of Labour has introduced a new booklet which must be carried by all minors employed in itinerant occupations.

A system of special badges is being introduced in the other types of work in which minors may legally be employed.

Greece.

The Government forwards a letter from the Greek General Confederation of Labour to the Minister of Labour, in which it is requested that the provisions relating to apprenticeship and vocational training should be revised with a view to co-ordinating them with the legislation on the minimum age for entry into employment.

India.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 666.

Ireland.

Factories Act No. 10 of 1955.
Factories (General Register) Regulations, 1956 (S.I. No. 177 of 1956).

Under section 122 of the Factories Act every factory is required to keep a register containing, *inter alia*, prescribed particulars of the young persons between 14 and 18 years of age who are employed in the factory. These particulars are laid down by regulation 4 of the Factories (General Register) Regulations, 1956.

Israel.

In reply to the observation made by the Committee of Experts in 1957 the Government states that regulations relating to the registration of young workers have been issued under sections 31 and 42 of the Act of 15 July 1953 on the employment of children and young persons. The new regulations will enter into force on 1 October 1958.

Nicaragua.

In reply to the Committee's observations last year the Government states as follows:

As Nicaragua is basically an agricultural and non-industrialised country it is not necessary to give a statutory definition of the line of division which separates industry from commerce and agriculture. The competent authorities are quite familiar with this dividing line and apply it in practice.

The Department of Social Affairs is now preparing regulations which will make it compulsory for employers to maintain a register of the young persons under 16 years of age in their employ. These regulations will also define the line of division between industrial and other employment.

Spain.

Ordinance of 20 September 1956 to approve a register of workers (*Boletín Oficial del Estado*, No. 272, 28 Sep. 1956).

Pursuant to the above-mentioned Ordinance employers are required to maintain a register giving, among other details, the date of birth of all workers employed by them.

Viet-Nam.

Order No. 55-XL/ND of 7 August 1953.

In reply to the observation made by the Committee of Experts in 1957, the Government states that section 8 of the above-mentioned Order provides that the register of employees instituted by section 158 of the Labour Code must show the age of the workers but not their date of birth. The Government is considering amending section 8 of this Order to bring it into conformity with the Convention.

* * *

The reports from the following countries supply information on the practical effect

given to the Convention or on minor changes in its application :

Argentina, Austria, Chile, Cuba, Denmark, India, Israel, Netherlands, Switzerland, United Kingdom.

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

Ceylon, France, Japan, Luxembourg, Norway, Poland, Yugoslavia.

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

This Convention came into force on 13 June 1921

Countries	Date of registration of ratification
Albania	17. 3.1932
Argentina	30.11.1933
Austria	12. 6.1924
Belgium	12. 7.1924
Brazil	26. 4.1934
Bulgaria	14. 2.1922
Burma ¹	14. 7.1921
Ceylon ²	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 ³	20. 5.1937
Netherlands ³	17. 3.1924
Nicaragua	12. 4.1934
Pakistan ⁴	14. 7.1921
Poland	21. 6.1924
Portugal	10. 5.1932
Rumania	13. 6.1921
Spain	29. 9.1932
Switzerland	9.10.1922
United Kingdom ²	14. 7.1921
Uruguay ³	6. 6.1933
Venezuela	7. 3.1933
Viet-Nam	6. 6.1953
Yugoslavia ³	1. 4.1927

¹ See footnote 2 to Convention No. 1.

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

³ Has denounced this Convention and has ratified Convention No. 90.

⁴ See footnote 3 to Convention No. 1.

Albania.

In reply to the observations made by the Committee of Experts in 1957 the Government supplies the following information :

Under section 160 of the Labour Code young persons under 18 years of age may not be employed on underground work or on work that is particularly trying and harmful to their health, whether by day or by night. This provision even applies to industrial establishments in which an exemption may be granted from the prohibition of night work under Article 2, paragraph 2, of the Convention.

The definition of the night period that is contained in section 55 of the Labour Code is solely for the purpose of specifying the period during which the worker is to be paid in accordance with section 106 of the Labour Code.

It follows that the effect of section 54 of the Labour Code, which fixes normal hours of work at eight a day for adults and six a day for young persons under the age of 16 years, is that the daily rest period amounts to 16 hours for adults and 18 hours for young persons under 16 years of age.

Section 61 of the Labour Code relates to certain categories of workers who manage undertakings as well as to certain administrative workers who do not work at night. This section therefore does not concern industrial workers, whether they be young persons or adults.

Austria.

Federal Act of 5 December 1956 (*Bundesgesetzblatt*, No. 253) to extend to 31 December 1957 the validity of section 1 of the Federal Act of 9 July 1953 (*Bundesgesetzblatt*, No. 141), amending Federal Act No. 146 of 1 July 1948 respecting the employment of children and young persons (*L.S.* 1948—Aus. 3).

Belgium.

Act of 15 July 1957 to repeal section 9 of the Employment of Women and Children (Consolidation) Act which authorised night work by young persons between 16 and 18 years of age in coal mines (*Moniteur belge*, 26 July 1957).

France.

In reply to the observation made by the Committee of Experts the Government supplies the following information :

Section 29 of Book II of the Labour Code applies only to apprentices employed in commercial establishments.

Sections 21 and 22 of Book II of the Labour Code apply without distinction to apprentices and young employees. The prohibition which they lay down regarding the night work of children is as absolute as that contained in Article 2 of the Convention and admits of no exceptions (section 22 (a) applies only in wartime).

As regards the night work of children in bakeries, the Government repeats that this matter is governed by sections 20 and 29 of Book II and adds that, whenever the Ministry of Social Affairs has had under consideration a draft text dealing with the protection of young wage earners, the Technical Education Department of the Ministry of National Education has insisted that such a text should include special clauses covering the needs of apprenticeship.

Hungary.

As regards the observations made by the Committee of Experts for 1956, which were repeated in 1957, the Government states that it will give thorough consideration to matters connected with the employment of young persons when it prepares the three-year plan.

Nicaragua.

There is no legislation prohibiting the night work of young persons. The Ministry of Labour is preparing an amendment to the Labour Code so as to include such a prohibition. Furthermore, the Regulations respecting conditions of work for young persons, which are at present being prepared by the Department of Social Welfare, prohibits night work for young persons under the age of 16 years, and also for young persons under 18 years of age in public or private industrial undertakings or their branches.

Section 174 of the Labour Code prohibits night work in bakeries.

Although there are at present no provisions prohibiting the night work of young persons, the Convention has been applied during the period under review since, in virtue of its ratification, it automatically becomes national law.

Rumania.

Labour Code of 30 May 1950 (*L.S.* 1950—*Rum.* 1).

The night work of young persons under 16 years of age is forbidden.

As regards young persons between 16 and 18 years of age, section 85 of the Labour Code provides that they may not be assigned to night work except in certain sectors of production to be specified in an order issued by the Ministry of Health in agreement with the Central Council of Trade Unions. In practice, no such order has ever been issued.

In the last paragraph of section 50 of the Labour Code, the term "night" is defined as the period including either the interval between 10 p.m. and 6 a.m. or that between 11 p.m. and 7 a.m.

The enforcement of the provisions concerning young workers is entrusted to the Labour Inspectorate and the judicial authorities.

Spain.

In reply to the observations made by the Committee in 1957 the Government's report states that the provisions of section 172 of the Contracts of Employment Act, which prohibits the night work of persons under sixteen years of age, applies also to young persons employed in bakeries since this provision

is of such a character that it overrules the provisions governing night work in bakeries (Royal Decree of 1919 and Regulations of 12 July 1956).

The report also states that while it is true that section 172 of the Contracts of Employment Act prohibits night work for persons under sixteen years of age, instead of under eighteen years as laid down in the Convention, and while it is also true that the night period comprises ten hours instead of the 12 provided for in the Convention, the hours that must necessarily be included in the night period are regarded as being more favourable than those specified in the Convention, that is to say, instead of from 10 p.m. to 5 a.m. the Act covers the period between 8 p.m. and 5 a.m.

Switzerland.

Referring to the observations made by the Committee of Experts regarding the application of the Convention to bakers' apprentices, the Government states that, generally speaking, the cantons have taken active measures to ensure compliance with the law. Consultations to this end have been held with the occupational organisations concerned. Some cantons, however, but only a minority, report that they are still encountering some difficulty in giving effect to the law.

The Government adds that it must be accepted that the difficulties in question will probably not disappear entirely, but that their gravity should not be overestimated as the infringements are committed only in small undertakings. In the Government's view this state of affairs does not imply any flouting of the Convention on the part of the Swiss authorities, since the latter are doing their best to ensure its observance.

Viet-Nam.

For the Government's reply to the observations of the Committee of Experts see *Report of the Committee*, p. 667.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Argentina, Austria, Belgium, Chile, Cuba, India, Italy, Luxembourg, Portugal, Switzerland.

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

Burma, Ireland, Pakistan, Poland, Viet-Nam, Yugoslavia.

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 ¹	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 ²	17. 8.1948
Netherlands ²	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 ²	6. 6.1933
Venezuela	20.11.1944
Yugoslavia	1. 4.1927

¹ See footnote 2 to Convention No. 2.

² Has denounced this Convention and has ratified Convention No. 58.

Bulgaria.

In reply to the observation made by the Committee of Experts in 1957, the report states that under section 7 of the regulations of 10 June 1956 a form for the crew list has been introduced. It includes spaces for the dates of birth of all the members of the crew. The labour protection services supervise the implementation of the provisions concerning the minimum age of admission to employment at sea by inspecting the crew lists.

Luxembourg.

The Government states in its report that it expects it will have occasion to draw on the provisions of some of the Maritime Conventions for the purpose of extending the present regulations on conditions of work to persons employed in the inland navigation that may develop as the result of the canalisation of the Moselle and the construction of a large river port at Mertert, in Luxembourg territory.

As a first step the Government envisages the extension to water-borne transport of the Labour Inspectorate's existing powers regarding working conditions in rail and road transport undertakings.

Nicaragua.

In reply to the observation made in 1957 by the Committee of Experts the report states

that children under 12 years of age are not allowed to work in accordance with the provisions of section 40 of the Labour Code and not section 122 of the Code, as previously stated. Section 40 lays down that young persons over 16 years of age may sign on for employment, whereas young persons between 12 and 16 years of age may be engaged only with the authorisation of their parents or legal representatives. It follows that children under 12 years of age cannot be engaged for employment.

Section 123 of the Labour Code, which prohibits work in industrial undertakings to children under 14 years of age, applies also to work on board ship.

In order to ensure a better application of the Convention the Department of Social Welfare is drawing up regulations which will lay down explicitly that work by children under 12 years of age is prohibited, and that children under 14 years are not allowed to work on board ship; such employment is considered as similar to that in an industrial undertaking.

Rumania.

Order No. 29 of the Ministry of Land, Sea and Air Transport of 28 January 1955, issued in pursuance of section 15 of Decree No. 40/1950.

The Act of 14 April 1922, by which the Convention was ratified, remains in force.

According to the above-mentioned Order no person under 16 years of age may be employed as deck or engine-room boy on board a vessel engaged in sea or river navigation.

The crew list must mention, *inter alia*, the age of every crew member.

The application of the Convention is entrusted to the maritime authorities, the State Inspectorate for the protection of workers and the courts.

Spain.

In reply to the observation made in 1957 by the Committee of Experts the Government states that the provisions concerning minimum age for admission of children to employment at sea are applicable to publicly owned as well as privately owned ships, by virtue of the definition of "employer" contained in section 5 of the Act of 26 January 1944 respecting contracts of employment.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application:

Chile, Cuba, Italy, Japan.

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

Argentina, Australia, Belgium, Canada, Ceylon, China, Denmark, Dominican Republic, Finland, Federal Republic of Germany, Greece, Hungary, Ireland, 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 ¹	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

¹ See footnote 2 to Convention No. 2.

Argentina.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, pp. 667 and 661 respectively.

Bulgaria.

In connection with an observation by the Committee of Experts the Government states that seamen are engaged by a written order of enrolment issued by the head of the state-owned shipping company, in accordance with section 16 (2) of the Labour Code. Shipwreck does not terminate the contract. Since the Second World War, in cases of shipwreck or the laying-up of a ship for repairs for a considerable period, seamen are assured of employment on another vessel.

France.

Act of 4 July 1957.

Article 3 of the Convention. The Act of 4 July 1957 has introduced a simplified procedure for the recovery of sums due to seamen by shipowners, as an alternative to that laid down in section 120 of the Maritime Labour Code.

Luxembourg.

See under Convention No. 7.

Mexico.

In reply to an observation made by the Committee of Experts the Government states that the collective agreement mentioned in last year's report had only been given as an example.

The Convention is applied by the provisions of section 126 of the Federal Labour Act, which lays down that in case of unforeseen events or *force majeure* (shipwreck), if the employer is insured the employees are entitled to receive three months' wages as compensation immediately upon payment of the insurance policy; in addition, section 221 of the Act respecting general routes of communications makes compulsory insurance for seamen in respect of accidents labour and welfare.

Nicaragua.

A draft amendment to bring the Labour Code into conformity with the Convention is under consideration.

Norway.

In reply to an observation made in 1957 by the Committee of Experts the Government states that the application of the Convention to foreign seafarers who are not citizens of States which have ratified the Convention is still under consideration in connection with the forthcoming revision of the Seamen's Act of 17 July 1953.

Rumania.

Labour Code of 30 May 1950 (L.S. 1950—Rum. 1).

The Act of 24 April 1930, by which the Convention was ratified, is still in force.

When a vessel is lost through shipwreck or is damaged the seafarers are engaged for other vessels. If there is an interruption of service seafarers are paid for the relevant period at the rate of 75 per cent. of their monthly wages, in accordance with section 45 of the Labour Code.

Spain.

In reply to the observation made in 1957 by the Committee of Experts the Government states that articles of agreement of seafarers engaged on a permanent basis are for an indefinite period, in accordance with section 31 of the Regulations of 23 December 1952. In the case of shipwreck, when the articles of agreement are terminated under section 77 (e) of the said Regulations, seafarers are entitled to an indemnity which may amount to as much as one year's wages, in accordance with the Decree of 26 January 1944.

Sweden.

In reply to the observation made in 1957 by the Committee of Experts the Government states that the problem of the payment of indemnity to all seafarers, irrespective of nationality, is at present being examined in connection with a future revision of the Seamen's Act, after consultation with the organisations of ship-owners and seafarers concerned.

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Belgium, Chile, Finland, France, Greece, Italy, Japan, Netherlands, Norway, Yugoslavia.

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

Australia, Canada, Ceylon, Cuba, Denmark, Federal Republic of Germany, Ireland, 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 ¹	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

¹ See footnote 2 to Convention No. 2.

Bulgaria.

In connection with an observation by the Committee of Experts the Government states that the placing of seamen is carried out by direct agreement between the seafarer and the Bulgarian merchant fleet, which is a state-owned company staffed by persons having the necessary qualifications and experience. The placing of persons seeking work on board ships is also effected by the labour registration and placement offices.

Luxembourg.

See under Convention No. 7.

Mexico.

In reply to an observation made by the Committee of Experts the Government states that the necessary steps are being taken to establish at the port of Veracruz a joint committee of shipowners and seafarers, in accordance with Article 5 of the Convention. No unemployment problem exists at present in this port as the available manpower is totally absorbed.

Nicaragua.

The report states that owing to the limited number of ships no need had been felt for special placement offices for seafarers. As the number of ships is increasing, instructions have been given to the Department of Social Welfare to prepare regulations to put national legislation into conformity with the Convention and, in particular, with its Articles 2 (1) and (2), 4 (1) and 5, to which the Committee had drawn the attention of the Government in 1957.

Rumania.

Constitution of the People's Republic of Rumania of 5 April 1948 (*L.S.* 1948—Rum. 1).
Labour Code of 30 May 1950 (*L.S.* 1950—Rum. 1).
Decree No. 40 of 14 February 1950.

The Act of 24 April 1930, by which the Convention was ratified, is still in force. Article 77 of the Constitution grants to all citizens the right to work and to receive a salary appropriate to the quantity and the quality of the work performed.

Seamen also have this right and their placement is made through a non-profit-making state organisation.

Seamen must submit their applications for employment to the shipping companies or the state organisations entrusted with the placement of workers. Articles of agreement are concluded in the presence of the captain, or the harbour-master, who ensures that both parties are aware of the contents of the document.

Seafarers are engaged, in accordance with chapter III of the Labour Code, under the same conditions as other wage earners.

Spain.

Order of 31 August 1938 respecting the machinery of placement offices (*Boletín Oficial del Estado*, No. 64, 2 Sep. 1938, pp. 3-5).

In reply to the observations made in 1957 by the Committee of Experts the Government states in its report that joint advisory committees exist, in accordance with the above-mentioned Order which is still in force.

The purpose of the provision laying down that special offices are to be established for the placement of seamen (section 57 of the Regulations of 23 December 1952 and Act of 10 February 1943) is to ensure that such offices will be administered by persons with special experience, as required by the Convention.

Foreigners may be registered in the place-

ment offices if they have the occupational identity card provided for in the Decree of 29 August 1935.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Argentina, Australia, Chile, Denmark, Federal Republic of Germany, Greece, Italy, Japan, Netherlands, New Zealand, Norway, Poland, Sweden.

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

Belgium, Cuba, Finland, France, Uruguay, Yugoslavia.

10. Minimum Age (Agriculture) Convention, 1921

This Convention came into force on 31 August 1923

Countries	Date of registration of ratification
Albania	3. 6. 1957
Argentina	26. 5. 1936
Australia	24. 12. 1957
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

in exceptional cases and after authorisation has been obtained from the Labour Inspectorate may young persons over 15 be employed.

Article 2. Considerable progress has been made in the Byelorussian S.S.R. in developing the various branches of the educational system. Pupils in schools located in rural areas visit and spend periods of practical training on experimental farms and at machine and tractor stations. The duration of school attendance in every case is at least eight months as required by the Convention.

Article 3. The legislation in force in the Byelorussian S.S.R. does not sanction the exceptions contemplated in Article 3 of the Convention, the age for admission to technical schools being fixed at 14 years of age or above, depending on the type of school.

The labour legislation is enforced in the first place by the public authorities (i.e. local boards of workers' delegates, officials of the public prosecutor's department, of the public health inspectorate, etc.).

Supervision is also exercised by the trade unions through the technical inspectors under their authority, who ensure compliance with the rules and instructions on the subject of safety measures.

Bulgaria.

Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

The minimum age of admission to employment in agriculture is fixed at 16 years. In exceptional cases, on authorisation by the Labour Inspection Service and after medical examination, persons over 15 years of age may be admitted to employment.

Byelorussian S.S.R. (First Report).

Constitution of the Byelorussian S.S.R.
Labour Code of the Byelorussian S.S.R.
Ukase of the Praesidium of the Supreme Soviet of the Byelorussian S.S.R., dated 4 May 1957.

Article 1 of the Convention. Section 135 of the Labour Code of the Byelorussian S.S.R. contains a general prohibition on the employment of persons under 16 years of age. Only

Netherlands (First Report).

Labour Act, 1919 (*L.S.* 1922—Neth. 1; *L.S.* 1930—Neth 2A; *L.S.* 1935—Neth. 2).
Compulsory Education Act (*L.S.* 1921 (Part II)—Neth. 2).
Act of 19 January 1955 to amend the Labour Act (*Staatsblad*, No. 44, 1955).
Royal Decree of 24 May 1956 respecting agricultural work by family members (*Staatsblad*, No. 280, 1956).

Article 1 of the Convention. The Labour Act as amended in 1955 brought agricultural work under the said Act and, consequently, the employment in agriculture of boys under 14 years who are subject to school attendance and girls under 15 years of age is prohibited (section 9). Under the Decree of 24 May 1956, however, light agricultural work (except milking before noon) is permitted for children over 12 years of age related to the employer up to the third degree and living under his roof, provided that the work lasts for not more than five hours a day. The work must not take place during

school hours, except on authorisation obtained under the Compulsory Education Act.

Article 2. Under sections 13 and 14 of the Compulsory Education Act authorisation for work in agriculture by children over 11 years of age may be granted for a maximum of two weeks during the period of school attendance. After allowing for these two weeks and the whole of the school holidays, the period of school attendance remaining still complies with this Article of the Convention.

Article 3. Light agricultural work carried out between 6 a.m. and 8 p.m. is permitted for pupils of lower agricultural and horticultural schools under such limitations as provided for in this Article.

The enforcement of these provisions is entrusted to the Labour Inspectorate with the assistance of the police.

Nicaragua.

In reply to the observation of the Committee of Experts the Government states that the compulsory minimum annual period of school attendance exceeds nine months; it generally runs from 15 May of one year to 15 February in the following year; in coffee and cotton-growing areas it is from 1 February to 30 November. The Government appends to its report a copy of the Decree issued by the Ministry of Education in April 1957 to lay down rules concerning the school year for schools in coffee-growing areas.

Rumania.

Labour Code of 30 May 1950 (*L.S.* 1950—Rum. 1).

Article 1 of the Convention. Section 86 of the Labour Code prohibits the employment of children under 14 years of age. The Code makes no distinction between work in agriculture and other work.

The supervision of the enforcement of the relevant provisions is in the hands of the State Inspectorate for the protection of labour, the peoples' councils and the courts of law.

Ukrainian S.S.R. (First Report).

Constitution of the Ukrainian S.S.R., 1936.
Labour Code of the Ukrainian S.S.R., 1922.

Article 1 of the Convention. Section 135 of the Labour Code contains a general prohibition on the employment of young persons under 16 years of age. Only in exceptional cases and after authorisation has been obtained from the Labour Inspectorate may young persons over 15 be employed.

Article 2. Article 10 of the Ukrainian Constitution proclaims that all citizens have a right to education. This right is guaranteed by the fact that primary schooling (the seven-year course) is compulsory, that secondary education is highly developed and that education at all levels is free of charge. Schooling is compulsory up to the age of 16 years, and there is therefore no possibility of admission to employment (the minimum age for which is 16) interfering with education.

Article 3. The law in force in the Ukrainian S.S.R. does not sanction the exceptions contemplated in this Article since the age of admission to technical schools is fixed in all cases at 14 years of age or above, depending on the type of school.

The labour legislation is enforced in the first place by the public authorities (i.e. local boards of workers' delegates, officials of the public prosecutor's department, of the public health inspectorate, etc.).

Supervision is also exercised by the trade unions through the technical inspectors under their authority, who ensure compliance with the rules and instructions on the subject of safety measures.

U.S.S.R. (First Report).

Constitution of the U.S.S.R. of 1936.
Labour Code of 1922, Consolidated Text of 1 May 1936 (*L.S.* 1936—Russ. 1).
Ukase of the Praesidium of the Supreme Soviet of the U.S.S.R., dated 13 December 1956.

Article 1 of the Convention. Section 135 of the Labour Code contains a general prohibition on the employment of persons under 16 years of age. Only in exceptional cases and after authorisation has been obtained from the Labour Inspectorate may young persons over 15 be employed.

Article 2. Pupils in schools located in rural areas are employed on experimental stations and the pupils in the upper forms put in a period of field work consisting of light tasks under the guidance of instructors and under medical supervision. The duration of the school year is laid down by the Ministries of Education of the federative republics. As a rule it begins on 1 September and ends on 1 June, but in exceptional cases it begins on 1 October and lasts eight months from that date.

Article 3. Soviet legislation does not sanction the exceptions set out in Article 3 of the Convention, as the minimum age for admission to technical schools is fixed at 14 years of age or above, depending on the type of school.

Enforcement of the labour legislation rests in the first place with the public authorities (local boards of workers' delegates, officials of the public prosecutor's department, of the public health inspectorate, etc.). The National Committee of the U.S.S.R. Council of Ministers reviews the inspection work of the ministries, independent agencies, undertakings, occupational organisations, etc., and on the results of these inspections issues binding instructions to the ministries and independent agencies for the purpose of applying the labour legislation in force.

Supervision is also exercised by the trade unions through the technical inspectors under their authority, who ensure compliance with the rules and instructions on the subject of safety measures. An important aspect of the supervision is the trade union meetings at which workers may at any time draw the management's attention to points where the management does not conform to the provisions of the labour legislation.

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Argentina, Byelorussian S.S.R., Chile, Cuba, France, Ireland, Italy, Spain, Ukrainian S.S.R., U.S.S.R.

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

Austria, Belgium, Dominican Republic, Hungary, Israel, Japan, Luxembourg, New Zealand, Poland, Switzerland, Uruguay.

11. Right of Association (Agriculture) Convention, 1921

This Convention came into force on 11 May 1923

Countries	Date of registration of ratification
Albania	3. 6. 1957
Argentina	26. 5. 1936
Australia	24. 12. 1957
Austria	12. 6. 1924
Belgium	19. 7. 1926
Brazil	25. 4. 1957
Bulgaria	6. 3. 1925
Burma ¹	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 ²	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
Morocco	20. 5. 1957
Netherlands	20. 8. 1926
New Zealand	29. 3. 1938
Nicaragua	12. 4. 1934
Norway	11. 6. 1929
Pakistan ³	11. 5. 1923
Peru	8. 11. 1945
Poland	21. 6. 1924
Rumania	10. 11. 1930
Spain	29. 8. 1932
Sweden	27. 11. 1923
Switzerland	23. 5. 1940
Tunisia	15. 5. 1957
Ukraine	14. 9. 1956
U.S.S.R.	10. 8. 1956
United Kingdom	6. 8. 1923
Uruguay	6. 6. 1933
Venezuela	20. 11. 1944
Yugoslavia	30. 9. 1929

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

Byelorussian S.S.R. (First Report).

Constitution.
Labour Code.

The report states that the right to associate in trade unions and other public organisations is recognised and guaranteed to all citizens. Workers employed in agricultural undertakings therefore enjoy this right.

Under article 101 of the Constitution of the Byelorussian S.S.R., the right to associate in

public organisations, including trade unions, is accorded to all citizens of the Republic. No distinction is made, as regards the right and the possibility of establishing occupational organisations, between workers employed in industry and those employed in agricultural undertakings.

Citizens of the Byelorussian S.S.R., irrespective of race, nationality, sex, religious convictions or any other factor, and without any kind of previous permission on the part of government authorities, enjoy the full right to associate in trade unions and other public organisations, whether they work in industry, transport, construction, commerce, administration, education or agricultural undertakings.

Section 152 of the Code of Labour Laws of the Byelorussian S.S.R. states that occupational organisations of workers may be established freely and shall not be subject to registration by government authorities. Every citizen of the Byelorussian S.S.R. has the right, at his own choice, to join a trade union.

The establishment of workers' organisations in the Byelorussian S.S.R. is not dependent on fulfilment of any property condition or completion of any formality.

The workers' organisations in the Byelorussian S.S.R. draw up their constitution and rules independently, without intervention by government authorities, and freely elect their representatives, organise their administration and carry out their activities.

The trade unions in the Byelorussian S.S.R. are entitled to make comments independently and freely with regard to the establishment of federations and affiliation with international trade union organisations.

The Union of wage-earning and salaried employees occupied in agricultural undertakings and in the collection and storage of agricultural products does a great deal of work in accordance with its rules. It helps wage-earning and salaried employees occupied in agricultural undertakings to increase their trade skills, to raise their cultural, political and general educational levels; it helps to work out basic technical output standards and systems of remuneration, ensures strict compliance with the legislative provisions regarding manpower and remuneration, concludes collective agreements, administers social insurance business, takes part in construction planning for housing, cultural and other collective purposes, defends the rights of the workers afforded by Soviet legislation, etc.

Current legislation and practice bear witness

to the fact that in the Byelorussian S.S.R. the rights of trade unions are fully ensured.

Section 162 of the Code of Labour Laws of the Byelorussian S.S.R. provides that the administration of an undertaking, institution or farm shall not place any obstacle in the way of the committees or of the organs which elect them (general meetings, delegate meetings); and section 156 of the same Code requires all government organs to give every kind of assistance to the trade unions and associations of trade unions.

Section 141 of the Penal Code of the Byelorussian S.S.R. makes it a criminal offence to obstruct the work of a trade union.

Dissolution of a workers' organisation in the Byelorussian S.S.R. may be effected only by decision of the organisation itself and in accordance with its rules.

Supervision to secure precise compliance with the legislative instruments, including laws, affording rights to the workers is carried out by the public prosecutor's office.

There have been no legal decisions on questions connected with the application of Convention No. 11 in the Byelorussian S.S.R.

In the Byelorussian S.S.R. there are no legislative instruments or regulations restricting the formation or the activity of trade union organisations of workers in agricultural undertakings.

Chile.

The Government refers to the statement made by its representative at the 40th Session of the Conference (see *Report of the Committee*, p. 667), and confirms that the revision of the Labour Code which has been announced will bring the national legislation fully into conformity with the provisions of the Convention.

China.

The Government refers to the statement made by its representative at the 40th Session of the Conference (see *Report of the Committee*, p. 667).

Egypt.

The Government refers to section 23 of Legislative Decree No. 319 of 1952 and specifies that the provisions laying down penalties for employers who terminate a worker's contract of employment on the ground of membership or non-membership in a trade union also protect members of a temporary committee entrusted with the measures necessary for setting up a trade union.

Iceland (First Report).

Constitution of 17 June 1944 (United Nations: *Yearbook on Human Rights for 1946*).

Trade Unions and Labour Disputes Act of 11 June 1938 (*Stjórnartíðindi*, 1938, p. 130).

The Constitution provides that all persons shall be free to organise for any lawful purpose without seeking permission (article 73); in addition, the Trade Unions and Labour Disputes Act provides that people shall be free to form trade unions and trade union federations for the protection of the interests of workers (section 1). These provisions apply equally

to agricultural workers as to industrial workers although the former have not yet made use of their right to organise.

India.

In reply to the observation made by the Committee of Experts the Government states in its report that the revocation in 1955-56 of 24 registration certificates of agricultural trade unions was made under section 10 of the Trade Unions Act, 1926, which empowers a Registrar to revoke the registration certificate of a Union for failure, *inter alia*, to submit the required statutory annual returns. Altogether, the certificates of 205 unions in different industries were revoked on this ground during 1955-56.

New Zealand.

Industrial Conciliation and Arbitration Regulations, 1956.

Nicaragua.

Employers' and Workers' Organisations Regulations of October 1953 (Ministry of Labour Publications).

Ukrainian S.S.R. (First Report).

Constitution.
Code of Labour Laws.

The report states that the right of citizens of the Ukrainian S.S.R. to associate in public organisations, including trade unions, is an integral and permanent part of socialist democracy. This right is confirmed in article 106 of the Constitution of the Ukrainian S.S.R., which states as follows: "In accordance with the rights of the workers and the objectives of developing the autonomy of the masses in their organisations, as well as their political activity, citizens of the Ukrainian S.S.R. shall have the right of association in public organisations—trade unions, co-operative societies, youth organisations, sport and defence organisations, cultural, technical and scientific societies . . ."

The report refers to the report already sent under article 19 on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87).¹ The Government adds that, in view of the fact that legislation and current practice in the Ukrainian S.S.R. with regard to the right to establish trade unions and the right of trade unions to be active are in full conformity with the provisions of Convention No. 11, there has been no need for amendment of the legislation of this Republic in connection with ratification of the said Convention.

The right of association in trade unions in the Ukrainian S.S.R. belongs to all citizens of the Republic without any kind of discrimination, and applies, *inter alia*, to trade unions having members in any given branch of the national economy.

The trade unions have full freedom and broad democratic rights. Implementation of these

¹ See the summary of this report in International Labour Conference, 40th Session, Geneva, 1957: Report III (Part II): *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)* (Geneva, I.L.O., 1956), p. 81.

rights is guaranteed by the whole public and governmental structure of the Republic, where the working masses themselves are in power.

The workers of the Ukrainian S.S.R. employed in agricultural undertakings have the same right to associate in trade unions as the other workers employed in industry, administration, etc. In agricultural undertakings as in other branches of the national economy the primary trade unions are the basic trade union organisations. They consist of members of a trade union working on a machine and tractor station or a Soviet state farm (*soukhhoz*). The supreme organ of the basic trade union organisation is the general meeting of members of the union.

The members of all the higher trade union organs—district and regional committees and the Republic Committee of the Union of wage-earning and salaried employees occupied in agricultural undertakings and in the collection and storage of agricultural products are elected at the corresponding conference of the union.

The trade unions at the machine and tractor stations and state agricultural farms take an active part in the planning and regulation of the remuneration of wage-earning and salaried employees, and ensure the correct accounting of their work and the application of the prescribed systems of remuneration (sections 58, 77, 94, 129 and 130 of the Code of Labour Laws of the Ukrainian S.S.R.).

In the agricultural undertakings and machine and tractor stations of the Ukrainian S.S.R., collective agreements between the managements and the trade union committees are concluded every year. They cover every aspect of production and questions relating to the work and life of wage-earning and salaried employees; they increase the responsibility of the economic and trade union organisations in giving effect to state plans and improving the material conditions of the workers and the cultural services provided for them. The draft collective agreements are widely discussed at meetings of wage-earning and salaried employees in agricultural undertakings and machine and tractor stations.

The trade unions also undertake control over measures for occupational health and safety, ensure strict compliance with labour laws, take part in the settlement of labour disputes and fight against instances of neglect of the workers' needs; they provide legal aid to members of the union, administer social insurance business, seek to improve the organisation of medical care for the workers and of health protection for women and children, exercise supervision on behalf of the masses and take action to ensure completion of construction plans for housing and cultural purposes, etc.

Supervision of precise application, by all the Ministries and authorities in the Ukrainian S.S.R., of laws specifying the rights of the workers is in the hands of the public prosecutor.

Infringement of the rights of trade unions in the Ukrainian S.S.R. involves criminal responsibility under section 123 of the Penal Code of the Republic.

In accordance with the legislation of the Republic, governmental organs have not the

right to and cannot take decisions regarding the dissolution of a trade union or order the premature suspension of a union's activities. These matters lie entirely within the competence of the trade unions themselves.

The courts of law of the Ukrainian S.S.R. have given no decisions on questions involving the application of the Convention, since no such questions have arisen.

There are no legislative texts or regulations of any kind aimed at reducing the right to establish trade unions or the right of association of the workers in agricultural undertakings.

U.S.S.R. (First Report).

Constitution of the U.S.S.R.

Russian R.S.F.S.

Labour Code (L.S. 1936—Russ. 1).

Federated Republics.

Labour Codes.

The Government states in its report that ever since the Soviet Government has existed the right to combine and to form occupational associations has been guaranteed for all workers in the Soviet Union.

The Government refers to the information contained in its reports submitted under article 19 of the I.L.O. Constitution on the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)¹ and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98).²

In the Soviet Union the right of association and combination of agricultural workers exists and is effectively safeguarded. Wage earners and salaried employees in agricultural undertakings enjoy the same right of association and combination as industrial workers.

The above-mentioned legislation was promulgated before the U.S.S.R. had ratified the Convention. Inasmuch as it gives full effect to the provisions of Convention No. 11 there is no need to modify it in connection with the ratification by the U.S.S.R. of the Convention.

Under existing law and practice all workers employed in agricultural undertakings are fully able to set up occupational associations in the same manner as workers in other branches of the economy.

Article 126 of the U.S.S.R. Constitution provides that "in the interest of workers and in order to develop the initiative of the popular masses in organisational matters as well as their active participation in political affairs, the citizens of the U.S.S.R. shall enjoy the right to form occupational organisations".

The trade unions of the U.S.S.R., which constitute non-partisan mass public organisations, may be freely formed by workers regardless of race, nationality, sex or religion. No prior government authorisation is needed and no registration formalities are prescribed. The

¹ See International Labour Conference, 40th Session, Geneva, 1957, Report III (Part II): *Summary of Reports on Unratified Conventions and on Recommendations*, op. cit., pp. 82-83.

² Idem, 39th Session, Geneva, 1956, Report III (Part II): *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)* (Geneva, I.L.O., 1955), pp. 14-15.

trade unions exercise their right of combination through decisions of wage earners and salaried employees in all occupations.

Membership in the trade unions is open to all Soviet citizens employed in industrial undertakings, transport, the building trades, agricultural undertakings (machine and tractor stations and state farms), establishments, commercial undertakings, and to all members of institutions of higher education, polytechnic schools and production training centres. No restrictions whatever are placed on the right of workers to join trade unions.

At the present time the Union of wage-earning and salaried employees occupied in agricultural undertakings and in the collection and storage of agricultural products (membership in which is voluntary) includes wage earners and salaried employees in machine and tractor stations, state farms, forestry undertakings, silos, and other undertakings, organisations and establishments.

The Union has its own rules, which were freely framed and adopted without any interference on the part of the authorities or the administration. They define the structure of the Union, the various activities of its organs, etc. Like all other trade unions in the U.S.S.R., the Union is free to formulate its own programme, to administer its affairs and to choose its executive organs, representatives, delegates, etc., as it sees fit. Trade unions make their own decisions on the questions brought before them and manage their internal affairs themselves. They are placed under the supervision of public bodies or other establishments and bodies.

Trade unions in the U.S.S.R., including the Union above-mentioned, are free to form federations and to take decisions on their own initiative concerning affiliation to international trade union organisations, such decisions lying within their exclusive competence.

The rights of trade unions in the U.S.S.R. are fully safeguarded by existing law and practice. Strict enforcement of the laws safeguarding the rights of trade unions and their strict observance by all ministries, independent administrations, institutions, officials and citizens of the U.S.S.R. are ensured by the public prosecutor.

It may be pointed out that the socialist state, by virtue of its very nature, does not—and cannot—tolerate any restriction of trade union rights. The Soviet State, as a workers' and peasants' State, is the primary defender of

the workers' interests. All public bodies are required to assist trade unions and affiliated organisations in carrying out their functions (section 155 of the Labour Code of the R.S.F.S.R. and the corresponding sections in the Labour Codes of the Federated Republics).

Any violation of trade union rights is a penal offence.

Section 167 of the Labour Code of the R.S.F.S.R. provides that the violation of the provisions of the Code respecting trade unions of wage earners and salaried employees and their representative bodies in undertakings, establishments and businesses shall be punished in accordance with section 135 of the R.S.F.S.R. Penal Code of 1926.

Section 167 of the Labour Code and section 135 of the R.S.F.S.R. Penal Code, and the corresponding provisions of the Labour and Penal Codes of the other federated republics, legally guarantee the free exercise of the right of association and combination by the Union of Wage Earners and Salaried Employees in the Agriculture and Food Supply Sector.

The authorities may not take any decision relating to the dissolution or suspension of trade unions, since matters of this type are within the exclusive competence of the unions themselves.

The courts of the U.S.S.R. have given no decisions relating to the application of the Convention, since no case of this kind has ever arisen.

There are no legislative provisions in the U.S.S.R. under which the freedom of association and combination of agricultural workers may be curtailed.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Byelorussian S.S.R., India, Nicaragua, Ukrainian S.S.R., U.S.S.R., Yugoslavia.

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

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

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

This Convention came into force on 26 February 1923

Countries	Date of registration of ratification
Argentina	26. 5. 1936
Austria	14. 6. 1954
Belgium	26. 10. 1932
Brazil	25. 4. 1957
Bulgaria	6. 3. 1925
Chile	15. 9. 1925
Colombia	20. 6. 1933
Cuba	22. 8. 1935
Czechoslovakia	12. 6. 1940
Denmark	26. 2. 1923
Finland	20. 1. 1950
France	4. 4. 1928
Federal Republic of Germany ¹	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
Tunisia	15. 5. 1957
United Kingdom	6. 8. 1923
Uruguay	6. 6. 1933
Yugoslavia	27. 1. 1958

¹ See footnote 2 to Convention No. 2.

Argentina.

See under Convention No. 17.

Bulgaria.

See under Convention No. 17.

Chile.

See under Convention No. 17.

Czechoslovakia.

See under Convention No. 17.

France.

See under Convention No. 17.

Morocco (First Report).

Decree of 12 March 1945 to extend employment injury legislation to agricultural undertakings (*Bulletin officiel* of the Protectorate of the French Republic in Morocco, 30 Mar. 1945).

In Morocco employment injuries sustained by workers employed in agricultural undertakings are compensated in the same manner as accidents occurring to persons working in commerce, industry or the professions, as regards both the benefits and pensions awarded to the injured person and the pensions granted to surviving dependants.

In 1956, 2,529 agricultural workers were involved in employment accidents.

Netherlands.

An Act of 22 March 1957 (*Staatsblad*, No. 110, 1957) brings the scheme for agriculture into line with that for industry and commerce.

See also under Convention No. 17.

New Zealand.

See under Convention No. 17.

Nicaragua.

See under Convention No. 17.

El Salvador (First Report).¹

Decree No. 1263 of 3 December 1953: Social Insurance Law (*L.S.* 1953—Sal. 3). (*Diario Oficial*, 11 Dec. 1953.)

Regulations of 10 May 1954 to apply the Social Security Law (*Diario Oficial*, 11 Dec. 1954).

Decree No. 2118 of 24 May 1956 to promulgate an Act respecting employment injuries (*L.S.* 1956—Sal. 2). (*Diario Oficial*, 20 June 1956.)

In the event of an occupational accident the employer is bound to provide all insured workers with any medical, pharmaceutical and surgical assistance that may be required. The worker is also entitled to a daily allowance equal to 75 per cent. of the basic wage of the first 60 days, and 40 per cent. of that wage for the following days, for a period not exceeding 52 weeks. If the accident is fatal the deceased worker's family is entitled to a sum equivalent to one month's wages for funeral expenses, plus an amount that is based on the wage and increases in proportion to the number of dependants. Employers in occupations that constitute hazards to the health of the workers or a threat to life or limb must have their workers insured. The National Department of Social Welfare will establish the dangerous character of a job, but section 43 of the Act of 1956 lists a certain number of operations that are assumed to be dangerous. The report specifies that the purpose of the Act of 1956 is to ensure compensation for employment injuries in fields where the Social Insurance Law has not yet come into force.

The report for the 1956-57 period states in reply to the general observation made by the Committee of Experts in 1957 that there are no representative organisations of agricultural employers and workers. The report has, however, been transmitted to associations of a co-operative or commercial character. As regards the second observation made by the Committee of Experts in 1957, see *Report of the Committee*, p. 667.

United Kingdom.

Great Britain.

Family Allowances and National Insurance Act, 1956 (4 and 5 Eliz. 2, Ch. 50).

¹ This report was received too late to be summarised in 1957.

Workmen's Compensation and Benefit (Supplementation) Act, 1956 (4 and 5 Eliz. 2, Ch. 51).
National Insurance Act, 1957 (6 Eliz. 2, Ch. 1).

Northern Ireland.

Family Allowances and National Insurance Act (Northern Ireland), 1956 (Ch. 8).
Workmen's Compensation and Benefit (Supplementation) Act (Northern Ireland), 1956 (Ch. 9).
National Insurance Act (Northern Ireland), 1957.

The report lists, in addition to the above, a number of legislative provisions and administrative regulations amending the legislation previously in force.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Argentina, Austria, Belgium, Chile, Cuba, France, Federal Republic of Germany, Haiti, Ireland, Italy, Luxembourg, Morocco, Netherlands, New Zealand, Poland, United Kingdom.

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

Denmark, Finland, Mexico, Spain, Sweden, Uruguay.

13. White Lead (Painting) Convention, 1921

This Convention came into force on 31 August 1923

Countries	Date of registration of ratification
Afghanistan	12. 6.1939
Argentina	26. 5.1936
Austria	12. 6.1924
Belgium	19. 7.1926
Bulgaria	6. 3.1925
Chile	15. 9.1925
Colombia	20. 6.1933
Cuba	7. 7.1928
Czechoslovakia	31. 8.1923
Finland	5. 4.1929
France	19. 2.1926
Greece	22.12.1926
Hungary	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

Argentina.

Legislative Decree No. 7601 of 5 July 1957 (*Boletín Oficial*, 1 Aug. 1957).

Following the observations made by the Committee of Experts, particularly in 1954, the Government has issued the above-mentioned Decree under which the use of white lead, sulphate of lead and any substance containing these pigments is forbidden in indoor paint-work. Only white pigments containing a maximum of 2 per cent. of lead expressed as metallic lead are allowed to be used (section 1). This prohibition does not apply to artistic painting and fine lining, or to types of work in which the use of the above-mentioned pigments is considered to be necessary. Regulations will be issued to specify the circumstances in which the use of such paints is authorised. In these exceptional cases it is prohibited to employ

women or young persons under 18 years of age (section 2).

Infringements of these provisions are punishable by a fine of from 100 to 1,000 pesos for each person employed.

Italy.

For the Government's reply to the observation of the Committee of Experts see *Report of the Committee*, p. 668.

Mexico.

In reply to the observation made by the Committee of Experts the Government confirms that the new Industrial Health Regulations of 13 February 1946 give effect to the Convention. These regulations represent the outcome of the recasting of the occupational safety and health regulations which, up to 1954, were erroneously mentioned in the annual reports as having not yet been completed.

Moreover, on 18 November 1955, the Secretariat of Labour and Social Welfare reminded the Secretariat of Health and Public Assistance of its obligations to ensure the proper application of the Convention. A similar reminder was addressed to the Secretariat of Economic Affairs.

Nicaragua.

In reply to the observation made by the Committee of Experts the Government states that instructions have been given to the Department of Social Welfare to draw up practical regulations to give effect to the various provisions of the Convention.

Rumania.

Labour Code of 30 May 1950 (sections 94 and 95) (*L.S.* 1950—Rum. 1).

Decree No. 185 of 16 April 1955 (sections 5, 13 and 16).

Technical Safety Standards of the Ministry for Metallurgical and Chemical Industries, 1951.

The Act of 28 April 1925, ratifying the Convention, is still in force.

Sections 94 and 95 of the Labour Code provide for safety measures in undertakings, and

technical safety standards have been worked out by the various trade unions in collaboration with the Ministry concerned.

The report states that the "Technical Safety Standards for Painting Work, 1951", lay down safety measures to be taken in work with substances harmful to health, and prohibit the use of white lead (section 424). The same section requires special precautions to be taken in work with red lead, lead oxide and copper arsenite and arsenate.

Sections 425 to 435 of these "Standards" deal with safety measures in connection with spray-painting.

The supervision of the application of these measures is entrusted to the factory inspection services and the judicial authorities.

Spain.

Act of 6 December 1940 to lay down basic rules for trade union organisations (L.S. 1941—Sp. 5 B). (*Boletín Oficial del Estado*, Vol. V, No. 342, 7 Dec. 1940, p. 8388.)

In reply to the request for information by the Committee of Experts the Government states that, in the cases mentioned in the provisions of the Convention, the employers' and workers' organisations that are consulted are the social and economic sections of the trade union, pursuant to the Act of 6 December 1940 and the relevant Regulations of 1947.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Austria, Belgium, Chile, Netherlands, Sweden.

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

Bulgaria, Cuba, Finland, France, Greece, Luxembourg, Morocco, Norway, Poland, Tunisia, Uruguay, Viet-Nam, Yugoslavia.

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
Brazil	25. 4.1957
Bulgaria	6. 3.1925
Burma ¹	11. 5.1923
Canada	21. 3.1935
Chile	15. 9.1925
China	17. 5.1934
Colombia	20. 6.1933
Cuba	20. 7.1953
Czechoslovakia	21. 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 ²	11. 5.1923
Peru	8.11.1945
Poland	21. 6.1924
Portugal	3. 7.1928
Rumania	18. 8.1923
Spain	20. 6.1924
Sweden	22.12.1931
Switzerland	16. 1.1935
Tunisia	15. 5.1957
Turkey	27.12.1946
Uruguay	6. 6.1933
Venezuela	20.11.1944
Viet-Nam	14. 6.1955
Yugoslavia	1. 4.1927

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

Bulgaria.

Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

Section 51 of the Labour Code, as amended by the Act of 1957, lays down 38 hours instead of 36 hours as the length of the weekly rest period, except for shift work. In that case the duration of the rest period may not be less than 24 hours.

Section 79 of the Code, as supplemented by the Act of 1957, provides that should the rest period be reduced to less than 24 hours the worker concerned will be entitled to a compensatory day of rest during a subsequent period.

Canada.

The *Alberta* Labour Act has been amended to provide that the weekly rest day must be granted at least every seventh day instead of after a longer period as was possible under the old wording of the weekly rest provisions. Also, the Wage Order for the pipeline construction industry has reduced the period of accumulation of weekly rest days from eight weeks to four. In *British Columbia* the Order covering cook and bunkhouse occupations in unorganised territory no longer provides for a 32-hour weekly rest period but for the payment of overtime rates for work in excess of 191 hours a month. The previously limited coverage of the *Quebec* General Order No. 4 (unorganised workers) has been extended to all the employees to which the Order relates; in *Saskatchewan* the legislative weekly rest provisions have been made applicable to all parts of the province instead of to cities and certain towns only.

China.

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

The scope of the Factories Act is based on the social conditions existing within the country. In small undertakings employing fewer than 30 workers, and undertakings which do not use power-driven machinery, the granting of rest is governed by custom. However, in view of the number of public and religious holidays, workers are entitled on the average to one day of rest out of seven. Moreover, the Government considers that in a country which is in the process of industrialisation, too rigid a policy might hinder industrial development. Nevertheless, the Government proposes to consider widening the scope of the Act at the time of its forthcoming review.

Under section 18 of the Factories Act the taking of rest is not compulsory. A worker who chooses not to use his right to a rest receives a cash compensation instead. Since the right to a day of rest is provided for in any case, the Government considers that no inconsistency with Article 2 of the Convention is involved.

Although the Factories Act does not contain any provisions concerning the posting of notices specifying the days on which rest is to be granted, this is, in fact, the practice followed by most factories. In 1954 the Government of the Province of Taiwan prescribed a special form for the reporting of hours worked and hours of rest granted, together with detailed instructions concerning its use, for the benefit of undertakings in the province. However, in order to bring the legislation into full conformity with the Convention, the Government proposes to re-examine the question in conjunction with the forthcoming review of the Factories and Mines Acts.

Suspensions of weekly rest in the case of persons employed on work of a military nature or in public services, as authorised by section 19 of the Factories Act, take place only in cases of urgent necessity or disaster and, for this reason, cannot be specifically mentioned in the Act. In any case, there have been no such suspensions during the past seven years.

In the Province of Taiwan the number of workers covered by the Factories Act and by the Mines Act is 138,000.

France.

The Government has supplied the following information in reply to an observation made by the Committee of Experts:

Members of inland navigation crews who do not navigate continuously are supposed to take one-half of their annual weekly rest, i.e. 24 days, on board the vessel, during breaks in operations, and the other half as paid compensatory rest in accordance with the Clavelle Decree of 18 November 1919 and the trade union agreement of 19 November 1936, which is still in force.

In the case of tugs, which navigate more continuously, the collective agreement of 27 October 1936 for inland navigation provides for 30 days of compensatory rest annually.

Since the passing of the Act of 27 March 1956 the maximum duration of continuous absence from the vessel is normally fixed at 18 working days, i.e. the equivalent, as a rule,

of 21 calendar days. However, in the First Inland Waterways Region (Seine and tributaries) a trade union agreement of 1939 authorises crew members to add nine days of compensatory rest to their annual holidays, thus increasing the total period of continuous absence from the vessel by a corresponding amount, provided that they apply for permission to do this before 28 February of the current year.

In practice, since the annual holiday was increased from 12 to 18 working days wage earners have made little use of this facility.

Greece.

On the railways, permanent way workers still do not enjoy the full benefit of the provisions of the Convention as regards the granting of weekly rest.

As requested by the Committee of Experts, the Government sent with its report a copy of the Royal Decree of 20 April 1956 extending the weekly rest to railway station staff.

Referring to a communication from the Greek General Confederation of Labour, to the effect that the weekly rest is not applied in processes requiring continuous stoking, the Government states that this allegation is unfounded and that specific instructions have been given to the Labour Inspectorate to ensure that the provisions of the Convention are strictly enforced (Ministerial Circulars Nos. 15552 of 5 November 1936 and 26567 of 30 April 1956).

The Government has supplied the text of a judicial decision concerning the granting of weekly rest (Decision No. 188 of 1957 of Section B of the Court of Cassation) and the text of Decision No. 78 of 1951 of the Court of Cassation concerning the definition of "Sunday rest". The former decision is of considerable importance in that it is based on the actual text of Convention No. 14 and that it asserts that laws ratifying international Conventions, in the form adopted thus far by the legislature, have the effect of making domestic law.

Haiti.

The collective labour disputes which occurred during the period concerned arose mainly out of demands for the payment of wages during the weekly rest period by categories of workers who previously were not entitled to it. The Government is now examining a Bill to amend and supplement the existing law.

India.

In reply to the request for information made by the Committee of Experts in 1957, the Government states that section 65, paragraph (2), of the Factories Act does not envisage the framing of any general regulations. What is contemplated is only the issue of specific or *ad hoc* exemption orders to individual factories. The Government goes on to supply detailed information regarding the extent to which exemptions were allowed during the period under review in Assam, Kerala, West Bengal and Bihar.

Morocco (First Report).

Decree of 21 July 1947 respecting weekly rest and public holidays (*L.S.* 1947—Mor. 2) (*Bulletin officiel*, 17 Oct. 1947, No. 1825), hereinafter referred to as "the Decree".

Order of the Vizier of 25 July 1947, as amended on 22 March 1950 and 29 July 1953, to regulate the supervision of the application of the Decree of 21 July 1947 (*Bulletin officiel*, No. 1825 of 17 Oct. 1947, No. 1957 of 28 Apr. 1950, and No. 2126 of 24 July 1953).

Order of the Vizier of 25 July 1947 to specify the occupations in continuous processes which may be granted special systems of weekly rest (*Bulletin officiel*, No. 1825 of 17 Oct. 1947).

Order of the Vizier of 25 August 1947 to list the undertakings which may suspend the weekly rest (*Bulletin officiel*, No. 1825 of 17 Oct. 1947).

Article 1 of the Convention. The provisions of the Decree apply to all the establishments enumerated in Article 1 of the Convention, except railways which are subject to staff rules approved by the Minister of Public Works. There is no transport by waterway in Morocco.

Article 2. No worker may be employed more than six days a week. Weekly rest must be at least 24 consecutive hours, reckoned from midnight to midnight, to be granted on Friday, Saturday, Sunday or the weekly market day, and simultaneously to all the staff of an establishment (sections 4 and 5 of the Decree). In practice, Sunday is the rest day in the majority of establishments, particularly those under European management, but in undertakings where the management and staff are all Moslem or Jewish the rest day is Friday or Saturday. Weekly rest on the market day is granted in country undertakings.

Article 3. It follows from section 2 of the Decree that persons working exclusively with members of their family are not required to grant a day of rest in the conditions laid down for undertakings where wage-earning workers are employed.

Article 4. Provision has been made for a number of total or partial exceptions to the principle of weekly rest (sections 6 to 33 of the Decree).

Article 5. The report describes the various systems of compensatory rest provided for in the cases of suspension and diminution of the normal rest day permissible under the sections of the Decree referred to above under Article 4. In most cases full compensatory rest must be granted. In a few cases, by agreement between employers and workers, the Minister of Labour may permit postponed rest periods to be fully compensated for by one or more annual rest periods, to be granted independently of annual holidays.

Article 6. The report lists the cases in which weekly rest may be wholly or partially suspended.

Article 7. The Order of the Vizier of 25 July 1947 provides for the posting up, in a conspicuous place, of notices of the day of rest when it is granted simultaneously to the whole of the staff; where this is not the case, the employer must indicate on a list, easily accessible, the name of each worker and the day or, as the case may be, half-day of compensatory rest.

Supervision of the application of the provisions governing weekly rest is entrusted to labour inspectors and supervisors.

Approximately 250,000 workers are covered by the relevant legislation; 73 contraventions were reported during the period under review.

New Zealand.

Factories Amendment Act, 1956.

The above amending Act repeals sections 25 and 30 of the principal Factories Act, 1946, which dealt with special weekly rest provisions for workers in laundries and in dairy factories and creameries. The report states that arbitration awards or collective agreements all normally provide for a 40-hour, five-day week, Monday to Friday.

Poland.

In reply to an observation made by the Committee of Experts the Government states that, in virtue of a collective agreement which came into force on 1 April 1957, Sunday work is restricted to once a month and is voluntary on the part of the worker, these provisions having been made in view of national economic needs and with the approval of the Polish Union of Miners. Double rates of pay apply for Sunday work, but since it is done voluntarily there are no provisions for the granting of compensatory rest.

Cases of suspension of the weekly rest of dock workers (permitted under the legislation) are subject to the provisions of a collective agreement of 1950 concerning seaports. Certain categories of workers may be required, with the consent of the works council, to work on public holidays provided each worker is free every third Sunday. In compensation for work on a holiday the worker is paid at double rates and has the right to another free day in the week.

Rumania.

Labour Code of 30 May 1950 (*L.S.* 1950—Rum. 1). Act of 26 May 1923 to ratify Convention No. 14.

Article 1 of the Convention. Section 2 of the Labour Code lays down that the Code shall apply to workers and officials.

Article 2. The Labour Code provides for an uninterrupted rest period of not less than 24 consecutive hours each week, and that the rest day shall be Sunday (section 61).

Articles 4 and 5. Section 61 of the Code provides that rules of employment shall fix another day of rest in the week for employees who cannot be granted the Sunday owing to the nature of their work, and the rest day by rotation for employees engaged in continuous work. The competent Ministry, in agreement with the central committees of the trade unions concerned, shall decide the undertakings which operate continuously. The report states that work performed exceptionally on weekly rest days is paid for at twice the normal rate.

Article 7. In accordance with the provisions of the Labour Code (section 24), the rules of employment are posted up in each workplace.

The State Inspectorate for Labour Protection and the judicial bodies are responsible for the supervision of the application of the provisions concerning weekly rest.

Spain.

In reply to the observations made by the Committee of Experts the Government states that it has not availed itself of the possibility afforded by section 7 of the Sunday Rest Act of 30 July 1940. Accordingly, weekly rest granted in lieu of Sunday rest, to which section 6 of the Act refers, has never been suspended.

Viet-Nam.

In reply to the request made by the Committee of Experts in 1957 with regard to a number of points concerning the application of the Convention the Government has supplied the following information in its report :

Article 1, paragraph 1, of the Convention. Copies of the Orders of 22 March 1937 and 31 May 1937 with regard to inland water transport undertakings were forwarded, as well as copies of two Orders dated 31 May 1937 which lay down daily hours of work and rules governing weekly rest for railway and tramway personnel. A draft decree concerning inland water transport and new regulations relating to railway and tramway workers are under consideration.

Article 4. The Government states that the Ministerial Order provided for in section 188 of the Labour Code, respecting the employment of workers on weekly rest days in loading and unloading operations, has not yet been

issued. Permanent employees of the undertakings in question enjoy the weekly rest; casual workers, who form the majority of the labour force of such undertakings, are not covered by the provisions concerning weekly rest.

Article 5. A Bill providing for compensatory rest periods is now being drafted (sections 183 and 190 of the Code).

Article 7. The Government appended to its report copies of old Orders dated 20 February 1937 and 22 March 1937 concerning weekly rest, which provide for the displaying of notices indicating the collective rest day.

Yugoslavia.

In reply to the observation made by the Committee of Experts the Government states that the new Act respecting labour relations will be promulgated towards the end of 1957 or early in 1958 at the latest.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Argentina, Belgium, Bulgaria, Canada, Denmark, Greece, India, Israel, Italy, Luxembourg, New Zealand, Portugal, Switzerland, Uruguay, Viet-Nam.

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

Finland, Ireland, Mexico, Nicaragua, Norway, Pakistan, Sweden, Turkey.

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

This Convention came into force on 20 November 1922

Countries	Date of registration of ratification
Argentina	26. 5.1936
Australia.	28. 6.1935
Belgium	19. 7.1926
Bulgaria	6. 3.1925
Burma ¹	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 ²	11. 6.1929
Ghana	20. 5.1957
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

Countries	Date of registration of ratification
Morocco	14. 3.1958
Netherlands	17. 6.1931
Nicaragua	12. 4.1934
Norway	7.10.1927
Pakistan ³	20.11.1922
Poland.	21. 6.1924
Rumania.	18. 8.1923
Spain	20. 6.1924
Sweden	14. 7.1925
Ukraine	14. 9.1956
U.S.S.R.	10. 8.1956
United Kingdom	8. 3.1926
Uruguay	6. 6.1933
Yugoslavia	1. 4.1927

¹ See footnote 2 to Convention No. 1.

² See footnote 2 to Convention No. 2.

³ See footnote 3 to Convention No. 1.

Bulgaria.

See under Convention No. 7.

Byelorussian S.S.R. (First Report).

Labour Code.

Order No. 186 of the People's Labour Commissariat of the U.S.S.R. of 13 October 1932 respecting the employment of young persons (L.S. 1932—Russ. 5 C).

Section 129 of the Labour Code of the Byelorussian S.S.R. prohibits the employment of young persons under 18 years of age in heavy or unhealthy work. Sections 58 and 105 of the above-mentioned Order prohibit the admission of young persons under 18 years of age to employment in a long list of occupations, including those of "engineers and engineers' helpers (on steamboats and oil-fired boats) and stokers".

There is nothing in the law of the Byelorussian S.S.R. which envisages the exceptions provided for in Articles 3 and 4 of the Convention.

All ships are required to keep a register of all members of the crew showing their dates of birth, including crew members under 18 years of age.

Enforcement of the labour legislation rests in the first place with the public authorities (e.g. the local boards of workers' delegates, officials of the public prosecutor's department, of the public health inspection service, etc.).

In addition to the public authorities the trade unions supervise, through the technical inspectors under their authority, compliance with the rules and instructions on the subject of safety measures.

Iceland (First Report).

Seamen's Act No. 41 of 19 May 1930 (L.S. 1930—Ice. 3). (*Stjórnartíðindi* 1930, A.2, S.83.)

Act No. 53 of 19 May 1930 respecting the signing on and off of seamen (L.S. 1930—Ice. 4). (*Stjórnartíðindi* 1930, A.2, S.138.)

Article 1 of the Convention. The report states that, although no explicit definition is given in the Seamen's Act of the term "vessel", the legislation covers all sea-going vessels irrespective of size.

Articles 2, 3 and 4. Section 10 of the Seamen's Act prohibits the employment of young persons under 18 years of age as trimmers or stokers. No exception is permitted to this rule.

Article 5. Section 11 of the Seamen's Act and Act No. 53 of 1930 stipulate that a register must be kept in which the full name of each crew member is indicated, together with his place and date of birth and home address. Such registers are compulsory for all Icelandic ships of more than 12 gross register tons.

Article 6. Section 11 of the Seamen's Act states that every seafarer must have a seafarer's book containing the laws and regulations which are of interest to seafarers, including the provisions mentioned above. (A model of the seafarer's book is appended to the report.)

The application of the above-mentioned legislation is entrusted to the registering authorities under the supervision of the Ministry of Communications.

Luxembourg.

See under Convention No. 7.

Nicaragua.

In reply to the observations of the Committee of Experts the Government states that a new draft of section 125 has been prepared by the Social Welfare Department which lays down that no young person under 18 years of age may work on board ship as trimmer or stoker, except in the cases provided for in the Convention.

Rumania.

Order No. 29 of 28 January 1955 of the Ministry of Land, Sea and Air Transport, given in pursuance of section 15 of Decree No. 40 of 1950.

The Act of 26 May 1923, by which the Convention was ratified, is still in force.

A minimum age of 18 years is required for admission to work as seaman, trimmer or stoker on board vessels trading at sea or on rivers.

The age of all seafarers must be mentioned in the crew list.

Responsibility for the application of the Convention is entrusted to the harbour-masters, the authorities of the Ministry of Land, Sea and Air Transport, the State Inspectorate for Labour Protection and the judicial courts.

Spain.

In reply to the observation made in 1957 by the Committee of Experts the Government states that it is only through an oversight that regulation 74 (e) of the regulations of 23 December 1952 omits the expression "more than 16 years old" when referring to persons under 18 years of age who may exceptionally be employed as stokers or trimmers. Measures are being taken to amend the regulations accordingly.

Ukrainian S.S.R. (First Report).

Labour Code.

It has not been necessary to enact legislation as a result of ratifying the Convention as the existing legislation and regulations amply meet the provisions of the Convention.

Article 1 of the Convention. According to the legal provisions in force in the Ukrainian S.S.R. the term "vessel" is taken to mean all sea-going craft (a) engaged in the transport of freight or passengers, sea fishing, the exploitation of the resources of the sea, assistance to damaged vessels, salvage of submerged goods and towing operations; (b) commissioned by the State for special purposes; (c) engaged in scientific work; (d) used for recreational or other purposes not mentioned in (a), (b) or (c) above.

Article 2. Neither the law nor the practice in the Ukrainian S.S.R. admit of any exceptions to the principle that persons under 18 years of age may not be employed as "engineers (steamships and oil-fired vessels) or stokers".

Article 3. There are no exceptions in the

law now in force in the Ukrainian S.S.R. in view of the fact that the minimum age for admission to school-ships is fixed at 18 years.

Article 4. The law and practice admit of no exceptions to the prevailing principle on this subject.

Article 5. In the Ukrainian S.S.R. all ships of more than 20 gross register tons are required to keep a register of the crew, giving the date of birth of every member.

Article 6. The articles of agreement consist of a written application and an employment order issued by the shipping company. The shipping company must give the crew an opportunity of ascertaining their rights and obligations. In addition all workers are informed of the texts of international Conventions ratified by the Ukrainian S.S.R. by means of publications, articles in magazines, lectures and meetings.

Enforcement of the labour legislation rests in the first place with the public authorities (e.g. the local boards of workers' delegates, officials of the public prosecutor's department, of the public health inspection service, etc.).

In addition to the public authorities the trade unions supervise, through the technical inspectors under their authority, compliance with the rules and instructions on the subject of safety measures.

U.S.S.R. (First Report).

Labour Code of 1922, with amendments to 1 May 1936 (L.S. 1936—Russ. 1).

Mercantile Marine Code of the U.S.S.R. of 14 June 1929 (L.S. 1929—Russ. 10, Extracts).

Order No. 186 of the People's Labour Commissariat of the U.S.S.R. of 13 October 1932 respecting the employment of young persons (L.S. 1932—Russ. 5).

It has not been necessary to enact legislation as a result of ratifying the Convention as the existing legislation and regulations amply meet the provisions of the Convention.

Article 1 of the Convention. According to the Mercantile Marine Code the term "vessel" is taken to mean all sea-going craft (a) engaged in the transport of freight or passengers, sea fishing, the exploitation of the resources of the sea, assistance to damaged craft, salvage of submerged goods and towing operations; (b) commissioned by the State for special purposes; (c) engaged in scientific work; (d) used for recreational or other purposes not mentioned in (a), (b) and (c) above.

Article 2. Decree No. 186 prohibits the employment of persons under 18 years of age as "engineers or engineers' helpers (on steamboats and oil-fired boats) or as stokers".

These provisions are confirmed by the regulations of 23 May 1951 respecting safety measures for the crews of vessels engaged in maritime navigation.

Article 3. No provision for such exceptions is made in Soviet legislation.

Article 4. The law and practice admit of no exceptions to the prevailing principle on this subject.

Article 5. Sections 24 and 32 of the Mercantile Marine Code require a register to be kept on board vessels of more than 20 gross register tons. This register (a copy of which is appended to the report) must show the date of birth of every member of the crew.

Article 6. The articles of agreement consist of a written application and an employment order issued by the management of the shipping company. The shipping company must give the crew an opportunity of ascertaining their rights and obligations. This is laid down in the General Instructions regarding Shipboard Regulations dated 12 January 1957, issued for shipping companies on the basis of those issued for state economic or social undertakings or concerns, and confirmed by the State Committee on Labour and Wages Questions of the Council of Ministers of the U.S.S.R. in agreement with the U.S.S.R. Central Council of Trade Unions. In addition the workers are informed of the texts of international Conventions ratified by the U.S.S.R. by means of publications, articles in magazines, lectures and meetings.

Enforcement of the legislation on the employment of young persons rests in the first place with the public authorities (e.g. the local boards of workers' delegates, officials of the public prosecutor's department, of the public health inspection service, etc.). The National Committee of the U.S.S.R. Council of Ministers supervises the inspection activities of the Ministries, independent agencies, undertakings, trade unions and the like and on the results of these inspections issues binding instructions to the Ministries and independent agencies for the purpose of enforcing the current labour legislation.

As regards the mercantile marine, administrative supervision of the laws and regulations is vested in the port directors and their representatives, the harbour-masters. Pursuant to the Decree of 10 April 1931 respecting the rights and obligations of port directors in the U.S.S.R. mercantile marine, the latter have the right to detain a ship until any infringements reported are put right.

In addition to the public authorities the trade unions supervise, through the technical inspectors under their authority, compliance with the rules and instructions on the subject of safety measures.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application:

Byelorussian S.S.R., Chile, Japan, Ukrainian S.S.R., U.S.S.R.

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

Argentina, Australia, Belgium, Burma, Canada, Ceylon, China, Cuba, Denmark, Finland, France, Federal Republic of Germany, Greece, Hungary, India, Ireland, Italy, Netherlands, 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
Albania	3. 6.1957
Argentina	26. 5.1936
Australia	28. 6.1935
Belgium	19. 7.1926
Brazil	8. 6.1936
Bulgaria	6. 3.1925
Burma ¹	20.11.1922
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	10.10.1926
France	22. 3.1928
Federal Republic of Germany ²	11. 6.1929
Ghana	20. 5.1957
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 ³	20.11.1922
Poland	21. 6.1924
Rumania	18. 8.1923
Spain	20. 6.1924
Sweden	14. 7.1925
Ukraine	14. 9.1956
U.S.S.R.	10. 8.1956
United Kingdom	8. 3.1926
Uruguay	6. 6.1933
Yugoslavia	1. 4.1927

¹ See footnote 2 to Convention No. 1.

² See footnote 2 to Convention No. 2.

³ See footnote 3 to Convention No. 1.

Bulgaria.

The Ordinance issued by the Ministry of Health and Welfare concerning medical examinations for workers provides that such examination must be carried out by the medical officers of medical establishments in the undertakings or in the medical establishments of the district in which the undertaking is situated. These medical officers are empowered to sign certificates of fitness for the work. In practice, however, young persons under 18 years of age are not authorised to work on board ship.

Byelorussian S.S.R. (First Report).

In the Byelorussian S.S.R. the employment of young persons under 16 years of age is prohibited, and accordingly the following information must be construed as referring exclusively to young persons between 16 and 18 years of age.

Navigation in the Byelorussian S.S.R. is river navigation, to which are applied provi-

sions regarding the medical examination of young persons similar to those in force in the U.S.S.R. for the medical examination of young persons employed on sea-going vessels.

Liability to medical examination extends to young persons employed in all branches of the economy. Under the law and regulations in force all young persons must undergo a medical examination before being engaged and must further be medically examined periodically, such examinations being given once a year. No young person is allowed to enter employment without presenting a medical certificate attesting his fitness for the type of employment in question.

Under the Instructions now in force, candidates for work on board ship are required to undergo a compulsory medical examination, irrespective of their age. These medical examinations are performed by specialists and the results are recorded in a "medical record book" which workers must produce in every case before being employed in water-borne transport.

There are no exceptions to the compulsory medical examinations in the law and regulations in force in the Byelorussian S.S.R.

Enforcement of the labour legislation rests in the first place with the public authorities (e.g. the local boards of workers' delegates, officials of the public prosecutor's department, of the public health inspection service, etc.).

In addition to the public authorities the trade unions supervise, through the technical inspectors under their authority, compliance with the rules and instructions on the subject of safety measures. An important aspect of this supervision is the trade union meetings at which workers may at any time draw the management's attention to points on which it does not conform to the provisions of the labour legislation.

Luxembourg.

See under Convention No. 7.

Nicaragua.

During the period under review no person under 18 years of age has been allowed to work on board ship.

Replying to the observation made by the Committee in 1957 the Government states that the Department of Social Welfare has prepared regulations according to which a medical officer will be appointed to each Labour Inspectorate for the purpose of issuing the medical certificates to work on board ship. These regulations provide for the exception allowed in Article 4 of the Convention by empowering the labour inspector to allow young persons under the age of 18 years to embark, in urgent cases, without having undergone a prior medical examination. The practical enforcement of these provisions is entrusted to the labour inspectors.

Rumania

Order No. 25 of 27 January 1955 of the Ministry of Land, Sea and Air Transport.

The Act of 26 May 1923, by which the Convention was ratified, is still in force.

Young persons may not be employed on board ships trading at sea or on rivers unless they pass a medical examination showing that they are fit for such work. Such medical examination must be repeated at intervals of six months.

The competent authorities are the State Inspectorate of Labour Protection, the state health inspectors, the medical authorities of the Ministry of Land, Sea and Air Transport and the courts.

Ukrainian S.S.R. (First Report).

Mercantile Marine Code of the U.S.S.R. of 14 June 1929 (L.S. 1929—Russ. 10, Extracts).

Under both the law and practice in the Ukrainian S.S.R. young persons under 16 years of age are not admitted to employment. Accordingly, the following information regarding medical examination of children and young persons should be construed as referring exclusively to young persons between 16 and 18 years of age.

Article 1 of the Convention. According to the Mercantile Marine Code the term "vessel" is taken to mean all sea-going craft (a) engaged in the transport of freight or passengers, sea fishing, the exploitation of the resources of the sea, assistance to damaged vessels, salvage of submerged goods and towing operations; (b) commissioned by the State for special purposes; (c) engaged in scientific work; (d) used for recreational or other purposes not mentioned in (a), (b) or (c) above.

Article 2. In the Ukrainian S.S.R. young persons under 18 years of age may not be admitted to employment without previous medical examination. In accordance with the Instructions of the Ministry of Health all applicants for any kind of work at sea are required to undergo a compulsory medical examination irrespective of age. No applicant may be signed on for work on board ship if he is not in possession of a medical certificate testifying that he has passed the above-mentioned examination.

Article 3. Medical examinations of young persons, including young persons working on board ship, are carried out (a) before recruitment; and (b) periodically (once a year). The procedure for these periodical examinations is set forth in the Instructions of the Ministry of Health.

These medical examinations take into account the applicant's fitness and suitability for the various types of work.

Young workers undergoing treatment must be given a medical examination every two months.

Seamen on board vessels voyaging through tropical or Arctic regions or to distant countries are also liable to medical examination.

Should the validity of a medical certificate expire in the course of a voyage the seaman

must undergo a medical examination in the first port of the U.S.S.R. at which the vessel calls.

Article 4. The permissive exceptions provided for in this Article are not recognised in Soviet legislation.

Enforcement of the labour legislation rests in the first place with the public authorities (e.g. the local boards of workers' delegates, officials of the public prosecutor's department, of the public health inspection service, etc.).

In addition to the public authorities the trade unions supervise, through the technical inspectors under their authority, compliance with the rules and instructions on the subject of safety measures. An important aspect of this supervision is the trade union meetings at which workers may at any time draw the management's attention to points on which it does not conform to the provisions of the labour legislation.

U.S.S.R. (First Report).

Order of 13 October 1922 of the Council of People's Commissaries concerning the medical examination of young persons in employment (L.S. 1922—Russ. 4).

Regulations (No. 75) of 11 March 1929 respecting annual medical examinations for young workers in the R.S.F.S.R. (Similar regulations are in force in the other federative republics.)

Mercantile Marine Code of the U.S.S.R. of 14 June 1929 (L.S. 1929—Russ. 10, Extracts).

Instructions of 29 May 1944 issued by the U.S.S.R. People's Commissar for Health respecting the procedure for medical examinations of young workers. Instructions of 23 August 1954 issued by the U.S.S.R. Ministry of Health (approved by the Ministry of Shipping on 6 October 1954) respecting the medical examination of persons newly recruited for employment at sea and workers already in such employment.

Article 1 of the Convention. According to the Mercantile Marine Code the term "vessel" is taken to mean all sea-going craft (a) engaged in the transport of freight or passengers, sea fishing, the exploitation of the resources of the sea, assistance to damaged vessels, salvage of submerged goods and towing operations; (b) commissioned by the State for special purposes; (c) engaged in scientific work; (d) used for recreational or other purposes not mentioned in (a), (b) or (c) above.

Article 2. The Instructions of 23 August 1954 make medical examinations compulsory for all persons, irrespective of age, engaged for employment at sea. There are other provisions relating to complete medical examinations for seafarers.

In accordance with the Order of 13 October 1922, all young persons under 18 years of age must undergo a medical examination before entering employment, and particularly for work on board ship.

The Instructions of 29 May 1944 require that such examinations shall be carried out in medical establishments.

When the medical examination has been made, a report is drawn up showing the fitness of the person concerned for the work.

Pursuant to the Regulations of 20 September 1952 relating to ships engaged in maritime navigation, all seafarers must have in their

possession a "seaman's medical record book" (which includes a special sheet for young persons). This record book must be presented before a seaman can be employed. (A copy of the "seamen's medical record book" and the special sheet for young persons is appended to the report.)

Article 3. Section 3 of the Order of 13 October 1922 states that young workers under 18 years of age must undergo a periodical medical examination at least once a year. The procedure for such examinations is laid down in the Instructions of 29 May 1944.

Young workers undergoing treatment must be given a medical examination every two months.

Seamen on board ships voyaging in tropical or Arctic regions or to distant countries are also liable to medical examination.

Should the validity of a medical certificate expire in the course of a voyage the seaman must undergo a medical examination in the first port of the U.S.S.R. at which the vessel calls.

Article 4. The exceptions provided for in this Article are not recognised by Soviet legislation.

Enforcement of the legislation on the employment of young persons rests in the first place with the public authorities (e.g. the local boards of workers' delegates, officials of the public prosecutor's department, of the public health inspection service, etc.).

The National Committee of the U.S.S.R. Council of Ministers supervises the inspection activities of the Ministries, independent

agencies, undertakings, trade unions and the like and on the results of these inspections issues binding instructions to the Ministries and independent agencies for the purpose of enforcing the current labour legislation.

As regards the mercantile marine, administrative enforcement of the laws and regulations in force is vested in the port directors and their representatives, the harbour-masters. Pursuant to the Decree of 10 April 1931 respecting the rights and obligations of port directors in the U.S.S.R. mercantile marine, the latter have the right to detain a ship until any infringements reported are put right.

In addition to the public authorities the trade unions supervise, through the technical inspectors under their authority, compliance with the rules and instructions on the subject of safety measures.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Australia, Byelorussian S.S.R., Chile, Cuba, France, Italy, Japan, Ukrainian S.S.R., U.S.S.R.

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

Argentina, Belgium, Burma, Canada, Ceylon, China, Finland, Federal Republic of Germany, Greece, Hungary, India, Ireland, Mexico, Netherlands, Pakistan, Poland, Spain, Sweden, United Kingdom, Uruguay and Yugoslavia.

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
Federation of Malaya	11.11.1957
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
Tunisia	15. 5.1957

Countries	Date of registration of ratification
United Kingdom	28. 6.1949
Uruguay	6. 6.1933
Yugoslavia	1. 4.1927

Argentina.

Legislative Decree No. 7604/57 of 5 July 1957.

The above legislative decree amends section 26 of Act No. 9688 of 1915 to bring it into conformity with Article 10 of the Convention (supply and renewal of artificial limbs and surgical appliances).

Bulgaria.

Pensions Act No. 465 of 6 November 1957 (*Izvestia*, No. 91, 12 Nov. 1957).
Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

Under section 145 of the Labour Code, as amended, wage earners, salaried employees,

members of the professions and persons engaged in educational or artistic activities are covered by compulsory accident insurance. No qualifying period is required.

Compensation in case of temporary disability is paid immediately, the amount varying with the period of coverage.

Insured persons who are disabled as the result of an employment accident or occupational disease are entitled to a pension amounting to a specified percentage of their earnings, the percentage varying inversely with the earnings. Pensions are based on total earnings and not on part of the worker's earnings as in the past.

Chile.

Act No. 12435 of 31 January 1957 concerning the raising of pensions granted in respect of occupational accidents (*Diario Oficial*, 12 Feb. 1957).

In reply to the observation made by the Committee of Experts the report states that a Bill to amend certain sections of the Labour Code, particularly section 276, with a view to bringing it into conformity with Article 5 of the Convention, will soon be submitted to the National Congress.

Czechoslovakia.

Social Security Act of 30 November 1956 (L.S. 1956—Cz. 3A) (*Sbírka Zákonů*, No. 30, 18 Dec. 1956).

Sickness Insurance Act of 30 November 1956 (L.S. 1956—Cz. 3B) (*Sbírka Zákonů*, No. 29, 17 Dec. 1956).

The purpose of these two Acts is to reorganise the social insurance scheme and to enact certain new regulations concerning compensation for employment injuries and occupational diseases.

France.

The report mentions a number of workmen's compensation laws and decrees aimed, among other things, at revaluing certain pensions.

Federal Republic of Germany.

Act of 26 June 1957 to improve the economic protection of workers in case of sickness (*Bundesgesetzblatt*, 1957, Part I, p. 649).

Article 6 of the Convention. Sickness benefit is paid from the first day of disability by the sickness fund or, if the disabled person is not compulsorily insured against sickness, by the accident insurance institution. The employer must, under prescribed conditions, supplement the sickness benefit to a certain extent.

Greece.

In reply to the observation of the Committee of Experts the report states that the 1951 insurance scheme has been extended to 14 districts.

Haiti.

The Government's report mentions that the Social Insurance Act of 12 September 1951 has been slightly amended by a Decree of 18 October 1957.

Morocco (First Report).

Decree of 25 June 1957 respecting workmen's compensation (L.S. 1927—Mor. 3), as amended.

Articles 2, 3 and 4 of the Convention. Moroccan workmen's compensation legislation applies to work in all sectors of the economy, whether public or private, and to all workers in those sectors who are under a contract of service to their employers, whether such contract be valid or not.

Article 5. Compensation takes the following forms :

- (a) In the event of temporary incapacity for work the employer, or his insurer, is made responsible for the payment of a daily benefit equivalent to half of the daily remuneration during the first 28 days after the accident and equivalent to two-thirds of such remuneration from the 29th day onwards and until recovery or the stabilisation of the injury.
- (b) In the event of permanent disablement the injured person is entitled to a pension equivalent to the annual remuneration multiplied by the percentage of disability. This percentage of disability is first reduced by half in respect of that part of the percentage which is below 50 per cent. and is increased by half in respect of that part which is in excess of 50 per cent.
- (c) In the event of death the dependants are paid a pension based on the annual remuneration and on the degree of kinship between the dependant and the deceased.

The report also sets out the procedure to be followed in the event of industrial accidents.

Compensation for injuries followed by death or injuries entailing permanent disablement is paid in the form of a pension. However, if the degree of incapacity is less than 4 per cent. the pension, irrespective of the amount, may be commuted into payment of a lump sum if the injured person so requests or if he or she accepts the employer's or the insurer's proposal. The same holds good if the percentage of invalidity is between 4 and 10 per cent., provided that the annual amount of the pension does not exceed a given amount.

Article 6. The daily allowance is payable as from the day after the accident whereas the pension accrues as from the day after the stabilisation of the injury or, if the injury was fatal, from the day following the death.

Article 7. Where the court of summary jurisdiction considers that a disabled person requires the constant attendance of another person, it may grant him an additional benefit equivalent to 40 per cent. of the pension ; this supplementary benefit may not be less than a specified amount. In such cases the supplementary benefit is paid out of the Moroccan Fund for Increasing Workmen's Compensation Benefits.

Article 8. Applications for a review of the compensation based on an aggravation or a lessening of the infirmity may be made to the court of summary jurisdiction by the injured person, the employer or the employer's insurer. This right is available for a period of five years from the date of apparent recovery or stabilisation of the injury.

Article 9. Medical, pharmaceutical and surgical expenses are defrayed by the employer or

his insurer. However, the injured person is entitled to receive treatment at their expense only for a period of five years after the stabilisation of the injury and if there is a relapse.

Article 10. Where the magistrate finds that an artificial limb or surgical appliance is necessary, such appliances are supplied to the injured person and renewed by the Casablanca Orthopaedic Equipment Centre. These appliances are supplied in kind and the injured person is not entitled to claim their value in cash.

Article 11. The Moroccan Reinsurance Fund guarantees payment of benefits in the event of the insolvency of the employer or his insurer.

Experts of the Labour Inspectorate are responsible for the inspection and enforcement of the workmen's compensation legislation.

In 1956, 52,911 accidents were notified to the local authorities, plus 2,529 accidents in agriculture and 156 occupational diseases.

Netherlands.

Act of 22 March 1957 to amend the Industrial Accident Insurance Act of 1921.

Article 7 of the Convention. The Act of 22 March 1957 provides, *inter alia*, that an injured person whose incapacity requires the constant help of another person shall receive during such incapacity an increased pension not exceeding 100 per cent. of his wages.

New Zealand.

Workmen's Compensation Act No. 62 of 1956 (New Zealand Statutes, 1956, Vol. 1, p. 560).

Workers' Compensation Regulations No. 39 of 1957 (New Zealand Statutory Regulations, Serial 1957/39).

Workers' Compensation Order No. 56 of 1957 (New Zealand Statutory Regulations, Serial 1957/56).

Employers' Liability Insurance Regulations No. 57 of 1957 (New Zealand Statutory Regulations, Serial 1957/57).

The purpose of the 1956 Act is to revise and consolidate earlier legislation on workmen's compensation.

Article 5 of the Convention. Section 11 of the Act provides that, where injury to a workman results in death, compensation in a lump sum may be made to the persons dependent on the deceased. Where the injuries result in permanent partial incapacity for work the compensation payable will, in default of agreement, and at the discretion of the court, either be a lump sum or a weekly payment, which may not continue for more than six years.

Article 9. The amount payable for the expenses of medical or surgical attendance in the case of an accident may not exceed £100 if the injury is followed by death and £50 in the case of other accidents.

Article 10. The employer is liable for the cost of artificial limbs or surgical appliances and the repairs thereto for a period not exceeding three years. The cost of repairs may not exceed a maximum of £25.

Nicaragua.

In reply to the request for information made by the Committee of Experts in 1957 the report states that, since the new Social Security Act

of 1955 is being applied by stages, the employment injuries section has not yet been implemented. The Act expands and supplements certain provisions of the Labour Code of 1945.

Poland.

Certain alterations were made in 1956 and 1957 to the legal standards laid down in the Decree of 25 June 1954 respecting compensation for industrial accidents and occupational diseases, with a view to improving the system and raising the rates of pensions.

Sweden.

Royal Notification No. 412 of 27 June 1957 to amend 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.

Article 9 of the Convention. In reply to the observation made by the Committee of Experts as regards a discrepancy between the provisions of Article 9 and Swedish legislation, the report states that the question is being examined by the Swedish authorities but that no decisions as to the measures to achieve full compliance have yet been taken.

United Kingdom.

Great Britain.

For legislation see under Convention No. 12.

Northern Ireland.

For legislation see under Convention No. 12.

In addition to the above legislation the report lists a number of legislative provisions and administrative regulations amending the ones previously in force.

Articles 9 and 10 of the Convention. In reply to the observations of the Committee of Experts the Government states that all the services provided under the National Health Service are available to persons injured in industrial accidents the same as to all other persons.

Referring to a statement made in the report for 1955-56 to the effect that the charges for these services are very small and well below cost, the report adds that, while the charges form an integral part of the National Health Service in the United Kingdom, they may be reimbursed by the National Assistance Board if hardship is likely to be caused by the payment.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Argentina, Austria, Belgium, Bulgaria, Chile, Cuba, Czechoslovakia, Finland, France, Federal Republic of Germany, Greece, Luxembourg, Morocco, Mexico, Netherlands, New Zealand, Poland, Portugal, Sweden, United Kingdom, Yugoslavia.

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

Hungary, Spain, Uruguay.

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 ¹	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 ²	18. 9.1928
Hungary	19. 4.1928
India	20. 9.1927
Iraq	26.11.1938
Ireland ³	25.11.1927
Italy	22. 1.1934
Japan	8.10.1928
Luxembourg	16. 4.1928
Morocco	20. 9.1956
Netherlands ³	1.11.1928
Nicaragua	12. 4.1934
Norway	11. 6.1929
Pakistan ⁴	30. 9.1927
Poland	3.11.1937
Portugal	27. 3.1929
Spain	29. 9.1932
Sweden ³	15.10.1929
Switzerland	16.11.1927
United Kingdom ³	6.10.1926
Uruguay ³	6. 6.1933
Yugoslavia	1. 4.1927

¹ See footnote 2 to Convention No. 1.

² See footnote 2 to Convention No. 2.

³ Has denounced this Convention and ratified Convention No. 42.

⁴ See footnote 3 to Convention No. 1.

Ceylon.

Workmen's Compensation (Amendment) Act No. 31 of 1957.

This Act revises section 4 and Schedule III of the Workmen's Compensation Ordinance No. 19 of 1934.

Czechoslovakia.

See under Convention No. 42.

France.

See under Convention No. 42.

Federal Republic of Germany.

An Act of 26 June 1957 (*Bundesgesetzblatt*, Part I, p. 649) gives increased financial protection to workers in the event of sickness, among other things by enlarging the list of dependants and by increasing the cash benefits payable by the sickness insurance scheme in the event of incapacity for work.

India.

During the period under review the Employees' State Insurance Scheme was extended

to certain new areas. A departmental committee is now considering the question of amending the Workmen's Compensation Act of 1923 to bring the schedule of occupational diseases into line with the list in Convention No. 42.

Morocco (First Report).

Decree of 31 May 1943 to extend to occupational diseases the provisions of the legislation concerning compensation for occupational accidents (*Bulletin officiel*, 11 June 1943).

Article 1 of the Convention. Compensation for occupational diseases affecting workers, whatever their nationality, is paid in accordance with the general principles of Moroccan legislation concerning compensation for occupational accidents.

The rate of compensation is equal to that provided for in the said legislation for injuries resulting from occupational accidents, namely (1) compensation for workers injured as a result of or in connection with their employment, for any person in receipt of a wage or employed in any capacity or in any place whatsoever by one or more employers, whether the contract of employment is valid or not; (2) compensation for the injured worker in the form of a daily allowance or a pension, according to whether the worker's incapacity is temporary or permanent.

When the accident or disease has led to the death of a worker a pension is paid to the surviving spouse, the children or the parents.

In the case of occupational diseases the rate of compensation is proportionate to the degree of invalidity as established by the medical certificate, and the pension is calculated in the same manner as for occupational accidents.

Article 2. Under Moroccan legislation not only the three types of disease and poisoning listed in the schedule appended to Article 2 of the Convention but also another 36 types of disease or poisoning are classified as occupational diseases.

The supervision of the application of the legislation concerning occupational diseases is the responsibility of officials carrying out labour inspection duties.

In 1956, 256 occupational diseases were notified to the authorities responsible for keeping a record of them.

Nicaragua.

As regards the observations made by the Committee of Experts the report states that as the Government has not received these observations it is unable to reply for the time being.

Norway.

See under Convention No. 42.

Poland.

See under Convention No. 42.

Spain.

Decree of 22 June 1956 to approve a consolidated text of the legislation relating to industrial accidents (L.S. 1956—Sp. 1) and Implementing Regulations of 22 June 1956 (*Boletín Oficial del Estado*, No. 197, 15 July 1956, pp. 4614 and 4617).
Decree of 20 January 1957.

In reply to the observations and requests for information made by the Committee of Experts in 1957 the report refers to sections 43 to 57 of the Implementing Regulations under the Decree of 22 June 1956 and to the schedule appended to the Decree of 20 January 1957, which restricts compensation for anthrax infection to work involving regular and habitual contact with sources of infection or contaminated substances.

The report further states that the Act of 13 July 1936 is no longer applicable.

Switzerland.

Federal Act of 21 December 1956 to amend the Sickness and Accident Insurance Act.
The Federal Act of 21 December 1956 raises

the maximum amount of earnings to be taken into account for the purposes of workmen's compensation and sickness insurance.
In reply to the observations of the Committee of Experts the report points out that compensation for anthrax infection is paid in accordance with the Convention and that the legislation on compensation for occupational diseases does not apply to agriculture.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :
Austria, Belgium, Chile, Denmark, France, Federal Republic of Germany, Hungary, India, Iraq, Italy, Japan, Luxembourg, Morocco, Nicaragua, Pakistan, Poland, Portugal, Switzerland.

The reports from the following countries merely reproduce or refer to the information previously supplied :
Burma, Bulgaria, Ceylon, Colombia, Cuba, Czechoslovakia, Finland, Norway, Spain, Yugoslavia.

19. Equality of Treatment (Accident Compensation) Convention, 1925

This Convention came into force on 8 September 1926

Countries	Date of registration of ratification
Argentina	14. 3.1950
Austria	29. 9.1928
Belgium	3.10.1927
Bolivia	19. 7.1954
Brazil	25. 4.1957
Bulgaria	5. 9.1929
Burma ¹	30. 9.1927
Chile	8.10.1931
China	27. 5.1934
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 ²	18. 9.1928
Ghana	20. 5.1957
Greece	30. 5.1936
Haiti	19. 4.1955
Hungary	19. 4.1928
India	30. 9.1927
Indonesia ³	13. 9.1927
Iraq	30. 4.1940
Ireland	5. 7.1930
Italy	15. 3.1928
Japan	8.10.1928
Luxembourg	16. 4.1928
Federation of Malaya	11.11.1957
Mexico	12. 5.1934
Morocco	13. 6.1956
Netherlands	13. 9.1927
Nicaragua	12. 4.1934
Norway	11. 6.1929
Pakistan ⁴	30. 9.1927
Peru	8.11.1945
Poland	28. 2.1928
Portugal	27. 3.1929

Countries	Date of registration of ratification
Spain	22. 2.1929
Sudan	18. 6.1957
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

¹ See footnote 2 to Convention No. 1.
² See footnote 2 to Convention No. 2.
³ Remains bound by this Convention which was formerly ratified by the Netherlands. The date given is that on which the ratification by the Netherlands was registered.
⁴ See footnote 3 to Convention No. 1.

Argentina.
Legislative Decree No. 7606/57 of 5 July 1957.
Pursuant to Legislative Decree No. 7606, which amends section 14 of the Industrial Injury and Occupational Diseases Act No. 9688, a worker's survivors, irrespective of their or his nationality, will enjoy the rights granted under the above-mentioned Act No. 9688 without any conditions as to residence.
Austria.
Ordinance of 22 November 1956 concerning reciprocity in respect of the payment of social insurance benefits in the Netherlands (*Bundesgesetzblatt*, 1956, No. 60, p. 1613).

The report states that the ordinance mentioned above permits the payment of certain cash benefits acquired under Austrian legislation to Austrian and Dutch nationals residing in the European territory of the Netherlands. So far as compensation of industrial accidents is concerned, the ordinance covers pensions, widows' allowances and death grants.

Referring to the observations made in 1957 by the Committee of Experts in respect of section 89 of the General Social Insurance Act of 9 September 1955, the report states as follows: by the Social Insurance (Transitional Provisions) Act (Second Amending Act) of 16 December 1948 the following provision was inserted in the Austrian legislation: "In respect of benefits from accident insurance, the nationals of States which have ratified the Convention adopted on 5 June 1925 by the General Conference of the International Labour Organisation of the League of Nations concerning equality of treatment for national and foreign workers as regards workmen's compensation for accidents shall be placed on the same footing as Austrian citizens." This provision is no longer in force since the General Social Insurance Act, 1955, became effective on 1 January 1956. This Act does not include a provision corresponding to that cited above. The Government is of the opinion that Convention No. 19 falls under the definition of "international convention" contained in section 89, paragraph 3, subparagraph 1, of the above-mentioned Act. The Government states that the Convention is applied in practice by the accident insurance institutions and that, on the occasion of a revision of the General Social Insurance Act, 1955, a provision equivalent to that cited above will be inserted into section 89 of that Act.

Furthermore, the report states that the Congress of Chambers of Labour points out that the application of the Convention would give rise to some difficulties in view of the fact that the Convention is not referred to in section 89 of the above-mentioned Act.

Belgium.

Act of 4 July 1956 to approve the General Social Security Convention between Belgium and the Republic of San Marino, signed in Brussels on 22 April 1955.

Bulgaria.

For legislation see under Convention No. 17.

Foreign workers are covered by the same provisions as Bulgarian nationals. A new set of regulations for the administration of the Pensions Act is now being prepared.

Czechoslovakia.

For legislation see under Convention No. 17.

The law makes no distinction between national and foreign workers. The payment of invalidity pensions or survivors' pensions abroad is made according to section 45(2) of Act No. 55 of 1956, as prescribed by international treaties, and, in the case of residence of the beneficiary in the territory of a country with which such a treaty has not yet been concluded, by special

directives issued by the State Office for Social Security.

Denmark.

A convention between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Denmark concerning payment of compensation in respect of industrial injuries (including occupational diseases) and relating to Denmark and Northern Ireland was ratified on 18 October 1956.

Dominican Republic (First Report).

Industrial Accidents Act No. 385 of 11 November 1932 (L.S. 1932—Dom. 1). (*Gaceta Oficial*, Vol. LVIII, 19 Nov. 1932, No. 4521.)
Act No. 1667 of 3 March 1948 (*Gaceta Oficial*, Vol. LXIX, 17 Mar. 1948, No. 6764).

Article 1 of the Convention. The Act makes no distinction between national and foreign workers as regards compensation for industrial accidents. Equality of treatment is accorded to foreign workers and persons claiming benefit in respect of such workers, without any residential condition.

The agreement "respecting Haitian temporary workers", concluded between the Dominican Republic and the Republic of Haiti on 5 January 1952, gives Haitian temporary workers equality of treatment as regards compensation for industrial accidents.

Act No. 1667 of 3 March 1948 declares the Dominican social insurance fund to be the only body authorised to provide insurance against industrial accidents.

France.

Order of 20 May 1957 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 (*Journal officiel*, 25 May 1957). See also under Convention No. 17.

The Government states that the broad interpretation which the Committee places on the terms of the Convention would appear to lead to anomalies. Nevertheless, it restates that under the scheme set up by the Act of 30 October 1946 as codified, any national of a foreign country having ratified Convention No. 19 is entitled unconditionally to any adjustments applied to employment accident pensions.

The General Social Security Convention signed between France and Norway on 30 September 1954 came into force on 1 July 1956. Another General Social Security Convention was concluded between France and Spain on 27 June 1957.

Federal Republic of Germany.

Act of 27 July 1957 respecting the provisional modification of cash benefits provided for in the statutory accident insurance scheme (*Bundesgesetzblatt*, 1957, Part I, p. 1071).

Referring to the observations made in 1956 by the Committee of Experts in respect of the report of the Government for 1954-55, the report states as follows: the supplementary benefits which had to be paid under the Acts of 10 August 1949 and 29 April 1952 to nationals of

member States which have ratified the Convention but have not concluded a bilateral reciprocal social security agreement with the Federal Republic of Germany, subject only to the condition of residence in the Federal Republic or in West Berlin, are no longer payable from 1 January 1957 (section 14, paragraph 3, of the Act of 27 July 1957). From that date, the nationals of all countries which have ratified the Convention receive the benefits due under the legislation concerning accident insurance, irrespective of their residence and under the same conditions as German nationals.

Greece.

See under Convention No. 17.

Haiti.

See under Convention No. 17.

India.

See under Convention No. 18.

Italy.

Referring to the observations and requests for additional information made by the Committee of Experts the Government states once again that the principle of equality of treatment laid down in the Convention cannot be applied to the provisions of international agreements, such as bilateral agreements, which deal with situations and interests peculiar to the contracting parties. It considers, moreover, that owing to formal and practical difficulties the Convention cannot be applied in the manner indicated by the Committee of Experts and expresses the hope that the question will be referred to the I.L.O. Committee of Experts on Social Security.

Luxembourg.

The report states that equality of treatment for national and foreign workers is provided for in principle by section 119 of the Social Insurance Code, as follows: "Subject to the exceptions provided herein, the provisions of this law shall apply both to foreigners and to nationals of Luxembourg. However, this application may be suspended in the case of nationals of States whose legislation excludes nationals of Luxembourg from similar benefits granted to its own nationals."

Article 100, paragraph 5, of the Code provides that the provisions concerning the revaluation of disability pensions to take account of changes in the cost of living apply only to Luxembourg nationals, the beneficiaries of foreign insured persons who are themselves Luxembourg nationals, and such foreigners as may be specified in an order issued by the Ministry of Labour and Social Security. No general prescriptions have so far been issued by ministerial order.

The Government considers that the adjustment of pensions to the cost of living is an essentially territorial matter. Therefore revaluation of pensions should be reserved, for nationals of Luxembourg as well as foreigners, to beneficiaries residing in the country, subject to the provisions of bilateral conventions.

As regards the latter, the Government considers them as closed agreements the scope of which cannot be extended through the application of the principle of equality of treatment. In practice, this position has already been departed from to some extent in the multi-lateral convention aimed at extending and co-ordinating the application of social security legislation to nationals of the Contracting Parties to the Brussels Treaty, signed in Paris on 7 November 1949 by the representatives of Belgium, France, Luxembourg, the Netherlands and the United Kingdom.

The General Social Security Convention of 13 October 1954 between Luxembourg and Yugoslavia, including a special protocol, came into force on 1 June 1956. The Social Insurance Convention of 14 November 1955 between Luxembourg and Switzerland, including a Final Protocol and an Administrative Agreement dated 27 February 1957 concerning the application of the convention, came into force on 1 April 1957. The Administrative Agreement of 24 April 1951 concerning the application of the Social Security Convention of 3 December 1949 between Belgium and Luxembourg was modified and supplemented by a corrigendum dated 10 February 1956.

Netherlands.

A bilateral social security agreement was concluded with the Federal People's Republic of Yugoslavia on 1 June 1956.

Nicaragua.

See under Convention No. 17.

Norway.

Act of 21 June 1956 to amend the Act of 24 June 1931 respecting accident insurance for industrial employees.

The above amendment provides for equality of treatment for national and foreign workers as regards workmen's compensation for accidents, which was previously granted only in respect of nationals of countries which had ratified the Convention or with which reciprocal agreements had been concluded.

Sweden.

Royal Order of 15 March 1957 respecting exemption of nationals of the Dominican Republic from certain provisions of Act No. 243 of 14 May 1954 on employment injury insurance.

Royal Order of 20 September 1957 respecting exemptions of nationals of Brazil, Ghana and the Sudan from certain provisions of Act No. 243 of 14 May 1954 on employment injury insurance.

By the above-mentioned Royal Orders equality of treatment as regards accident compensation has been extended to nationals of the Dominican Republic, Brazil, Ghana and the Sudan.

Switzerland.

Federal Act of 21 December 1956 to amend the Sickness and Accident Insurance Act.

The Federal Act of 21 December 1956 raises as from 1 January 1957 the maximum amount of earnings taken into account in calculating benefits and contributions under the compulsory insurance scheme.

Union of South Africa.

Act No. 51 of 1956 to amend the Workmen's Compensation Act, 1941.

Act No. 51 of 1956 extends the provisions of the Workmen's Compensation Act to the territory of South-West Africa.

*United Kingdom.**Great Britain.*

For legislation see under Convention No. 12.

Northern Ireland.

For legislation see under Convention No. 12.

No major changes affecting the application of Convention No. 19 were made by any of these statutes.

Reciprocal agreements between the Governments of the United Kingdom and the Governments of Malta and Sweden were brought into force during the year under review. The provisions of the agreement with Malta apply regardless of the nationality of the persons concerned, but, in the case of the agreement with Sweden, they apply only to nationals of the United Kingdom and Sweden.

A reciprocal agreement between the Govern-

ments of the United Kingdom and Denmark in respect of the operation of the National Insurance Industrial Injuries scheme of Northern Ireland in relation to the nationals of the two countries was signed on 9 July 1956 and came into force from 1 January 1957. The corresponding agreement in regard to the scheme of Great Britain has been in force since 1 May 1954.

For the Government's reply to the observations of the Committee of Experts see *Report of the Committee*, p. 669.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Chile, Cuba, Indonesia, Iraq, Portugal.

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

Burma, China, Egypt, Finland, Hungary, Ireland, Japan, Morocco, Mexico, Pakistan, Poland, Spain, Tunisia, 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 ¹	12. 4. 1934
Spain	29. 8. 1932
Sweden	5. 1. 1940
Uruguay	6. 6. 1933

¹ Convention denounced.

Argentina (First Report).

Act No. 11338 of 9 September 1926 respecting employment in bakeries, pastry cooks' establishments, etc. (*L.S.* 1926—Arg. 1A). (*Boletín Oficial*, 23 Oct. 1926, Vol. XXXIV, No. 9763, p. 946.)
Act No. 13647 of 30 September 1949 (*Boletín Oficial*, 15 Nov. 1949).

The report states that the subject-matter of the Convention is governed by Act No. 11338 and by the provisions of Collective Agreement No. 150 of 5 August 1954 and Arbitration Court Decision No. 30/56 relating to that agreement.

Article 1 of the Convention. Section 1 of Act No. 11338 prohibits night work in bakeries and

pastry cooks' and confectioners' and similar establishments throughout the territory of the Republic; this prohibition applies to all work directly or indirectly connected with these industries. Section 2 of the Act provides that if the public interest necessitates it the National Executive may authorise night work in machine bakeries subject to certain conditions. Section 5 of Act No. 13647 [to amend section 2 of Act No. 11338], which is now in force, provides that the Executive Authority may determine, for a period of two years, the exceptions to the provisions of section 1 which are indispensable in order to satisfy the needs of the population.

Article 2. Section 1 of Act No. 11338 prohibits night work between 9 p.m. and 5 a.m.

The supervision of the application of the provisions of the Convention is entrusted to the General Directorate of Labour under the Ministry of Labour and Social Welfare. Extracts from decisions by courts of law are included in the report. During the period under review the number of infringements of Act No. 11338 was 567.

Bulgaria.

Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

Section 115 of the Labour Code, as supplemented by the Act of 1957, makes possible the

prohibition by ordinance of night work in certain industries and occupations.

Cuba.

Resolution of the Minister of Labour of 28 September 1956.

The Government appends to its report the text of the above-mentioned Resolution which modifies section 5 of the Resolution of 13 June 1955 as follows : work in the said industry shall begin in accordance with the legislation in force, in the manner to be agreed upon by the trade union and employers as most suitable in view of the nature of work in the capital of the Republic.

Finland.

In reply to the observation made by the Committee in 1957 the Government states that hospitals and prisons, together with other welfare and penitentiary establishments, are covered by the provisions of the Hours of Work Act, which authorises night work between 9 p.m. and 6 a.m. The Government states, however, that in practice no night work is carried out in the bakeries attached to such institutions.

Spain.

The report states, with respect to the observations made by the Committee of Experts, that, regardless of the provisions of section 33 of the Labour Regulations for the Baking Industry (approved 12 July 1946), night work is prohibited for a period of seven, rather than six, hours in virtue of an Act of 8 April 1932. This prohibition has been recognised in various Orders of the Ministry of Labour, and specifically in a Decree issued on 13 July 1940. Employment of young persons at night is governed by the Law on Labour Contracts (Book II, section 172), which applies to bakeries and prohibits the employment of young persons between 8 p.m. and 6 a.m.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Ireland, Israel, Sweden, Uruguay.

The report from Luxembourg reproduces the information previously supplied.

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 ¹	14. 1.1928
Colombia	20. 6.1933
Cuba	7. 9.1954
Czechoslovakia	25. 5.1928
Denmark	18. 5.1955
Finland	5. 4.1929
France ²	13. 1.1932
Hungary	3. 2.1931
India	14. 1.1928
Ireland	5. 7.1930
Japan	8.10.1928
Luxembourg	16. 4.1928
Mexico	9. 3.1938
Netherlands	13. 9.1927
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Norway	28. 1.1957
Pakistan ³	14. 1.1928
Sweden	15.10.1929
United Kingdom ²	16. 9.1927

Countries	Date of registration of ratification
Uruguay	6. 6.1933
Venezuela	20.11.1944

Albania.

There has been no emigration since the establishment of the present Republic in 1944.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Austria, Belgium, Cuba, Denmark, Finland India, Ireland, Japan, Luxembourg, Netherlands, New Zealand.

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

Argentina, Burma, Bulgaria, Czechoslovakia, Hungary, Mexico, Nicaragua, Pakistan, Uruguay.

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

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 ¹	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 ²	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
Morocco	14. 3.1958
Netherlands	15.12.1937
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Norway	29. 3.1940
Pakistan ³	31.10.1932
Poland	8. 8.1931
Spain	23. 2.1931
United Kingdom	14. 6.1929
Uruguay	6. 6.1933
Venezuela	20.11.1944
Yugoslavia	30. 9.1929

¹ See footnote 2 to Convention No. 1.

² See footnote 2 to Convention No. 2.

³ See footnote 3 to Convention No. 1.

Argentina.

See under Convention No. 8.

Belgium.

For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee*, p. 669.

Bulgaria.

In regard to the Committee of Experts' request for information the Government states as follows :

As every contract between the State Shipping Company and the seaman is made in writing, notice is in practice also given in writing.

The rights and obligations of crew members are laid down in the regulations concerning work on board ship; every crew member is given a copy.

There is no actual provision to apply Article 13 of the Convention but, in practice, under section 29(a) of the Labour Code, a seaman can obtain a post in a higher grade. No difficulties are raised by the employer, and the seaman is not obliged to find someone to take his place. Under section 34(d) of the Labour Code seamen may terminate their contract without notice on entering a higher,

secondary or technical school. Apart from the above cases a seaman can terminate his contract either by agreement with the shipowner (section 29(a) of the Code) or by notice (section 29(d)), without being himself obliged to furnish a substitute.

China.

In reply to the observations made by the Committee of Experts the Government states as follows :

(1) The relevant provisions of the Merchant Shipping Act are in full conformity with the spirit of the Convention and have been modified only when national circumstances have so warranted.

(2) Under the Rules for the Control of Crew Members, 1948, the provisions of seamen's articles of agreement must be approved by the Maritime Authority or, abroad, by the consular authority (Article 3 of the Convention).

(3) Permission to discharge a seaman in a foreign port is required because of the obligation of seamen to perform military service. This restriction will not arise in normal times.

(4) Article 4 of the Convention is met by provisions in the Civil Code.

(5) Section 20 of the Rules for the Control of Crew Members accords with the spirit of Article 8 of the Convention.

(6) The provisions of the Convention not yet applied will be implemented when the legislation is amended.

Finland.

In reply to last year's observation by the Committee of Experts the report states that under existing legislation seafarers may enter into agreements either for a voyage or for a definite or an indefinite period.

France.

The report states, in reply to the general observation made by the Committee of Experts, that according to section 5 of the Maritime Labour Code the provisions concerning the engagement of seafarers apply to all French vessels.

Japan.

The Government states, in reply to an observation by the Committee of Experts, that the requirements of the Convention, in so far as Article 5, paragraph 2, is concerned, are in practice fulfilled by national legislation, as particulars of wages and allowances may be entered in the pocket ledger only if the seafarer so chooses.

Luxembourg.

See under Convention No. 7.

Mexico.

In connection with the observation made by the Committee of Experts in 1957 the Government supplies the following information :

Article 5 of the Convention. In addition to section 111(XIV) of the Federal Labour Act which has been mentioned in previous reports, section 112(VII) prohibits employers from inserting in the certificate any particulars or information which may be detrimental to the worker.

Article 9. Section 146 of the Federal Labour Act cites the circumstances in which a seaman's agreement may not be cancelled. The legislation does not, however, recognise any exceptional circumstances in which notice, even when duly given, does not terminate the articles of agreement. The fact that a vessel may be in a foreign port is no obstacle to termination of the agreement; it does, however, prevent cancellation of the agreement in order that the actions which the worker is entitled to bring may not be statute-barred.

Nicaragua.

As requested by the Committee of Experts the Government has supplied a copy of the Commercial Code of the Republic of Nicaragua (*La Gaceta*, No. 248, 30 Oct. 1916; second edition, 1949).

Norway.

In connection with an observation by the Committee of Experts in 1957 the Government states that, in accordance with the Seamen's Act, seafarers may sign agreements for an indefinite period. Section 13, paragraph 1, of the Act is, however, only applicable when, as very seldom happens, the articles of agreement do not contain any provisions concerning the voyage, the duration of the contract, the period of notice or the port of termination of the agreement.

In the Government's view an agreement which includes a provision concerning the port of termination cannot be considered as an agreement for an indefinite period, since section 13, paragraph 1, and section 15 provide for an engagement for a period of 18 months, which may be later extended indefinitely. The requirement that the contracts of Norwegian seamen who have signed on in Norway can only be terminated in Norwegian ports applies only during those 18 months, after which they are free to terminate the agreement in any port where the vessel loads or unloads.

Poland.

A Bill now under discussion will enable a seafarer domiciled in Poland to terminate his agreement in any port where the vessel loads or unloads, provided that the legal period of notice prescribed for manual workers (two weeks) is observed.

Spain.

Decree of 26 January 1944 to approve the consolidated text of Book I of the Act respecting contracts of employment (*L.S.* 1944—Sp. 1A). (*Boletín Oficial del Estado*, Vol. IX, No. 55, 24 Feb. 1944, pp. 1627-1634.)

Replying to the observations made last year by the Committee of Experts the Government states as follows : (a) according to sections 62 and 63 of the National Labour Regulations for the Mercantile Marine, seafarers are fully entitled to examine the articles of agreement ; (b) according to the same Regulations and paragraph 7 of the general provisions of the articles of agreement (which refer also to sections 445 and 492 of these Regulations) seafarers are enabled to understand completely the provisions of the articles of agreement ; (c) the document containing the record of employment must mention only the duration of the employment in the undertaking and the nature of the work or services performed by the seaman, unless the latter desires other details to be recorded, as laid down in section 75, paragraph 5, of the Act of 26 January 1944 respecting contracts of employment ; (d) according to section 161 of the above-mentioned Regulations, the seafarer is entitled to obtain a certificate concerning the quality of his work.

As regards the other observation made in 1957 by the Committee of Experts the report states that, although section 174 of the above-mentioned Regulations lays down that a seafarer must give his notice "if possible" before reaching a Spanish port, this does not imply that he cannot do so in other circumstances. The report adds that this provision applies only to termination of the agreement at the request of the seafarer in the cases mentioned in section 174, while an agreement may be terminated by mutual consent, as laid down in section 176, and that the shipowner, according to section 171, may terminate the agreement in the two cases specifically laid down in that section.

Uruguay.

In connection with an observation by the Committee of Experts the Government has supplied the following information : the draft regulations submitted to the Senate in 1944 have not yet been examined, nor has their adoption been urged by the workers' organisations concerned.

Article 3, paragraph 2, of the Convention is applied by section 1161 of the Commercial Code, which imposes a duty on ships' masters to issue to seafarers, at their request, a signed document stating the conditions of the agreement and, in particular, the wages payable. Where the terms of the agreement have not been observed the seafarer may bring the matter before the National Labour Institute and the Maritime Authority.

Article 8 is applied by section 1161 of the Commercial Code (seafarers are supplied with a copy of their contract) and by section 19 of Act No. 10449 of 12 November 1943, according to which employers must display, at the place of work, a notice showing the scale of wages.

Article 13 is applied by sections 1165 and 1169 of the Commercial Code, which deal with

seafarers who leave their employment. More recent legislation concerning discharge does not impose any penalties on employees but only on employers (shipowners).

With the exception of two vessels the Uruguayan merchant navy is entirely state-owned.

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The reports from the following countries supply information on the practical effect given

to the Convention or on minor changes in its application :

Australia, Chile, Cuba, Finland, France, Ireland, Italy.

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

Burma, Canada, Federal Republic of Germany, India, Netherlands, New Zealand, Pakistan, United Kingdom, 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 ¹	14. 3. 1930
Ireland	5. 7. 1930
Italy	10. 10. 1929
Luxembourg	16. 4. 1928
Mexico	12. 5. 1934
Netherlands	5. 5. 1948
Nicaragua	12. 4. 1934
Poland	8. 8. 1931
Spain	23. 2. 1931
Uruguay	6. 6. 1933
Yugoslavia	30. 9. 1929

¹ See footnote 2 to Convention No. 2.

Argentina.

See under Convention No. 8.

Bulgaria.

In regard to the Committee of Experts' request for information the Government states that no case falling within Article 4, paragraph (d), of the Convention can occur, as masters of the State Shipping Company have no power to discharge seamen under any circumstances. Repatriation of foreign seamen discharged for reasons other than sickness is carried out according to the conditions of the contract of employment.

Luxembourg.

See under Convention No. 7.

Nicaragua.

In reply to point (1) of the observation made by the Committee of Experts the Government states that where a seaman refuses repatriation it is impossible for the shipowner to fulfil this obligation. Having regard to the small extent of maritime activity in Nicaragua there

are no legislative provisions applying to foreign seamen.

Spain.

In reply to an observation made in 1957 by the Committee of Experts the Government states that section 191 of the Regulations of 23 December 1952 concerning repatriation also applies to foreigners since it refers to repatriation to "the port of embarkation, to another agreed port, or to the place of residence".

Uruguay.

In connection with an observation by the Committee of Experts the Government states that Article 3, paragraph 1, of the Convention is applied by sections 1167 and 1168 of the Commercial Code. Paragraphs 3 and 4 of Article 3 are also applied by section 1168, which provides for repatriation at the shipowner's expense. Although it is not expressly stated in the Code, this provision has been interpreted as requiring repatriation to the country or to the port of engagement, regardless of whether such port is outside Uruguay or whether the seafarer is a foreigner.

Articles 4 and 5 of the Convention are also applied by section 1168, according to which the seafarer forfeits his right to repatriation in only four specific cases, none of which corresponds to those mentioned in Article 4 of the Convention. The word "expenses" (*gastos*) in section 1168 includes, according to established practice, the cost of food and transportation.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Belgium, Ireland, Italy.

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

China, Cuba, France, Federal Republic of Germany, Mexico, Netherlands, Poland, Yugoslavia.

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 ¹	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

¹ See footnote 2 to Convention No. 2.

Austria.

Federal Act of 18 December 1956 to amend and supplement the General Social Insurance Act of 9 September 1955 (*Bundesgesetzblatt*, 1956, No. 70, p. 1732).

Under section 135, paragraph 3, of the General Social Insurance Act, as amended by the Act mentioned above, a fee of 3 schillings is payable for each sickness form which must be produced by the insured person or his dependants in order to get medical care. The fee of 2 schillings payable, under section 136, paragraph 3, of the Act, for each medical prescription can no longer be reduced or suppressed by the rules of the sickness funds. However, the two fees are not payable in cases of notifiable contagious or infectious diseases, and persons who are in special need can be exempted from the obligation to pay the fees.

In reply to the observations made by the Committee of Experts in 1957 the Government supplies the following information:

The Convention cannot in practice be applied to foreign nationals who work for employers enjoying extra-territorial privileges, as such employers cannot be required to observe the relevant provisions of Austrian legislation and to fulfil the obligations resulting from that legislation. Moreover, the Government is of the opinion that services rendered to an employer enjoying extra-territorial privileges cannot be considered as an industrial or commercial activity. So far as section 89 of the Act is concerned, the Government states that the two months' period during which benefit is not suspended, when the insured person goes abroad, applies only to the payment of pensions.

Rights to benefit under the sickness insurance scheme are suspended under section 89, paragraph 1, subparagraph 2, of the Act, so long as the beneficiary is abroad. In practice, this provision is not applied in case of short stays abroad. Consideration will be given to this

fact when the next supplementary enactment to the General Social Insurance Act is being drafted.

Bulgaria.

Act of 1 February 1957 respecting the amalgamation and reorganisation of Ministries (*Izvestia*, No. 11, 5 Feb. 1957).

Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

An insured person who is disabled as a result of sickness is entitled to an increase in the cash benefit hitherto payable; the amount varies with the period of insurance, the minimum qualifying period being three months. The qualifying period must be uninterrupted and is deemed to have been such in all cases except that of dismissal for disciplinary reasons or termination of employment without advance notice (section 150 of the Code, as amended).

The administration of social insurance has been entrusted since 1 May 1957 to the Ministry of Public Health and Social Welfare, which set up a Social Insurance Council and determined its composition by agreement with the trade unions.

Chile.

In connection with the observations made in 1957 by the Committee of Experts the Government reports that Act No. 10383 of 8 August 1952 applies without distinction to all domestic workers, who are entitled to claim (and have in fact been receiving) all the benefits granted under the above-mentioned Act through the National Health Service.

The report states, in regard to salaried employees, that the Employees' National Medical Service, in accordance with section 3 of its enabling statute, grants the preventive medical treatment provided for in Act No. 6174; it pays allowances for convalescence and also the cash benefits which the above Act requires the social insurance funds and auxiliary institutions to provide; it further grants free curative medical attention for tuberculosis, syphilis and heart and circulatory ailments provided that these conditions are curable. In addition, it grants medical treatment and pays the sickness allowances prescribed under the respective basic statutes of the various funds.

France.

Decree of 30 July 1956 laying down regulations for the administration of the Act of 27 March 1956, to amend section 72 of the Ordinance of 19 October 1945 determining the social insurance scheme applicable to insured persons in non-agricultural occupations (*Journal officiel*, 28 Aug. 1956, No. 199, p. 8212).

Federal Republic of Germany.

Act of 26 June 1957, to improve the income security of the workers in the event of sickness (*Bundesgesetzblatt*, Part I, p. 649).

Haiti.

See under Convention No. 17.

Luxembourg.

Act of 10 August 1955 to approve the General Convention between the Grand Duchy of Luxembourg and the Federal People's Republic of Yugoslavia concerning social security, and the Special Protocol, signed in Belgrade on 13 October 1954 (*Mémorial*, 6 Sep. 1955, No. 51).

Act of 28 December 1956 to approve the Convention between the Grand Duchy of Luxembourg and the Swiss Confederation with regard to social insurance, signed in Berne on 14 November 1955 (*Mémorial*, 14 Jan. 1957, No. 1).

Rumania.

Constitution of 5 April 1948, section 79 (*L.S.* 1948—Rum. 1).

Decision No. 3 of 16 October 1952 of the Central Council of Trade Unions.

Decree No. 560 of 24 December 1953.

Decree No. 208 of 28 May 1954.

Article 2 of the Convention. All employees of state bodies, institutions, undertakings and economic organisations, co-operative societies and social bodies are covered by sickness insurance. Also covered are persons employed, whether permanently or temporarily, by private persons or corporate entities. The insurance also applies to members of the employees' families.

Article 3. Employees are entitled to benefit in case of temporary disability caused by sickness or accident. Benefit is also provided in case of maternity, of death, and for the purpose of preventing sickness or restoring and improving health. The benefit is payable to permanent employees from the first day of sickness and throughout the duration of their disability, up to the date of recovery or retirement on the ground of invalidity. In the case of seasonal and temporary employees, entitlement to benefit is conditional on the completion of at least four months of employment during the last 12 months, or at least ten months during the last 24 months. Sickness benefit is payable for a total period of 65 working days in the year. A recipient of sickness benefit may not receive compensation from more than one source. Benefit is withheld where the sickness is due to a deliberate fault on the part of the employee or in case of refusal on his part to follow the prescribed medical treatment without valid reason.

Article 4 and 5. Employees, pensioners and members of their families are entitled to free medical and hospital care.

Article 6. The organisation, administration and supervision of social insurance are entrusted to the Central Council of Trade Unions and, at the level of undertakings and institutions, to the relevant trade union committees.

Article 7. The social insurance scheme is financed by undertakings and institutions. The insured person pays no contribution.

Spain.

In reply to the observations of the Committee of Experts the report supplies the following information :

Article 2 of the Convention. The statutory regulations provided for in the Act of 19 July 1944 to extend sickness insurance coverage to domestic workers have not yet been issued.

Journalists holding professional certificates, who have been engaged as such by an undertaking, have been excluded from the scope of the sickness insurance scheme at the request of the Press Association, which is their workers' organisation. That body has its own medical services, which provide the members with benefits at least equal to those received by beneficiaries under the sickness insurance scheme.

Article 3. The restriction laid down in section 18 of the Act of 14 December 1942 and section 13 of the Decree of 7 June 1949, according to which benefits are paid only in respect of illness lasting more than seven days, is intended to prevent fraud.

The waiting period of four days to which the payment of sickness benefit is subject is justified since section 68 of the Contracts of Employment (Consolidation) Act of 26 January 1944 compels undertakings to pay 50 per cent. of the wages of such workers for the first four days in the event of sickness.

The term "hospitalisation" used in section 42 of the Regulations of 11 November 1943 covers not only the maintenance of insured persons in hospital but also medical care and the necessary medicaments and therapeutic treatment.

*United Kingdom.**Great Britain.*

Family Allowances and National Insurance Act, 1956.

National Insurance Act, 1957.

Northern Ireland.

Family Allowances and National Insurance (Northern Ireland) Act, 1956.

National Insurance (Northern Ireland) Act, 1957.

Reciprocal agreements made between the Government of the United Kingdom and the Governments of Malta, Cyprus and Sweden became effective as from various dates within the period under review; in addition, the Government of the United Kingdom has ratified the United Nations Convention on the Status of Refugees.

The charges for drugs and appliances provided under the National Health Service were increased during the year by means of Statutory Health Service Regulations.

Uruguay.

The special committee set up to draft a sickness insurance Bill is putting the finishing touches to its report.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Hungary, Poland, Yugoslavia.

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

25. Sickness Insurance (Agriculture) Convention, 1927

This Convention came into force on 15 July 1928

Countries	Date of registration of ratification
Austria	18. 2.1929
Bulgaria	1.11.1930
Chile	8.10.1931
Colombia	20. 6.1933
Czechoslovakia	17. 1.1929
Federal Republic of Germany ¹	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

¹ See footnote 2 to Convention No. 2.

Austria.
See under Convention No. 24.

Bulgaria.
See under Convention No. 24.

Chile.
See under Convention No. 24.

Federal Republic of Germany.
See under Convention No. 24.

Haiti.
See under Convention No. 17.

Luxembourg.
See under Convention No. 24.

Spain.
See under Convention No. 24.

United Kingdom.
See under Convention No. 24.

Uruguay.
See under Convention No. 24.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Poland, Yugoslavia.

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

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
Brazil	25. 4.1957
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 ¹	30. 5.1929
Hungary	30. 7.1932
India	10. 1.1955
Ireland	3. 6.1930
Italy	9. 9.1930
Luxembourg	3. 3.1958
Mexico	12. 5.1934
Morocco	14. 3.1958
Netherlands	10.11.1936
New Zealand	29. 3.1938
Nicaragua	12. 4.1934

¹ See footnote 2 to Convention No. 2.

Belgium.

Royal Order of 5 January 1957 to determine the names, competence and composition of the joint committees established pursuant to the Order of 9 June 1945 (*Moniteur belge*, 10 Jan. 1957), as amended by two Royal Orders of 6 March 1957 (*Moniteur belge*, 8 Mar. 1957).

The Order of 5 January 1957 has increased the number of joint committees from 47 to 75. Special auxiliary committees have been created

for workers not subject to any national joint committee. These measures should ultimately make it possible to fix minimum wages for all workers without exception.

Bulgaria.

Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

Canada.

Manitoba.

Employment Standards Act, 1957, c. 20.

Saskatchewan.

Minimum Wage Amendment Act, 1957, c. 76.

In *Manitoba* the Minimum Wage Act was replaced by Part II of the Employment Standards Act. The new Act provides for the appointment, for particular areas, of minimum wage boards which must be equally representative of employers and employees.

In its decisions a board must be guided by "the cost to an employee of purchasing the necessities of life and health", and provision is made for investigations, hearings, etc.

In reply to the observations made by the Committee of Experts in 1957 the Government provides the following information:

Home work is practically non-existent in the *Atlantic provinces* and the western provinces of *Alberta* and *Saskatchewan*, one small glove-making factory in *Newfoundland* being the only establishment known to give out home work. The *Newfoundland* Minimum Wage Orders would not apply to home work on a piece-work basis.

In *Quebec* home work is confined mainly to the dress industry. The orders of the Minimum Wage Commission do not apply to work done at home, but remuneration for home work in the dress industry is governed by the decree relating to the dress industry, under the Collective Agreement Act, which applies throughout the province. The Joint Commission is responsible for supervising the enforcement of the decree. The report cites the relevant provisions of the decree.

Statistics of permits granted in 1956 for the employment of homeworkers in *Ontario* are set out in the report. Minimum wage orders for female employees under the Minimum Wage Act are applicable to all female employees holding permits.

In *Manitoba* minimum wage orders are considered to apply to home work, which is found in the needle trades and in the addressing of envelopes for circulars. The Minister may impose conditions upon home work so as to secure greater conformity with the provisions of the Act relating to remuneration.

Home work in *British Columbia* is subject to control by the Inspector of Factories, and every homeworker and every employer who gives out home work is required to obtain a permit from the Inspector. The amount of home work, which is chiefly confined to the needle trades, is negligible, and is covered by the Male and Female Minimum Wage Order No. 25 for employees in manufacturing industry.

Chile.

Act No. 12033 to consolidate the Acts relating to the fixing of wages for workers in the nitrate industry (*Diario Oficial*, 20 Aug. 1956).

Act No. 12432 of 29 January 1957 laying down standards for the fixing of wages of manual workers (*Diario Oficial*, 1 Feb. 1957).

China.

In reply to observations by the Committee of Experts, the Government provides the following information:

The Minimum Wage Law of 1936 has not yet been put into effect. At present the monthly wages of each industrial worker in *Taiwan Province* are fixed by government order at not less than 300 new *Taiwan* dollars. This amount is based on the average volume of consumption of daily necessities of a worker's family in *Shanghai* with reference to the October 1954 price index in the *Taipeh* area.

Czechoslovakia.

Notice No. 175 of 1956 of the Chairman of the State Wage Commission (*Uřední List*, 22 Aug. 1956, No. 87, p. 533).

France.

Act No. 57-716 of 26 June 1957 to amend sections 31 *x* and 31 *xa* of Book I of the Labour Code (*Journal officiel*, 27 June 1957).

India (First Report).

Minimum Wages Act No. XI of 1948 (*L.S.* 1948—Ind. 2).

Minimum Wages (Amendment) Acts No. 56 of 1950, No. 16 of 1951, No. 26 of 1954 and No. 30 of 1957. Adaptation of Laws Order, 1950.

Minimum Wage (Central) Rules, 1950, as amended in 1954, and corresponding Rules issued by the State Governments.

States (Laws) Act No. 3 of 1951 (Part B).

Article 1 of the Convention. The Minimum Wages Act was enacted with a view to providing for the statutory fixation of minimum wages in those employments where sweated labour was most prevalent or where there was a big chance of exploitation of labour.

Article 2. The employments in respect of which minimum wages are to be fixed are listed in Part I of the Schedule appended to the Act. Part II of the Schedule relates to employment in agriculture. In addition, under section 27 of the Act, the appropriate governments are empowered to add to the Schedule any employment in respect of which they are of the opinion that minimum wages should be fixed.

Full consultation with the organisations of employers and workers preceded the enactment of the minimum wages legislation, including the employments in which minimum wages are to be fixed. Before making additions to the Schedule, the appropriate governments must notify the draft proposals in the official gazette and allow three months for submission of objections or modifications; they must also consult the Central Advisory Board set up under section 8 of the Act.

Article 3, paragraph 1. The procedure for fixing and revising minimum wages is laid down in section 5 of the Act, as amended in 1957.

Paragraph 2 (1). While the ultimate responsibility for fixing or revising minimum wages is that of the appropriate government (section 3 of the Act), the employers, workers and other interested parties are to be consulted either by inclusion of their representatives in the committees or subcommittees, or through the publication of the government proposals in the official gazette for public comment. Section 7 of the Act provides for Advisory Boards to co-ordinate the work of committees and subcommittees and to advise the appropriate governments generally on minimum wage matters. Section 8 provides for a similar Central Advisory Board.

Paragraph 2 (2). Each of the committees, subcommittees and advisory boards are to consist of an equal number of employers' and workers' representatives in the scheduled employments and of independent persons not exceeding one-third of the total number of members in each case (section 9 of the Act). The Central Advisory Board consists of equal members of representatives of employers, workers, and the central and state governments (section 8 (2)).

Paragraph 2 (3). Section 12 of the Act imposes an obligation on the employer concerned to pay to every employee engaged in a scheduled employment wages at a rate not less than the minimum rate fixed under the Act. However, section 15 of the Act specifies the conditions under which the worker shall not be entitled to receive wages for a full normal working day.

Under section 25 of the Act any contract or agreement, whether made before or after the commencement of the Act, whereby an employee either relinquishes or reduces his right to the minimum rates of wages accruing to him under the Act, is null and void.

Article 4, paragraph 1. Minimum wage rates must be published in the official gazette (section 5 of the Act). Rules framed by the central and state governments under section 30 of the Act require employers to display in a prominent place in the establishment notices containing the minimum rates of wages, together with extracts from the Act and the rules framed thereunder.

Inspectors are required to be appointed by the appropriate governments under section 19 of the Act. The inspectors are empowered to examine the registers, records of wages or notices required to be kept or exhibited. In the undertakings of the Central Government the Chief and Regional Labour Commissioners have been appointed inspectors; the states have appointed similar officials.

Under section 22 of the Act an employer who pays less than the minimum rates of wages fixed under the Act is punishable with imprisonment for up to six months or with a fine of up to 500 rupees, or with both.

Paragraph 2. Under section 20 of the Act the appropriate governments have appointed claims authorities to decide claims arising out of underpayments of minimum rates, which, under delegation from the Central Government, also deal with cases concerning undertakings of the Central Government. Section 20

of the Act also lays down the procedure for proceedings for recovery of wages.

Article 5. Minimum wages have already been fixed in almost all the employments listed in Part I of the Schedule to the Act. Under the Amendment Act of 1957, the time limit for fixing minimum rates has been extended to the end of 1959. The report lists additions to the schedule of employments made by state governments under section 27 of the Act.

The Government of India publishes periodical reports on the working of the Minimum Wages Act. Two reports, for 1948-53 and for 1954 respectively, are appended to the report.

Though many irregularities have been detected by the inspectors, very few prosecutions have been launched. The general policy in this regard has been to get irregularities rectified by persuasion rather than by prosecution; only employers who are unreasonable and adamant are prosecuted.

Workers' and employers' delegates attending the meetings of the Indian Labour Conference and the Standing Labour Committee have sometimes drawn attention to defects in the implementation of the Minimum Wages Act, and the governments concerned have been taking action to remove such defects.

Mexico.

In reply to observations made by the Committee of Experts the Government provides the following information:

Minimum wage rates are applicable to pieceworkers and homeworkers, in accordance with sections 428 and 213 respectively of the Federal Labour Act. The statistics which have been supplied regarding workers covered by minimum wage rates include homeworkers.

Sections 213 to 217 of the Act contain special provisions regarding inspection in respect of home work; the general duties and powers of inspectors are laid down in sections 403 and 404 of the Act.

Nicaragua.

In reply to the request by the Committee of Experts for particulars of the practical application of the Convention the Government provides the following information:

Nicaragua has very little industry. During 1956-57 wages of workers in industry (particularly in mining) and of workers and salaried employees in commerce were in practice fixed by direct negotiation between the parties, with mediation by the labour inspector or, in difficult cases, the Chief of the Department of Social Welfare.

Spain.

In reply to the observations made by the Committee of Experts in 1956 the Government states that, in accordance with the provisions of section 9 of the Act of 16 October 1942, the representatives of the interested parties who are associated in the preparation of employment regulations (including wages) include representatives of employers and workers.

Wide publicity is given to the wage rates by publishing them in the official gazette.

Pursuant to the Act of 16 October 1942 the minimum wage fixing machinery covers all workers in the service of another person in industry, agriculture and stock-raising, and services (approximately 6 million workers).

Switzerland.

Federal Act of 28 September 1956 to permit the extension of the scope of collective labour agreements (L.S. 1956—Swi. 2). (*Recueil des lois fédérales*, 29 Dec. 1956, No. 55, p. 1645.)

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Belgium, Burma, Canada, Chile, Cuba, Czechoslovakia, Federal Republic of Germany, Ireland, Italy, New Zealand, Norway, Switzerland, Union of South Africa, United Kingdom, Uruguay.

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

Argentina, Ecuador, Hungary, Netherlands.

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 ¹	7. 9. 1931
Canada	30. 6. 1938
Chile	31. 5. 1933
China	24. 6. 1931
Cuba	7. 9. 1954
Czechoslovakia	26. 3. 1934
Denmark ²	18. 1. 1933
Finland	8. 8. 1932
France	29. 7. 1935
Federal Republic of Germany ³	5. 7. 1933
Greece	30. 5. 1936
Hungary	6. 12. 1937
India	7. 9. 1931
Indonesia ⁴	4. 1. 1933
Ireland	5. 7. 1930
Italy	18. 7. 1933
Japan	16. 3. 1931
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 ⁵	7. 9. 1931
Poland	18. 6. 1932
Portugal	1. 3. 1932
Rumania	7. 12. 1932
Spain	29. 8. 1932
Sweden	11. 4. 1932
Switzerland	8. 11. 1934
Union of South Africa ²	21. 2. 1933
Uruguay	6. 6. 1933
Venezuela	17. 12. 1932
Viet-Nam	6. 6. 1953
Yugoslavia	22. 4. 1933

¹ See footnote 2 to Convention No. 1.
² Conditional ratification.
³ See footnote 2 to Convention No. 2.
⁴ See footnote 3 to Convention No. 19.
⁵ See footnote 3 to Convention No. 1.

Argentina.

For the Government's reply to the observation of the Committee of Experts see *Report of the Committee*, p. 670.

Federal Republic of Germany.

Referring to last year's report, in which it was indicated that the legislation had been amended in respect of the exceptions granted by section 2 of the Act of 28 June 1933, the Government states that, after a further study of the question, the repeal of the whole of the section is envisaged. The Federal Government will take the necessary steps.

Greece.

Ministry of Finance Circular No. F. 8910 of 31 May 1957, stating that Convention No. 27 is to apply not only to packages transported to foreign destinations but also to those transported by inland waterway.

Further to the observations previously made by the Greek General Confederation of Labour the above-mentioned circular has been sent to all the customs authorities of the country.

Hungary.

Decree No. 50 of 1957 (*Magyar Közlöny*, 15 Aug. 1957, p. 529).

The report states that Decree No. 50 of 1957 repeals section 2 of the Heavy Packages (Marking of Weight) Act No. VII of 5 May 1937 and that, consequently, the weight must be marked in all types of transport.

India.

In reply to the observation made by the Committee of Experts in 1957 the Government states that the proposal to amend the Marking of Heavy Packages Act has been accepted in principle. As, however, the Government is at present engaged in drafting a comprehensive Bill consolidating the shipping laws, it has been decided to take up the proposed amendment of the Marking of Heavy Packages Act separately and after the Bill consolidating the shipping laws has been finalised and introduced in Parliament. It is expected that the necessary legislation will be taken up before the end of 1957.

Japan.

With reference to the observation made by the Committee of Experts in 1957, the Government states that the application of section 123 of the Ordinance on Labour Safety and Sanitation is supervised by the labour standards inspectors and that the employers engaged in loading and unloading operations and transport are specially informed on the application of the laws and regulations in question.

Mexico.

The Government states that, as the coastal trade is not always included in mixed transport, instructions have been given to all harbour-masters, for the purpose of applying the Convention, to ensure by inspection that the weight is marked on all packages transported by coasting vessels.

Nicaragua.

The Government states in reply to the query by the Committee of Experts that the obligation for having the weight marked on packages transported by vessels falls on the consignor.

Rumania.

Decision No. 19 of 17 May 1956 of the Ministry of Land, Sea and Air Transport.

The report, which is the first report giving information on the application of the Conven-

tion since 1940, states that the legislation concerning the ratification of this Convention is still in force.
In accordance with the above-mentioned decision all packages of more than 1,000 kilograms to be transported by water must be clearly marked.
Supervision of application is ensured by the Ministry of Land, Sea and Air Transport.

Sweden.

The marking of weight on heavy packages from the Federal Republic of Germany continues to be defective. This question is examined in consultation with the I.L.O.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

India, Indonesia, Japan, Netherlands, Sweden.

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

Australia, Austria, Belgium, Burma, Bulgaria, Canada, Chile, China, Cuba, Czechoslovakia, Finland, France, Ireland, Italy, Luxembourg, Norway, Pakistan, Poland, Portugal, Spain, Switzerland, Uruguay, Viet-Nam, 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 ¹	29. 8.1932

¹ Convention denounced as a result of the ratification of Convention No. 32.

Ireland.

Merchant Shipping (Life-Saving and Fire Appliances) Rules, 1953 (S.I. No. 341 of 1953).
Factories Act No. 10 of 1955.

Part XI of the Factories Act, 1955, contains provisions for penalties for breaches of the Docks Regulations.
Section 121 of the Act requires that printed

copies of the Docks Regulations shall be kept posted up.

Luxembourg.

See under Convention No. 7.

Nicaragua.

The Department of Social Welfare has given the harbour inspectors instructions to ensure strict observance of the regulations concerning protective measures. The labour inspectors, harbour authorities and the employers themselves are faithfully complying with these instructions.

* * *

The report from Nicaragua supplies information on the practical effect given to the Convention.

29. Forced Labour Convention, 1930

This Convention came into force on 1 May 1932

Countries	Date of registration of ratification
Albania	25. 6.1957
Argentina	14. 3.1950
Australia	2. 1.1932
Belgium	20. 1.1944
Brazil	25. 4.1957
Bulgaria	22. 9.1932
Burma	4. 3.1955
Byelorussia	21. 8.1956
Ceylon	5. 4.1950
Chile	31. 5.1933
Cuba	20. 7.1953
Czechoslovakia	30.10.1957
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
Ghana	20. 5.1957
Greece	13. 6.1952
Haiti	4. 3.1958
Honduras	21. 2.1957
Hungary	8. 6.1956
Iceland	17. 2.1958
India	30.11.1954
Indonesia ¹	31. 3.1933
Iran	10. 5.1957
Ireland	2. 3.1931
Israel	7. 6.1955
Italy	18. 6.1934
Japan	21.11.1932
Liberia	1. 5.1931
Federation of Malaya	11.11.1957
Mexico	12. 5.1934
Morocco	20. 5.1957
Netherlands	31. 3.1933
New Zealand	29. 3.1938
Nicaragua	12. 4.1934
Norway	1. 7.1932
Pakistan	23.12.1957
Portugal	26. 6.1956
Rumania	28. 5.1957
Spain	29. 8.1932
Sudan	18. 6.1957
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

¹ See footnote 3 to Convention No. 19.

Australia.

National Service (Amendment) Act, 1957.

Article 2, paragraph 2 (a), of the Convention.
As the result of an amendment to the National Service Act the obligation to undergo compulsory military service under the National Service Act, 1951-57 is now confined solely to training with the Citizen Military Forces for certain classes of males, who are selected by ballot.

Bulgaria.

Decree to repeal section 72 (b) of the Penal Act and the Stabilisation of Manpower Act (*Izvestia*, No. 90, 10 Nov. 1953).

Decree of 12 March 1955 respecting the People's Militia (*Izvestia*, No. 25, 29 Mar. 1955).

Decree to repeal the Act of 2 March 1948 respecting the mobilisation of labour and of the economy (*Izvestia*, No. 50, 21 June 1955).

Decree No. 174 of 9 July 1955 (*Izvestia*, No. 56, 12 July 1955).

Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

In reply to the request of the Committee of Experts in 1957 for additional information the Government states as follows:

The People's Militia Act of 25 March 1948 was repealed by the Decree of 12 March 1955 on the same subject. This decree specially repealed sections 52, 53 and 54 of the same Act.

The Act of 2 March 1948 respecting the mobilisation of labour and of the economy was repealed by the decree published in *Izvestia* (No. 50 of 21 June 1955).

Section 26 (I) of the Labour Code has been abolished under paragraph 11 of the Act to amend and supplement the Code.

Section 72 (b) of the Penal Code was repealed by the decree published in *Izvestia* (No. 90 of 10 November 1953).

The Stabilisation of Manpower Act, which was promulgated on 17 February 1953 was repealed by a decree published in *Izvestia* (No. 90 of 10 November 1953).

Calamities are defined by section 1 of the Emergency Relief Act (*Darjaven vestnik* No. 304 of 27 December 1948) as large-scale events affecting all or part of the population of any town or district or all or part of the State, e.g. earthquakes, floods, fires, landslides, aerial bombardments, epidemics and other similar cases. Should any of these occur the authorities may, under section 17 of the Decree of 12 March 1955 respecting the People's Militia (referred to above), call upon all or part of the local population to provide assistance, depending on the circumstances.

Under Decree No. 174 of 9 July 1955 a general meeting of the inhabitants of any particular district may decide to work voluntarily, using local resources and materials, on the construction and maintenance of roads and drains as well as on any other local schemes and buildings in the field of town planning, public health, culture and education. Work of this kind, however, may not be performed for more than ten days a year.

Egypt.

Constitution of 1956, articles 6 and 143.

Penal Code, section 131.

Under Article 143 of the Egyptian Constitution international treaties have force of law after their ratification.

The Government states that forced labour does not exist in fact in Egypt.

The only form of forced labour used in the past—for the strengthening of the Nile banks during high flood—was abolished long before the ratification of the Convention.

Except for military service and penal sanctions there is no form of restraint on individual freedom to work or abstain from work.

Concessions granted to private individuals, companies or associations do not contain provisions permitting forced labour.

Section 131 of the Penal Code provides that "any public official who obliges individuals to perform work, other than such cases as are permitted by law, or employs persons in work other than for which they have been gathered in accordance with the law, shall be punished by imprisonment for a period not exceeding two years and by dismissal in addition to exacting from him the aggregate of the pay due to those who have been employed without reason".

Greece.

In reply to the observation made by the Committee of Experts the Government states that the Ministry of Justice has indicated that it will shortly put forward a Bill prohibiting the hiring of prisoners to private individuals, companies or associations.

India.

The Government states that the Government of West Bengal has reported that forced labour in forms other than those mentioned in Article 2, paragraph 2, of the Convention is not exacted in any case and that there is no law, regulation or custom in force in the state which permits exaction of forced labour. The Bengal Regulations No. XI of 1806 and No. VI of 1825, which were the only laws permitting compulsory labour, have been repealed by the Central Repealing and Amending Act No. 36 of 1957).

In Tripura there was a clause in an old Act which permitted compulsory labour to be rendered to government servants while travelling in the hills. Such compulsory labour could be exacted only on payment. This provision has, however, been made ineffective by means of an Administrative Order, and the question of repealing the Act is being taken up.

In the Laccadive, Minicoy and Amindivi Islands, a centrally administered area, there is no forced labour as such. However, tenants are required to render certain customary services to their landlords under the tenancy system obtaining on the Islands, the most common form of which is called *nadappu*. The landlord gives from 30 to 40 coconut trees on lease to a tenant, who may have one or more *nadappus* under the same or different landlords. In addition to the payment of rent, which varies from one-tenth to one-fifth of the produce and may even be nil in certain cases, the tenant has to row the landlord's boat occasionally and look after its maintenance, to serve in the landlord's house during festivals, and to ship his produce in the landlord's boat (for which the landlord is entitled to take one-tenth of the price of the produce as freight). If the tenant fails to render these services in a year the landlord can sue him and recover compensation varying between 10 and 15 rupees. If, on the other hand, the services are rendered, the tenant can enjoy the trees without any interference. Though seemingly feudal in character, these services

have come to stay owing to the lack of facilities for payment of rent in cash and the absence of labour that can be hired on payment. The former rigidity of these customary services no longer exists, but it may be difficult to put an abrupt end to them by legislation without upsetting the economy of these islands.

In Assam a system of forced labour is not in existence. However, in the Naga Hills District the services of porters can be requisitioned during an emergency, either by the Deputy Commissioner or any other officer authorised by him, on payment of the normal rates of wages prevailing in the locality. The matter is, however, regulated by the Naga Hills District (Requisition of Porters) Regulation, 1953, and comes within the exceptions specified in Article 2, paragraph 2, of the Convention, particularly under clause (d). The definition of "emergency" given in section 2 of the Regulation ensures that the work executed in an emergency shall cease as soon as the circumstances constituting the emergency cease to exist.

In the state of Orissa the Orissa Compulsory Labour Act of 1948 provides for the compulsory requisition of labour for the prevention of danger or damage to person or property by flood or inundation, and for the enforcement of customary labour on certain irrigation works. The safeguards provided in both these cases comply with the requirements of the Convention.

Indonesia.

In the event of disasters or circumstances constituting a threat to the population the appropriate authority may exact work or services from the public, but there are no regulations laying down any safeguards in this connection. Normally the regulations on the state of war and martial law would be applied. The report quotes sections 23 and 26 of the regulations relating to a state of war and to a state of siege.

Israel (First Report).

Criminal Code Ordinance, 1936, section 261.
Manpower Emergency Regulations, 1948.
Penal Law Revision (Modes of Punishment) Law, 1954, section 16.

Article 1 of the Convention. No recourse to forced labour is authorised in Israel.

Article 2. Military service in Israel is compulsory for residents aged 18 to 49. Under section 18 of the Law and Administration Ordinance, 1948, which is of a constitutional character, it is provided that the military forces shall be used for the defence of the State only. In the case of those willing to do so, the period of military service may be divided so that part of it is devoted to agricultural training, but this should not be considered as any form of compulsory work because it is a way of shortening the ordinary military period and is of a purely educational and training character.

This vocational agricultural training is done within the framework of collective agricultural

settlements, the trainees subsequently joining the settlements as members or establishing settlements of their own. The trainees, while working within the settlement, are not subject to military discipline as far as their work is concerned and they enjoy all the rights and privileges of an autonomous group of future settlers.

Under the Manpower Emergency Regulations, 1948, a person may be called upon to perform essential work, provided a national emergency has been declared by the Knesset (Parliament). In this case conditions of work prescribed by collective agreements are observed. Prison labour is regulated by section 16 of the Penal Law Revision (Modes of Punishment) Law, 1954.

No person may be imprisoned without having been convicted by a court of law. The work is under supervision of the prison authorities and for some time now remuneration has been paid for work, so that when a prisoner is discharged he has a sum of money waiting for him. A prisoner may not be employed for the benefit of a non-governmental body except with his consent, but, in practice, prisoners never work for the benefit of private companies or individuals. Under the Village Roads and Works Ordinance, 1927, which is still on the Statute Book, an inhabitant of a village may be required to perform certain work for the construction of roads, for the cleaning of public watercourses and for the improvement of the sanitation of the village. This Ordinance, although theoretically still in force, is obsolete and in fact has not been made use of since the establishment of the State.

Articles 4-14, 16-21 and 23-26. As there was no forced labour at the date of the ratification of the Convention no measures had to be taken for its suppression.

Article 15. Section 16 of the National Insurance Law of 1953, which provides for industrial injury benefit, covers prisoners and those performing work under the Manpower Emergency Regulations of 1948.

It should be noted that, in general, any infringement of the personal freedom of an individual would give rise to habeas corpus proceedings before the High Court of Justice or to mandamus proceedings.

Nicaragua.

In the event of a conviction in a court of law, forced labour is exacted under the supervision and control of the authorities in accordance with the country's criminal legislation, and the said person may not be placed at the disposal of private individuals, companies or associations. The Government adds that the illegal exaction of labour is punishable, depending on its seriousness, as an offence against the freedom of the individual.

Spain.

The services exacted under the legislation on compulsory military service are purely military in character. The only normal civic obligation imposed on citizens under Spanish law is the personal labour (not exceeding 15 days a year) which may be exacted in the interests of the community as a whole in rural municipalities for the maintenance of roads and other similar work (Act of 16 December 1940). This personal labour may be commuted for a cash payment.

There is no provision for compulsory labour in the event of an emergency.

The minor communal services are those referred to above in connection with the rural municipalities. The local population is given an opportunity of voting whenever the work requires the approval of the municipal council elected by the people.

Under the system of commuting prison sentences, convicts freely agree to work outside the prison. For every two days' work performed in this way in accordance with the standards normally accepted for free workers, the sentences of the prisoners are reduced by three days.

Sweden.

The Government states that the Committee of Inquiry which it set up has not yet completed its investigations.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Australia, Egypt, Indonesia, Israel.

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 ¹	16. 2.1933
Bulgaria	22. 6.1932
Chile	18.10.1935
Cuba	24. 2.1936
Finland	13. 1.1936
Haiti	31. 3.1952
Israel	26. 6.1954
Luxembourg	3. 3.1958

Countries	Date of registration of ratification
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

¹ Conditional ratification.

Bulgaria.

Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

Section 39, paragraph 1, of the Labour Code, as amended in 1957, provides for a 46-hour week.

Sections 42 and 43 of the Code, respecting the extension of working hours and the non-standardised working day, were repealed by the Act of 1957.

Haiti.

See under Convention No. 1.

Nicaragua.

The following information is supplied by the Government in reply to observations made by the Committee of Experts:

The weekly rest provisions were applied in practice during 1956-57 in the case of railway employees and employees of the postal, telegraph and telephone services. The labour inspectors have ensured that these undertakings, which are exceptionally allowed to require their staff to work on Sunday, grant a compensatory rest period to their employees, as required under sections 58, 59 and 60 of the Labour Code. The special regulations referred to in section 63 are to be prepared within the framework of the law.

Section 56 of the Labour Code permits additional work but only in particular cases and subject to specified limitations. In view of the slight discrepancy between this provision and Article 6 of the Convention, which does not allow daily working hours to exceed ten, the necessary change will be made so as to bring the national legislation into harmony with the Convention.

Article 4 of the Convention is applied in practice under section 49 of the Labour Code, which does not allow the working day to exceed ten hours, and provides for at least two hours' rest in the course of the working day.

The national legislation makes no provision for the interruptions of work referred to in Article 5 of the Convention.

Article 7 of the Convention is applied by section 49 of the Labour Code.

The labour inspectors ensure the application of Article 11 of the Convention as regards the posting of notices concerning timetables and rest periods.

Spain.

In reply to the observations made by the Committee of Experts the Government transmits the following information:

Article 1 of the Convention. The Maximum Hours Act of 9 September 1931 does not apply to public post and telegraph offices since, under

section 3 of the Contracts of Employment Act, these offices are staffed by civil servants who are subject to special legislation which establishes a maximum seven-hour working day.

Article 5. There is no special provision for the making up of hours lost in commerce and offices. Under section 8 of the Maximum Hours Act of 9 September 1931 and section 59 of the Regulations of 25 January 1941, not more than one hour a day may be made up; stoppages caused by atmospheric conditions, *force majeure* and certain public holidays are counted as interruptions for this purpose.

Article 6. No use has been made of this exception.

Article 7. Under section 108 of the Act of 9 September 1931, messengers and similar employees, porters, watchmen, etc., may be employed for periods of up to 12 hours a day, with extra pay for the hours in excess of eight.

Under the Act of 4 July 1918 and the Regulations issued thereunder, workers in commerce and offices who begin their working day before the other workers must end it the same length of time beforehand, and similarly those who have to leave after the majority of the other workers stop must start the same length of time after they do.

Article 11. Overtime must be specially shown on the payroll, which must be drawn up in accordance with the official form described in the Order of 11 April 1953.

Section 103 does not apply whenever section 49 of the Commercial Regulations clearly stipulates an eight-hour day and a 48-hour week.

Uruguay.

Act No. 12373 of 15 January 1957 to establish a five-day week in banks and similar establishments. Decree of 31 January 1957 to issue regulations under Act No. 12373.

Resolution of 5 June 1957 to set up four committees for the supervision of closing hours in commerce (in accordance with Acts Nos. 9347 and 10489).

Decree of 9 July 1957 respecting persons holding positions of supervision in private undertakings, who are exempted from the maximum daily hours of work provisions.

Decree of 15 July 1957 respecting higher officials in banks and similar undertakings, who are exempted from the maximum daily hours of work provisions.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application:

Argentina, Bulgaria, Chile, Cuba, Finland, Israel, New Zealand, Uruguay.

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

Mexico, Norway.

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 ¹	10. 2. 1947
Spain	28. 7. 1934
Sweden	3. 8. 1938
United Kingdom	10. 1. 1935
Uruguay	6. 6. 1933

¹ See footnote 3 to Convention No. 1.

Argentina.

See under Convention No. 8.

Belgium.

Royal Order of 29 December 1956 to amend the General Labour Protection Regulations. (*Moniteur belge*, No. 19, 19 Jan. 1957, p. 344).

Royal Order of 26 February 1957 concerning hoisting appliances (*Moniteur belge*, No. 75, 16 Mar. 1957, p. 1820).

Royal Order of 5 June 1957 concerning the loading, unloading, construction, repair and maintenance of ships and boats (*Moniteur belge*, No. 175-176, 24 and 25 June 1957, p. 4510).

With reference to the observation made by the Committee of Experts the Government states that the Orders cited above give effect to those provisions of the Convention that were not yet applied in their entirety.

As regards the observations made by the Belgian Central Federation of Liberal Trade Unions regarding the application of the Convention in practice, particularly on the Scheldt, the report reproduces the results of an inquiry carried out by the Technical Labour Inspectorate.

Bulgaria.

Referring to the observations of the Committee of Experts the Government states that a new set of regulations concerning the protection of dockers against accidents is now in course of preparation. A copy will be sent to the Office as soon as it is adopted.

China.

Shipping Inspection Regulations of 1931 as amended in November 1951.

In reply to the request for information made in 1957 the Government has forwarded the text of the above regulations.

Finland.

With reference to the Committee's observation the Government states that the lighting in the various ports has been considerably improved both as regards workplaces and the approaches to them. Funds have been earmarked for the lighting of the port of Hanko; the work is expected to be completed by the autumn of 1957.

Inspection visits to ports and on board ships in 1956 brought to light various cases of negligence and a number of defects.

The Ministry of Social Affairs has drawn the attention of labour inspectors to the observations previously made by the Committee of Experts; an inquiry has been opened in this connection and the requisite steps will be taken.

France (First Report).

Labour Code, Book II, sections 66 (a), 68, 96 and 173 to 176.

Decree of 10 July 1913, as amended by Decree of 23 April 1945, concerning general protective and health measures (*Journal officiel*, 24 Apr. 1945).

Decree of 23 August 1947, as amended by the Decree of 9 September 1950, concerning special safety measures regarding lifting equipment other than elevators and hoists (*Journal officiel*, 26 Aug. 1947, corrigenda in *Journal officiel*, 5 Sep. 1947, and 14 Sep. 1950, corrigenda in *Journal officiel*, 20 Sep. 1950).

Order of 16 August 1951, as amended by Order of 30 March 1952, prescribing the procedure for checking lifting equipment other than elevators and hoists (*Journal officiel*, 26 Aug. 1951 and 4 Apr. 1952, corrigenda in *Journal officiel*, 4 Sep. 1951).

Order of 17 August 1951 laying down the conditions for checking lifting equipment other than elevators and hoists (*Journal officiel*, 26 Aug. 1951, corrigenda in *Journal officiel*, 4 Sep. 1951).

Decree No. 55-314 of 14 March 1955 to apply the provisions of Convention No. 32 to shipping (*Journal officiel*, 25 Mar. 1955, corrigenda published 6 Apr. 1955).

Order of 25 January 1957 concerning the transport by sea of dangerous substances, as amended by Orders of 12 July and 4 August 1954, 4 February, 1 April, 29 July and 10 August 1955, and 16 February, 5 March, 28 May and 24 August 1956 (*Journal officiel*, 3 Feb. 1957).

Article 1 of the Convention. Under section 1 of the Decree of 14 March 1955 the provisions of the Convention apply to any vessel operating commercially in a port in metropolitan France, Algeria or the Overseas Departments. Section 16 of the Decree prescribes the conditions in which it applies to foreign vessels.

Article 2. Section 10 (b) of the Decree of 10 July 1913 stipulates that gangways, planks or cantilever footways, raised platforms and their means of access, together with hanging bridges or gangways leading to ships, must be protected in such a way as to prevent falls.

Article 3. Section 3 of the Decree of 14 March 1955 requires the provision of means of access to vessels and gives details of the nature and dimensions of these means of access. No excep-

tions have been granted in accordance with paragraph 5 (a) of Article 3 of the Convention.

Article 4. The regulations governing the safety of workers proceeding to and from a vessel by water in order to carry out loading or unloading are the ordinary provisions of the law applicable to vessels with more than 12 passengers on board (if they are of more than 25 gross tons) and more than six passengers (if they are of 25 gross tons or less). They confirm and extend the rules laid down in the International Convention for the Safety of Life at Sea (1948).

Article 5. Section 4 of the Decree of 14 March 1955 lays down the means of access to any hold which is more than 1.50 metres below the deck level, and gives details of these means of access. These provisions will only apply to vessels already in commission 48 months after the Convention comes into force, as is allowed by paragraph (7) of this Article.

Article 6. The final paragraph of section 4 of the Decree of 14 March 1955 stipulates that the wharfage company must be provided with effective detachable fencing not less than 0.90 metres in height whenever the hold of a ship is more than 1.50 metres below the level of the deck and whenever the coaming is lower than 0.75 metres.

Article 7. Section 5 of the same decree states that adequate lighting must be provided so that the safety of workers engaged in loading and unloading is not endangered.

Article 8. Section 6 of the decree makes exactly the same requirements regarding hatch coverings as the Convention.

Article 9. Section 14 of the decree deals with tests of fixed or loose lifting gear before it is put into service. These tests are carried out by qualified laboratories and experts who issue test certificates. A register is maintained and the results of all checks are entered in it.

Section 10 of the same decree defines the parts which must be inspected and section 11 gives details regarding the annealing of certain parts.

With regard to hoisting gear, sections 31 ff. of the Decree of 23 August 1947, as amended by the Decree of 9 September 1950 and the Orders of 16 and 17 August 1951, define the tests to which hoisting gear must be subjected before being brought into service.

The remaining provisions of Article 9 of the Convention, particularly those dealing with thorough examinations and periodical inspections of hoisting gear, records showing the results of these tests and checks, and the marking of the safe working load, are contained in sections 19, 25, 31 (a), 31 (b) and 31 (c) and 33 and 33 (a) of the amended Decree of 23 August 1947.

The protection of motors, gears, etc., is covered by section 66 (a) of Book II of the Labour Code, by section 12 of the Decree of 10 July 1913, as amended, and by section 17 of the Decree of 23 August 1947, as amended.

Lastly, paragraph 7 of Article 9 is covered by sections 19, 20 and 21 of the amended Decree of 23 August 1947, and paragraphs 8 and 9 of this Article respectively by sections 10 and 2 of the same decree.

Article 10. The qualifications of persons allowed to drive lifting machinery are defined in sections 30 and 32 of the amended Decree of 23 August 1947.

Article 11. Sections 25 and 27 of the Decree of 23 August 1947 state that one person must be made responsible for giving signals.

Section 25 of this decree limits the load that may be lifted by any hoisting gear.

Section 33 (a) of the same decree imposes standards regarding the use of cranes with varying capacity.

Article 12. The handling of dangerous substances is governed by the enactments regulating their packing, particularly by the Order of 25 January 1957 concerning the transport of such substances by sea.

Article 15. Section 34 of the Decree of 23 August 1947 states that the Minister of Labour and Social Security may, after an inquiry by the responsible official and after consultation with the Committee on Labour Safety, order various exceptions. Two such exceptions have been granted to section 21 of the decree, which deals with the lowering of loads. One of these exceptions was essential owing to the impossibility of equipping certain types of cranes with safety limiters.

In addition, section 18 of the Decree of 14 March 1955 states that "the Minister of the Merchant Marine may exempt from all or part of the present decree any ships or categories of ships engaged in special types of transport for which it would neither be reasonable nor necessary to impose the foregoing requirements". No exception under this Article has, however, been granted.

Article 18. Section 16 of the Decree of 14 March 1955 states that foreign vessels are assumed to have complied with the regulations if the master can produce a valid certificate issued by his government complying with the international Conventions in force for the protection of dockers against accidents to which the French Government has adhered. These vessels may, however, be inspected by the appropriate officials.

Application of Article 17, paragraph 1. The master of the vessel is responsible for carrying out the provisions of the Decree of 14 March 1955 in so far as they affect the crew. Under section 173 of Book II of the Labour Code the persons responsible for carrying out the safety and health measures connected with the use of dockside gear are the superintendents, managers or their representatives.

Paragraph 2. Inspection as regards seafarers is carried out by the inspectors of shipping and maritime employment.

The penalties (fines in the event of infringement of the decree) are laid down in sections 26 and 28 of Act No. 54-11 of 6 January 1954.

Responsibility for enforcing the safety measures laid down in the Labour Code as regards ports is borne by the chief engineers of the Highways Department in charge of docks and harbours, who for this purpose are answerable to the Minister of Labour (under section 96 of Book II of the Labour Code). Sections 173 to 176 of Book II of the Labour Code provide

for the imposition of fines on persons breaking the law, as required by Article 17, paragraph 1, of the Convention.

Paragraph 3. The instructions contained in section 33 of the Decree of 23 August 1947, as amended, are posted up in accordance with the last paragraph of this Article.

The report contains an appendix showing specimen records of the inspection of lifting equipment and gear and their accessories, together with test and annealing certificates.

Italy.

In reply to the request in 1957 of the Committee of Experts for detailed information on the manner in which effect is given to each provision of the Convention, the Italian Government states that no important changes have taken place during the period 30 September 1948 to 30 June 1957.

The report also states that new safety regulations are in preparation.

Mexico.

The report states that since 1936 the Directorate-General of the Mercantile Marine has been sending a circular to all the harbour-masters setting forth the contents of the Convention and requesting them to apply it.

The Ministry of Communications and Public Works and in certain cases the Ministry of Labour are responsible for enforcement of the Convention, pursuant to section 124 of the General Communications Act of 1940, which provides that the Ministry of Communications and Public Works will issue loading, unloading, warehousing and trans-shipment permits, etc., and will study means of improving transport methods or equipment with a view to safer working. It is compulsory for transport undertakings to report annually to the Ministry, in accordance with the provisions of section 120 of the above-mentioned Act.

New Zealand.

In reply to the observation made by the Committee of Experts the Government states that the type of examination carried out every 12 months is in fact the thorough examination

envisaged by the Convention. When the Regulations are next under amendment it will be recommended that the word "thoroughly" be inserted before the word "inspected" in Regulation 52 (2) of the General Harbour Regulations of 1954.

Spain.

In reply to the observation made in 1957 the Government in its report states that section 61 (B) of the Loading and Unloading Regulations of 14 March 1947 stipulates that hatchways, battens and hatches must be maintained in a safe condition and must be provided with ladders clearly marked with the place to which they belong.

Section 25 of the General Occupational Safety and Health Regulations requires guards to be fitted to the moving parts of engines, drives and machinery, as does section 62 of the Docks Regulations of 14 March 1947.

Section 61 of the Loading and Unloading Regulations prescribes the means of access, the type of ladders and the method of attaching them.

Section 101 of the General Occupational Safety and Health Regulations stipulates that these regulations and instructions must be posted up in a prominent place.

Uruguay.

The National Labour Institute has made a special study of accidents in the loading and unloading of ships in the port of Montevideo. It has also detached an inspector from the Department for the Prevention of Industrial Accidents, who is to remain permanently in this port.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Canada, Cuba, Finland, France, India, Italy, Mexico, New Zealand, Sweden, United Kingdom.

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

Chile, Pakistan.

33. Minimum Age (Non-Industrial Employment) Convention, 1932

This Convention came into force on 6 June 1935

Countries	Date of registration of ratification
Argentina	14. 3.1950
Austria	26. 2.1936
Belgium	6. 6.1934
Cuba ¹	24. 2.1936
France	29. 4.1939
Netherlands	12. 7.1935
Spain	22. 6.1934
Uruguay ¹	6. 6.1933

¹ Convention denounced as a result of the ratification of Convention No. 60.

Argentina.

Legislative Decree No. 5568/57 of 27 May 1957 (*Boletín Oficial*, 16 July 1957, p. 2).

In reply to the observation made by the Committee of Experts in 1957 the Government forwards a copy of the above-mentioned Decree according to which the employment of young persons between 12 and 14 years of age is authorised only for light work that does not affect their health and does not last more than two hours a day.

Austria.

For the Government's reply to an observation made by the Committee of Experts see *Report of the Committee*, p. 671.

Netherlands.

Article 4 of the Convention. Under a section 9bis inserted in the 1919 Labour Act, the Labour Inspectorate or, in the event of a refusal by the latter, the Ministry of Social Affairs on appeal, may authorise work by children in the interests of the arts, science or teaching.

Compliance with the conditions laid down in the second paragraph of this Article of the Convention is ensured by paying special attention to the restrictions imposed on the consideration of applications for authorisation to perform such work.

Spain.

Primary Education Act of 17 July 1945 (*Boletín Oficial del Estado*, No. 199, 18 July 1945).

It is forbidden to employ children in domestic work before they reach the age of 14 years, as primary schooling until the age of 14 is compulsory under the Act of 1945.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Argentina, Belgium, Netherlands.

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

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 ¹	13. 1. 1936
Mexico	21. 2. 1938
Norway ¹	4. 7. 1939
Spain	27. 4. 1935
Sweden ¹	1. 1. 1936
Turkey ¹	27.12.1946

¹ Convention denounced as a result of the ratification of Convention No. 96.

Chile.

In reply to the observation made by the Committee of Experts the Government refers to the information contained in its report on Convention No. 2.

Mexico.

In reply to the observations made by the Committee of Experts in 1957 the Government states in its report that the I.L.O. sent an expert to Mexico under the United Nations Expanded Programme of Technical Assistance, and that this expert is carrying out the necessary investigations with a view to the practical and effective application of the Convention.

Spain.

In reply to the observations made by the Committee of Experts in 1957 the report states that the employment agencies for domestic workers are in almost every case run by institutions for the protection of women, and that the labour legislation is not applicable to these institutions.

* * *

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

Argentina (First Report).

Legislative Decree No. 31665 of 1944 to establish a welfare administration for persons employed in commerce and civil activities.

Legislative Decree No. 13937 of 14 May 1946 to establish a welfare administration for persons employed in industry and allied occupations (*L.S.* 1946—Arg. 2). (*Boletín Oficial*, Vol. LIV, 1 June 1946, No. 15494, p. 7.)

Act No. 14397 of 20 December 1954 respecting a social security scheme for self-employed workers, employers and members of the professions (*L.S.* 1954—Arg. 1). (*Boletín Oficial*, 21 Jan. 1955, No. 17820, p. 4.)

Act No. 14399 of 22 December 1954 respecting a social security scheme for agricultural workers (L.S. 1954—Arg. 2). (*Boletín Oficial*, 18 Jan. 1955, No. 17817, p. 2.)

Decree No. 11911 of 10 July 1956 (*Boletín Oficial*, 16 July 1956).

Articles 1 and 2 of the Convention. In Argentina there is no uniform insurance scheme for workers employed in industrial or commercial undertakings, in domestic service, in home work and in the liberal professions, and therefore a separate description is given of the scope of the scheme for each of these groups of occupations.

In industry all persons are covered within the Republic who perform work of any kind on account of another in industry or in allied occupations on a permanent or temporary basis, in so far as the said persons are not already covered by another scheme. The legislation does not provide for the exceptions allowed by Article 2 of the Convention.

In commerce all persons are covered within the Republic who perform work of any kind on account of another in connection with commerce or allied occupations on a permanent or temporary basis and persons who, under a contract concluded in Argentina or by virtue of a transfer or mission arranged by their employers, are engaged in commercial or civil work abroad, provided such persons have their domicile in Argentina.

In the liberal professions all persons are covered who are engaged on their own account in a preponderantly intellectual occupation for which a professional qualification or registration and special scientific, technical or artistic training are required.

There is no uniform scheme for homeworkers. Act No. 11471 grants pensions to women workers who work at home for government departments provided they are not eligible for civil or military pensions paid under statutory or voluntary schemes. A Resolution of 20 August 1946 includes homeworkers in the industrial scheme.

In domestic service all persons over 18 years of age are covered who carry out domestic work for an employer provided such work does not involve any pecuniary gain or profit for the latter.

Article 3. Persons insured under all these schemes are eligible for benefit in respect of their contributions and contribution periods under other similar schemes if they change their occupation, or they may suspend the payment of their contributions and resume payment when they take up employment once more. The voluntary continuation of insurance is not allowed.

Article 4. In commerce and industry the age limits are 55 years for men and 50 for women; in the liberal professions and domestic service, 60 for men and 55 for women; for homeworkers, 55 years for women.

Article 5. The qualifying period for men is 30 years of employment under all the schemes; for women in commerce and industry, 27 years; in the liberal professions and domestic service, 30 years; for homeworkers, 25 years.

Article 6. Insured persons always retain their rights in respect of their contributions.

Article 7. To qualify for an ordinary pension it is necessary to show proof of completion of the number of years of employment mentioned in connection with Article 5. The amount of the pension is fixed independently of the time spent in the scheme, according to the wage, as follows: the average wage is calculated, and this figure is then subject to reduction on an increasing scale which is uniform for the industrial, commercial and domestic service schemes. The pension begins with 100 per cent. of the average wage up to a maximum of 1,000 pesos, and then the proportion falls as the wage increases. The scheme for professional workers shows only slight differences.

The national insurance funds may pay to an insured person who continues to work after having both reached the retirement age and completed the contribution period necessary for an ordinary pension (without setting off age and length of service) special benefits based on the amount of his pension at the time of retirement.

Article 8. The right to benefit is extinguished under all the schemes when the insured person transfers his or her place of domicile abroad without the fund's permission. Workers in the liberal professions and agricultural workers lose their entitlement to benefit if awaiting prosecution on a criminal charge or if convicted by a court.

Article 9. The financial resources of the funds are derived from contributions paid by the insured persons and their employers. Persons under the age of 18 and the employer's spouse and children under the age of 22 years are exempted from the payment of contributions. The public authorities do not contribute to the pension funds.

Article 10. The funds are public bodies forming the National Social Welfare Institute and are responsible for the administration of pension schemes and of the financial resources made available by employers' and workers' contributions. They have organic and functional individuality, legal personality and administrative and financial autonomy.

Each fund is administered by a chairman appointed by the Government and a governing body consisting of representatives of the insured persons (in proportion to their numbers) and a representative of the employers.

Article 11. The national legislation recognises the right of the insured person or his dependants to appeal in the event of a dispute regarding contributions. Disputes may be referred to the National Social Welfare Institute. Appeals against decisions of the Institute may be lodged with the Labour Appeal Court. The same procedure is applicable in the event of a dispute concerning a person's or body's membership of a fund as an insured person or an employer.

Article 12. Foreign employed persons and their dependants are entitled under the same conditions as nationals to join the various funds and to receive the benefits paid by them.

Article 14. There is no special scheme for frontier workers.

The report reproduces the text of a number of awards and decisions involving matters of principle with regard to the application of the Convention.

Bulgaria.

Pensions Act No. 465 of 6 November 1957 (*Izvestia*, No. 91, 12 Nov. 1957).

The above-mentioned Act came into force on 1 January 1958. It does not apply to the members of farm co-operatives, who are covered by a special law.

Entitlement to an old-age pension begins at an age varying from 50 to 60 for men and 45 to 55 for women, subject to completion of a qualifying period of 15 to 25 years for men and 15 to 20 years for women (section 2 of the Act). Insured persons who do not fully meet the prescribed conditions in respect of age or qualifying period are entitled to proportionately reduced pensions (sections 8 and 9). More favourable provisions exist for women having at least five children and having brought them up to the age of eight years (section 4).

The minimum amount of the pension has been increased to 300 leva and the maximum has been abolished. The pension is based on average monthly earnings over any three consecutive years chosen by the insured among the last ten years of his working life. Beneficiaries are classified into six groups according to their earnings, the percentage of earnings represented by the pension and the minimum amount of the pension varying from one group to the other. The percentage may be increased by 2 per cent. for every year of service in addition to the prescribed qualifying period, up to a maximum of 12 per cent. (section 10). The report states that under the Act pensions in the lower wage groups are nearly equal to wages.

Pensions in force are to be revalued according to schedules contained in the Act (section 49).

If a pensioner takes up gainful employment his pension is suspended although he may receive any other benefit due to him. The beneficiary of an invalidity pension or national pension who takes up employment remunerated at not more than 1,000 leva per month continues to receive one-half of his pension (sections 47 and 50).

Pensions are awarded, modified or suspended by special committees attached to the people's councils. The decisions of these committees may be appealed to the Central Pensions Commission of the Ministry of Public Health and Social Assistance. The composition of pensions committees and their procedure will be determined by regulations now being prepared (section 54).

Chile.

Referring to the observations made by the Committee of Experts the Government refers to the passage concerning domestic workers in its report on Convention No. 24.

With reference to salaried employees the

report points out that they are covered by old-age insurance under the provisions of Act No. 10475 of 1952 respecting pensions for salaried employees, details of which are given.

Czechoslovakia.

Social Security Act of 30 November 1956 (*L.S.* 1956—Cz. 3 A). (*Sbírka Zákonů*, 18 Dec. 1956, No. 30, Text 55.)

Article 2 of the Convention. The above-mentioned Act has been in force since 1 January 1957. All employees, homeworkers and apprentices are covered by compulsory pension insurance. Only the members of the armed forces are exempted from insurance; Act No. 33/1957 provides for them benefits at least equivalent to those under general pension insurance.

Employed persons are classified into three occupational categories: I, comprising work done underground in mines and work of air crews; II, work done in particularly arduous conditions; and III, all other occupations.

Article 3. Rights acquired under pension insurance are automatically maintained for a period of two years after interruption of employment for a valid cause recognised by the respective governmental agency, as well as in cases of invalidity

Articles 4 and 5. After 20 years of employment the retirement age is 60 years for a man and 55 years for a woman or a man classified in category I. After five years of employment the retirement age is 65 years of age.

Article 6. Unless employment has been interrupted for more than five years, the term of employment is taken into account irrespective of such interruption. If such interruption has lasted more than five years, the period of employment taken into account is that preceding such interruption, provided that there has been a term of employment of at least three years subsequent thereto.

Article 7. The amount of the old-age pension is equal to a fixed percentage of the average earnings according to the category of employment; the pension must be at least 400 crowns a month but not more than 90 per cent. of the average earnings.

If the insured person has been employed for less than 20 years the pension is equal to 50 per cent. of the average earnings, the minimum being 300 crowns a month but not more than 90 per cent. of the average earnings.

In addition to these amounts the beneficiary is entitled to supplements for his dependent children.

Article 8. The pension is suspended if it has been obtained on the basis of false statements on the part of the beneficiary or if he or she has concealed any determinant facts.

If an employee in category I, being under 60 years of age, continues to be employed in some other category than I, after acquiring an entitlement to an old-age pension, his pension is reduced by two-thirds; the same applies to an employee under 65 years of age in one

of the other categories, or a woman under 60 years of age, who continue to be employed after acquiring entitlement to an old-age pension. Other employments are not subject to reductions in old-age pensions.

The pension is suspended if a beneficiary with no dependants is placed in a mental hospital for a period exceeding six months. No pension is payable while a pensioner is serving a prison sentence exceeding three months. His wife or dependent children are entitled to receive 70 per cent. of the pension and children's allowances.

If a person fulfils the conditions prescribed for an old-age, long service, disability or partial-disability pension or for two pensions of the same kind, only the higher pension is payable. If a person fulfils these conditions and also the conditions for a widow's or orphan's pension, the highest pension is paid, together with one-half of the lower one.

Article 9. The total cost of pension insurance is borne by the State; neither the employed persons nor the employers pay any special contribution to cover the expenses, which are defrayed from the budget.

Article 10. Pension insurance is administered by the State Office of Social Security and by the executive bodies of the National Committees.

Article 11. Appeals may be made against the decisions of the State Office of Social Security before the ordinary courts, which proceed according to the Rules of Civil Procedure.

France.

Act No. 56-659 of 6 July 1956 respecting old-age insurance for taxicab drivers (*Journal officiel*, 7 July 1956).

Decree No. 56-733 of 26 July 1956 to issue regulations for the administration of the Act of 30 June 1956 establishing a National Solidarity Fund (*Journal officiel*, 27 July 1956).

Decree No. 56-839 of 16 August 1956 supplementing Decree No. 50-76 of 16 January 1950 for the administration of Act No. 49-1095 of 2 August 1949 to extend old-age allowances to certain categories of persons (*Journal officiel*, 21 Aug. 1956).

Act No. 56-1311 of 27 December 1956 to extend the deadline for the redemption of old-age insurance contributions by managerial personnel or their surviving spouses (*Journal officiel*, 28 Dec. 1956).

Order of 18 April 1957 respecting the revision of invalidity pensions, old-age pensions and annuities payable under social insurance, and compensation payable under legislation on employment injury and occupational diseases (*Journal officiel*, 20 Apr. 1957).

A General Social Security Convention was concluded between France and Spain on 27 June 1957; a Protocol between the same two countries, signed on the same date, extended the benefits of employees' old-age allowances to Spanish workers who, in addition to fulfilling the general conditions laid down by law, show evidence of having resided continuously in

France for at least 15 years prior to the submission of their claim.

Italy.

A number of legislative measures concerning various special schemes for invalidity, old-age and survivors' insurance (for telephone workers, customs staff, drivers, journalists, directors of industrial undertakings and lawyers) were passed during the period under review.

Poland.

Act of 11 September 1956 to amend the Decree of 25 June 1954 concerning the general pension scheme for workers and their families (Law Journal, No. 43).

Act of 28 May 1957 respecting social security for miners and their families (Miners' Charter) (Law Journal, No. 32).

Decree of 19 January 1957, as amended by the Act of 29 May 1957, concerning wage earners employed in glass works (Law Journal, Nos. 10 and 55).

The above-mentioned Acts and a series of ordinances issued by the Council of Ministers and the Minister of Labour and Social Welfare in 1956 and 1957 have eased some of the qualifying conditions for entitlement to benefit and raised the amount of cash benefits. The report lists the modifications introduced, the most important of which are the following:

Entitlement to an old-age pension continues for a period of five years after cessation of work, instead of two years as in the past.

The provisions governing workers classified in category I (dangerous or unhealthy work) have been liberalised so that, for example, pensions are now 10 per cent. higher than in the past and entitlement begins five years earlier.

The wage used as a basis of calculation is left to the choice of the individual and may be his average wage calculated either over the last 12 months or over any two consecutive years during the ten-year period preceding the submission of his claim.

Where an old-age pensioner has other resources, any amount by which his total income exceeds the basic wage is deducted from the pension, provided, however, that the latter may not be reduced by more than one-half.

United Kingdom.

For legislation see under Convention No. 24.

According to modifications made in the National Insurance Act the reduction of retirement pensions on account of earnings is now only made where the earnings exceed 50s. a week (as compared with 40s. previously) and which only amounts to 6d. (instead of 1s.) for each shilling earned between 50s. and 70s. a week.

As regards the coming into force of a number of reciprocal agreements see under Convention No. 24.

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

Argentina (First Report).

Act No. 14399 of 22 December 1954 respecting a social security scheme for agricultural workers (*L.S.* 1954—Arg. 2) (*Boletín Oficial*, 18 Jan. 1955, No. 17817, p. 2), as amended by Legislative Decree No. 23391/56.
Regulation No. 1511/57 (*Boletín Oficial*, 15 Feb. 1957, No. 18339).

Articles 1 and 2 of the Convention. The pension scheme for agricultural workers covers all persons who are employed either temporarily or permanently in the countryside on work directly connected with the production of crops, timber, livestock, or in apiculture, aviculture or other related activities. Foremen and labourers employed in livestock markets and in rural industries in the interior are also covered, provided they are paid by the day.

The law allows none of the exceptions permitted by paragraph 3 of Article 2 of the Convention.

Article 3. See under Convention No. 35, Article 3.

Articles 4 and 5. In order to be entitled to a pension at least 30 years' service are necessary; men must have reached the age of 65 and women the age of 60.

Article 6. See under Convention No. 35, Article 6.

Article 7. In order to become entitled to the standard pension a member of the scheme must have completed 30 years' service. The higher the wage the lower the scale of the pension.

Article 8. See under Convention No. 35, Article 8.

Article 9. The income of the fund is made up of contributions from the members and their employers at the rate of 5 per cent. and 7 per cent. of earnings respectively. Contributions are not payable by young persons under the age of 18 years, nor by the employer's wife and his children under the age of 22 years.

There is no public contribution towards the income of the fund.

Article 10. See under Convention No. 35, Article 10.

Article 14. See under Convention No. 35, Article 14.

Bulgaria.

See under Convention No. 35.

Czechoslovakia.

See under Convention No. 35.

Chile.

See under Convention No. 35.

France.

Decree No. 56-967 of 28 September 1956 to amend Decree No. 51-727 of 6 June 1951 regulating old-age and invalidity pensions provided under the compulsory social insurance scheme for agricultural workers (*Journal officiel*, 29 Sep. 1956, No. 227, p. 9263, and corrigendum in *Journal officiel*, 12 Oct. 1956, No. 238, p. 9743).

Decree No. 56-1051 of 16 October 1956 to amend and supplement Decree No. 50-1225 of 21 September 1950, laying down regulations for the administration of the agricultural social insurance scheme (*Journal officiel*, 18 Oct. 1956, No. 243, p. 9992, and corrigendum in *Journal officiel*, 9 Nov. 1956, No. 261, p. 10725).

Italy.

See under Convention No. 35.

Poland.

See under Convention No. 35.

United Kingdom.

See under Convention No. 35.

37. Invalidity Insurance (Industry, etc.) Convention, 1933

This Convention came into force on 18 July 1937

Countries	Date of registration of ratification
Bulgaria	29. 12. 1949
Chile	18. 10. 1935
Czechoslovakia	1. 7. 1949
France.	23. 8. 1939
Italy	22. 10. 1947
Peru	8. 11. 1945
Poland	29. 9. 1948
United Kingdom	18. 7. 1936

Bulgaria.

For legislation see under Convention No. 35.

Insured persons under 20 years of age are entitled to invalidity pensions regardless of length of employment. A qualifying period of three years is prescribed in the case of persons over 20 years but under 25, and five years in the case of persons over 25 years. Persons blind from birth or persons who were blind before they became employed are subject to a

qualifying period of five years whatever their age (section 19 of the Act).

Invalids are divided into three groups according to the degree of disability.

Pensions are based on monthly earnings. Beneficiaries are classified, according to their earnings, into six groups to which the percentages of the pension correspond (section 20). For invalids in the first and second groups additional percentages based on length of service are provided (section 21). The report states that under the Act the lower the earnings the higher are the percentages allowed. Invalids in the first group who require the constant assistance of another person are entitled to a pension supplement amounting to 120 levs (section 46).

If an invalidity pensioner takes up employment on a monthly salary not exceeding 1,000 levs, he remains entitled to 50 per cent. of his pension (section 50).

See under Convention No. 35 with regard to the administration of the scheme and the appeals procedure.

Chile

See under Convention No. 35.

Czechoslovakia.

For legislation see under Convention No. 35.

Article 2 of the Convention. See under Convention No. 35, Article 2.

Article 3. See under Convention No. 35, Article 3.

Article 4. The definition of total incapacity is as follows: a person is incapacitated if, for reasons of a permanent deterioration of his health (a) he becomes incapable of carrying on any lucrative employment; or (b) he is still capable of carrying on such employment but that its performance will seriously endanger his health; or (c) he is capable of carrying on a lucrative employment but that this employment is quite unsuitable to his former abilities and to the social importance of his previous employment.

The definition of partial incapacity is as follows: a person is partially incapacitated if his earnings are substantially diminished because, for reason of a permanent deterioration of his health (a) he is capable of carrying on his former employment or any other adequate employment only under especially easy working conditions; or (b) he is not capable of carrying

on his former employment but is able to perform other adequate but less qualified work. A person who has not suffered a substantial reduction in his earnings because the permanent deterioration of his health renders his general conditions of life difficult is also considered as partially incapacitated.

Article 5. The qualifying period prescribed for the right to an invalidity pension, or assimilated periods, varies between 0 and 5 years, according to the insured person's age.

No qualifying period is required if the total or partial invalidity is due to an employment injury.

Article 6. See under Convention No. 35, Article 6.

Article 7. The amount of pension for total invalidity depends on the amount of time spent in employment. Up to 15 years it is equal to 50 per cent. of the average remuneration (65 per cent. in case of employment injury); it increases for each further year of employment according to a percentage varying with the category of employment.

The minimum monthly pension is 400 crowns but it may not amount to more than 90 per cent. of the average earnings.

Article 8. Persons entitled to an invalidity pension are considered as persons having a limited working capacity and attend courses given in vocational training centres under the supervision of the appropriate government bodies.

Articles 9 to 12. See under Convention No. 35, Articles 8 to 11.

France.

For legislation see under Convention No. 35.

Italy.

See under Convention No. 35.

Poland.

For legislation see under Convention No. 35.

The most important of the legislative changes mentioned in the report deals with miners' invalidity pensions, entitlement to which now begins after five years of work underground, as compared with ten years previously.

United Kingdom.

See under Convention No. 24.

38. Invalidity Insurance (Agriculture) Convention, 1933

This Convention came into force on 18 July 1937

Countries	Date of registration of ratification
Bulgaria	29.12.1949
Chile	18.10.1935
Czechoslovakia	1. 7.1949
France.	23. 8.1939
Italy	22.10.1947
Poland.	29. 9.1948
United Kingdom	18. 7.1936

Bulgaria.

See under Convention No. 37.

Chile.

See under Convention No. 35.

Czechoslovakia.

See under Convention No. 37.

France.

See under Convention No. 36.

Italy.

See under Convention No. 35.

Poland.

See under Convention No. 37.

United Kingdom.

See under Convention No. 24.

39. Survivors' Insurance (Industry, etc.) Convention, 1933

This Convention came into force on 8 November 1946

Countries	Date of registration of ratification
Bulgaria	29.12.1949
Czechoslovakia	1. 7.1949
Italy	22.10.1952
Peru	8.11.1945
Poland	29. 9.1948
United Kingdom	18. 7.1936

Bulgaria.

For legislation see under Convention No. 35.

Survivors' pensions are paid to the following relatives of the deceased provided that they were supported by him: (a) children, brothers, sisters or grandchildren up to the age of 18 (or up to the age of 24 in the case of students), and without age limit if they become disabled for work before their 18th (or 24th) birthday; (b) the father or mother, widow or widower, provided that they are unable to work or have reached the age of 60 in the case of men or 45 in the case of women; (c) one of the parents or the spouse, irrespective of age and working capacity, provided that he (or she) is not working and has the care of children, brothers or sisters of the deceased until they reach 16 years of age; and (d) grandparents without means or without legal support. Children, brothers and sisters who were not supported by the deceased are entitled to a survivors' pension if they are not self-supporting. The children of the deceased are also entitled to a pension even where the surviving parent is gainfully employed (section 31 of the Act).

The amount of the pension is fixed at 50 per cent. of the pension to which the deceased would have been entitled where there is only one survivor, 75 per cent. where there are two and 100 per cent. where there are more than two (section 32).

Where death is due to an employment injury or an occupational disease the pension is equal to that of the first invalidity group; in other cases it is equal to that of the second invalidity group, subject to completion of the prescribed qualifying period. The pension may be based on the old-age pension to which the insured would have been entitled if this is in the interest of the survivors (section 33).

Czechoslovakia.

For legislation see under Convention No. 35.

Article 2 of the Convention. See under Convention No. 35, Article 2.

Article 3. See under Convention No. 35, Article 3.

Articles 4 and 5. A widow's, widower's or orphan's pension is payable in respect of (a) any employee who has worked for the period prescribed for a disability pension, on condition that not more than two years have elapsed between the cessation of employment and the date of death, or any employee who dies as a result of an industrial accident; (b) any person in receipt of an old-age, disability or partial-disability pension.

Article 6. Entitlement to a widow's pension is forfeited on marriage.

A widow's pension may be granted to an unmarried wife who lived with the employee or pensioner up to the time of his death and was dependent on him for her subsistence.

Article 7. The widow's pension is awarded during the first year of widowhood; after one year, it is continued if the widow is an invalid, or is in charge of one child entitled to an orphan's pension, or has brought up at least three children, or is 45 years old and has brought up at least two children, or has reached the age of 50.

Article 8. A child who is under school-leaving age is entitled to an orphan's pension in respect of the death of either parent. After the period of compulsory schooling the child is entitled to an orphan's pension up to the age of 25 years if he is systematically preparing for a future occupation or is permanently incapable of work.

Article 9. The widow's pension is equal to 70 per cent. and the orphan's pension to 25 per cent.—or 50 per cent. for a full orphan—of the old-age or invalidity pension to which the deceased was entitled or would have been entitled at his death.

Article 10. See under Convention No. 37, Article 8.

Articles 11 to 14. See under Convention No. 35, Articles 8 to 11.

Italy.

See under Convention No. 35.

Poland.

Order of the Council of Ministers of 5 January 1957 concerning conditions to be fulfilled by members of the family of the worker or person in receipt of benefit in order to qualify as dependants (Law Journal, No. 11).

Order of the Council of Ministers of 10 May 1957 concerning the increase of family allowances (Law Journal, No. 27).

See also under Convention No. 35.

The widow and surviving parents of the deceased may claim a pension if they become disabled within the five years (instead of ten months as in the past) following the death of the worker.

The children, grandchildren, brothers and sisters of the deceased are entitled to a pension up to the age of 24 years if they are students. Formerly, entitlement to a pension in the case of such persons ceased at the age of 18.

A widow's pension is increased by the family allowances to which the deceased would have been entitled.

United Kingdom.

Great Britain.

Family Allowances and National Insurance Act, 1956.

National Insurance Act, 1956.

Northern Ireland.

Family Allowances and National Insurance (Northern Ireland) Act, 1956.

The report supplies detailed information as regards amendments to the provision of survivors' benefits, in particular in relation to the grant of pensions to widows who have no dependent children, the age up to which an allowance may be made for a child who continues at school beyond the upper limit of compulsory school attendance, the rates of the allowances payable in respect of children of deceased insured persons, the reduction of widows' benefits on account of earnings, and the special provisions made in the case of widows who are incapable of self-support.

As regards the coming into force of a number of reciprocal agreements see under Convention No. 24.

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

Bulgaria.

See under Convention No. 39.

Czechoslovakia.

See under Convention No. 39.

Italy.

See under Convention No. 35.

Poland.

See under Convention No. 39.

United Kingdom.

See under Convention No. 39.

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 ¹	4. 8.1937
Brazil ¹	8. 6.1936
Burma ²	22.11.1935
Ceylon	2. 9.1950
Egypt	11. 7.1947
France ¹	25. 1.1938
Greece	30. 5.1936
Hungary	18.12.1936
India ¹	22.11.1935
Iraq	28. 3.1938
Ireland ¹	15. 3.1937
Morocco ³	13. 6.1956
Netherlands ¹	9.12.1935
New Zealand ¹	29. 3.1938
Pakistan ^{1 4}	22.11.1935
Peru	8.11.1945
Switzerland	4. 6.1936

Countries	Date of registration of ratification
Union of South Africa ¹	28. 5.1935
United Kingdom ⁴	25. 1.1937
Venezuela	20.11.1944

¹ Convention denounced as a result of the ratification of Convention No. 89.

² See footnote 2 to Convention No. 1.

³ Has confirmed its obligations under this Convention which France had previously accepted on behalf of Morocco.

⁴ See footnote 3 to Convention No. 1.

⁵ Has denounced this Convention.

Greece.

For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee*, p. 672.

Hungary.

The Government states that, in drafting the three-year plan which is now in preparation, careful attention will be paid to the conditions of employment of women.

* * *

The reports from the following countries

supply information on the practical effect given to the Convention or on minor changes in its application :

Argentina, Greece.

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

Burma, Ceylon, Egypt.

42. Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934

This Convention came into force on 17 June 1936

Countries	Date of registration of ratification
Argentina	14. 3.1950
Austria	26. 2.1936
Belgium	3. 8.1949
Bolivia	19. 7.1954
Brazil	8. 6.1936
Bulgaria	29.12.1949
Burma	17. 5.1957
Cuba	22.10.1936
Czechoslovakia	1. 7.1949
Denmark	22. 6.1939
Finland	20. 1.1950
France	17. 5.1948
Federal Republic of Germany	17. 6.1955
Greece	13. 6.1952
Haiti	19. 4.1955
Hungary	17. 6.1935
Iraq	25. 7.1941
Ireland	15. 3.1937
Italy	22.10.1952
Japan	6. 6.1936
Luxembourg	3. 3.1958
Mexico	20. 5.1937
Morocco	20. 5.1957
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.

Legislative Decree No. 7604 of 1957 to amend Act No. 9688 respecting industrial injuries and occupational diseases.

Austria.

In reply to the observations made by the Committee of Experts the Government states in its report that the insurance institutions have so far made no distinction between lead compounds and alloys nor between compounds or amalgams of mercury, but that these points will be taken into account when the General Social Insurance Act is amended. Moreover, the report states that as regards anthrax infection the wording of the General Social Insurance Act should be interpreted as covering "the loading and unloading or transport of merchandise" as mentioned in the Convention. Finally, as regards carcinogenic substances the expression "similar substances" in the Act is

to be interpreted as covering the "mineral oils" and "bitumen" mentioned in the Convention.

Belgium.

Royal Order of 9 September 1956 containing a list of occupational diseases, showing for each the industries or occupations in which they give rise to compensation and the categories of workers entitled to such compensation (L.S. 1956—Bel. 2). (*Moniteur belge*, 15-16 Oct. 1956.)

Royal Order of 23 November 1956 fixing the rates of contribution to be paid for the 1955 financial year by heads of undertakings and craftsmen, pursuant to the Workmen's Compensation (Occupational Diseases) Act of 24 July 1927 (*Moniteur belge*, 9 Dec. 1956).

In reply to the general observation by the Committee of Experts the report states that the legislation on compensation for occupational diseases also applies to agriculture.

Bulgaria.

Schedule of Occupational Diseases, 1957 (*Izvestia*, No. 33, 21 Apr. 1957). Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

The new schedule, which supersedes that of 1951, lists the types of diseases and poisoning considered to be occupational in origin. This legislation covers all wage earners and salaried employees in industry and agriculture.

Czechoslovakia.

Social Security Act of 30 November 1956 (L.S. 1956—Cz. 3A). (*Sbírka Zákonů*, 18 Dec. 1956, No. 30.)

This Act lays down new regulations on compensation for occupational diseases.

Occupational diseases are deemed to be those appearing in the schedule appended to the Act, and compensation for them is established on the same basis as for employment injuries.

France.

The report states that many laws and decrees dealing with employment injury have been promulgated.

In reply to the observations of the Committee of Experts the report states that the discrepancies noted are due to a difference in form between the schedule of occupational

diseases established by national legislation and that given in Article 2 of the Convention. Whereas the latter does not contain any description of pathological symptoms but is based, rather, on a list of toxic substances, the schedules contained in French legislation consist primarily of a description of certain diseases which bear an established relation to the type of work done by the victim.

As regards poisoning caused by the halogen derivatives of hydrocarbons of the aliphatic series, it should be pointed out that the various derivatives cause different diseases and, accordingly, French legislation establishes a schedule for each derivative concerning different diseases. Other schedules concerning diseases caused by other derivatives can be prepared only after it has been ascertained what diseases may be caused by these substances. However, the Secretariat of State for Labour and Social Security has not at present any such data at its disposal. The Secretariat would therefore be grateful if the International Labour Office would communicate to it any data which it may possess concerning the exact nature of the diseases caused by halogen derivatives of hydrocarbons of the aliphatic series which are not yet listed in the schedule of the national legislation.

Federal Republic of Germany (First Report).

Federal Insurance Code (R.V.O. of 19 July 1918) and subsequent amendments thereto.

Social Insurance (Adaptation) Act of 17 June 1949 (*Gesetzblatt des Vereinigten Wirtschaftsgebietes*, p. 248).

Statutory Accident Insurance (Improvements) Act of 10 August 1949 (*Gesetzblatt des Vereinigten Wirtschaftsgebietes*, p. 251).

Social Insurance (Autonomy) Act of 22 February 1951 (*Bundesgesetzblatt*, Part I, p. 124).

Act of 29 April 1952 to provide for supplementary benefits in the accident insurance scheme, to lay down minimum benefits and to transfer jurisdiction in Land Berlin (*Bundesgesetzblatt*, Part I, p. 253).

Fifth Ordinance of 26 July 1952 to extend the accident insurance scheme to cover occupational diseases (L.S. 1952—Ger.F.R. 5). (*Bundesgesetzblatt*, Part I, p. 395.)

Income Limits Act of 13 August 1952 (*Bundesgesetzblatt*, Part I, p. 437.)

Act of 7 August 1953 on foreign pensions and pensions paid abroad (*Bundesgesetzblatt*, Part I, p. 848).

Labour Courts Act of 3 September 1953 (L.S. 1953—Ger.F.R. 2). (*Bundesgesetzblatt*, Part I, pp. 1239-1326.)

Federal Insurance Office Act of 9 May 1956 (*Bundesgesetzblatt*, Part I, p. 415).

Act of 26 June 1957 to afford workers increased financial protection in the event of sickness (*Bundesgesetzblatt*, Part I, p. 649).

Article 1 of the Convention. The expression "occupational diseases" is taken to mean the diseases designated as such by Ordinance of the Federal Government when such diseases have been contracted through carrying on an occupation in one of the undertakings listed in the said Ordinance. The Ordinance in force during the year under review was that of 26 July 1952.

Pursuant to section 545 of the Federal Insurance Code occupational diseases are deemed to be employment injuries for purposes of compensation.

Benefits granted to persons sustaining employ-

ment injuries include medical care, vocational assistance and cash benefits, which are also payable to the survivors in the event of the injured person's death. The amount of these benefits is calculated in accordance with the annual earnings of the insured person during the year preceding the accident and the loss of capacity for work. The full pension for the insured person amounts to two-thirds of his wages.

In the case of occupational diseases, preventive treatment is given in addition.

Article 2. The schedule of occupational diseases laid down by the Ordinance of 26 July 1952, which is reproduced in the report, contains 40 diseases.

Responsibility for giving effect to the statutory provisions rests with the occupational mutual accident insurance associations, the executive authorities of the federal states and the Länder of the Federal Republic of Germany, the municipal insurance societies, the firemen's accident insurance funds and the cities having a population of more than 500,000 inhabitants, which act as their own insurers.

Supervision of insurance institutions whose scope exceeds that of a single Land of the Federal Republic of Germany is the responsibility of the Federal Insurance Office. In the case of other institutions supervision is exercised by the higher administrative authority responsible for social insurance matters in the Land in which they are established.

Disputes relating to matters of accident insurance are settled by the courts.

During the year under review 43,800 cases of occupational diseases were notified and during the 1956 calendar year benefits estimated at 205 million marks were paid.

The report further states that the Convention applies to the territory of West Berlin.

Greece.

The report quotes a joint decision by the ministers (No. 38904 of 20 June 1957) to raise the minimum and maximum rates of compensation for employment injuries and occupational diseases. In addition a statistical department has been set up in the Ministry of Labour to produce the necessary statistics on labour matters. These two answers cover the points made by the Greek General Confederation of Labour in a letter attached to the report.

With regard to the observation made by the Committee of Experts in 1957, the report states that a draft revised version of the Schedule of Occupational Diseases is now being prepared by the Social Insurance Institute (I.K.A.) and action to give full effect to the Convention will be taken before the 42nd Session of the International Labour Conference.

Hungary.

In reply to the observation by the Committee of Experts in 1957 the report states that the schedule of occupational diseases forming Appendix II to Decree No. 195 of 1951 of the Council of Ministers is now in the course of revision.

Mexico.

Article 123 of the Constitution of the Mexican Republic states: "Employers shall be responsible for employment injuries and occupational diseases caused by the exercise of the occupation or work performed by their employees". The expression "caused by the work performed by their employees" covers, in addition to industrial risks, all sources of danger encountered in industry, together with all risks caused to a worker by virtue of his employment.

This approach has guided the rulings of the Supreme Court of Justice as regards both occupational diseases and employment injuries. The cause held to be responsible for an occupational disease is not only the specific cause but any other due to the environment in which the worker is employed.

The Federal Labour Act makes it clear that the cause must be repeated over a prolonged period as a necessary consequence of the nature of the job performed by the worker, but that allowance must also be made for the environment in which the job is performed, i.e. the risk must be repeated for a sufficiently long period to cause the disease in the environment where the individual concerned must work. Thus every risk to which the worker is exposed is an occupational risk as far as employment injuries and occupational diseases are concerned.

The report also contains a comparative table showing the different points in common between the schedule of occupational diseases given in section 326 of the Federal Labour Act of 18 August 1931 and the provisions of Article 2 of the Convention.

The report quotes a number of verdicts by the Supreme Court of Justice concerning the working of the Occupational Diseases Compensation Act, in which it is made clear that the schedule of occupational diseases given at section 326 of the Federal Labour Code is not exhaustive but simply creates a presumption of origin in the workers' favour.

New Zealand.

Workers' Compensation Act No. 62 of 1956 (New Zealand Statutes, 1956, Vol. I, p. 560).
Workers' Compensation Order, 1957 (New Zealand Statutory Regulations, Serial 1957/56).

The Workers' Compensation Act provides that where a worker's total or partial incapacity for work or a worker's death results from any disease, and the disease is due to the nature of any employment in which the worker was employed within the prescribed period before the date of the commencement of the incapacity, compensation shall be payable as if the disease were a personal injury arising out of an employment accident. The term "prescribed period" means a period of five years in the case of any disease due to exposure to X-rays or ionising radiations and two years in any other case.

If a worker contracts a disease in respect of which he would be entitled to a miner's benefit under the Social Security Act, 1938, he is not entitled to compensation under the Workers' Compensation Act. The Social Security Act, 1938, provides that any person who, while engaged as a miner in New Zealand, has contracted miner's phthisis or any other occupa-

tional disease or heart disease shall be entitled to compensation. In the case of miner's phthisis, such entitlement is conditional on the person's being thereby permanently and seriously incapacitated for work and, in the case of another occupational disease or heart disease, on his being thereby permanently and totally incapacitated for work.

Norway.

Legislative Decree of the reigning Prince of 8 March 1957 comprising provisions concerning the grant in respect of occupational diseases of entitlement to compensation under the Accident Insurance Scheme.

The above decree abrogates the Decrees of 7 December 1928 and 11 January 1935 and lays down a new list of occupational diseases in respect of which compensation is payable in the same way as for occupational accidents.

Poland.

Act of 11 September 1956 to amend the Decree of 25 June 1954 concerning the general retirement pension scheme for workers and their families (Law Journal, No. 43).

Act of 28 May 1957 respecting social security for miners and their families (Miners' Charter) (Law Journal, No. 32).

Decree of 19 January 1957, as amended by the Act of 29 May 1957, respecting workers employed in glass works (Law Journal, Nos. 10 and 55).

The effect of these enactments is to raise the percentages of invalidity and pension rates for workers involved in industrial accidents or contracting occupational diseases, both as regards the general scheme and the schemes for workers in mines and glass works.

Sweden.

In reply to the request for information made by the Committee of Experts in 1957 the Government specifies that a disease is considered as an occupational disease without proof in all cases where the 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.

Turkey.

Decree No. 4/8549 of 14 January 1957.

This decree adds 17 ailments to the list of occupational diseases.

Uruguay.

In reply to the request for information made by the Committee of Experts in 1957 the Government's report states that the provisions of the legislation are in accordance with those of the Convention as regards sickness caused by lead, mercury and benzene as well as silicosis, anthrax infection and pathological manifestations due to radiations. On the other hand, there are no regulations as regards poisoning by phosphorus, arsenic and the halogen derivatives of hydrocarbons of the aliphatic series, and primary epitheliomatous cancer of the skin is only partly covered by the regulations.

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Argentina, Austria, Belgium, Czechoslovakia, France, Federal Republic of Germany, Greece, Iraq, Ireland, Italy, Mexico, Netherlands, New

Zealand, Norway, Poland, Sweden, Turkey, United Kingdom.

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

Bulgaria, Cuba, Denmark, Finland, Haiti, Hungary, Japan, Union of South Africa, Uruguay.

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.

The Government has supplied the following information in reply to an observation made by the Committee of Experts :

Workers employed on furnaces and "Fourco" machines are divided into four shifts and work a 36-hour week, spread over six working days. A relief shift is used to give them a weekly day of rest. Workers responsible for running the gas generators work in three shifts, averaging seven hours a day.

Workers employed on the four-shift system in sheet-glass factories, who are compelled to work in unhealthy conditions, are covered in practice by section 9 (e) of the Ordinance respecting overtime.

Mexico.

See under Convention No. 49.

United Kingdom.

For the Government's reply to observations of the Committee of Experts see *Report of the Committee*, p. 673.

Uruguay.

The report states that there are two factories in Uruguay engaged in operations to which the provisions of the Convention would apply, and that these employ approximately 80 workers. Regulations to apply the Convention mentioned in the previous report have not yet been promulgated.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Belgium, United Kingdom.

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

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
Norway	20. 5.1957
Switzerland.	14. 6.1939
United Kingdom	29. 4.1936

Bulgaria.

Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia* No. 92, 15 Nov. 1957).

Wage earners and salaried employees who are dismissed for a reason beyond their control, and who are unable to secure employment within a given period after their dismissal or registration, are entitled to a cash benefit. The conditions for entitlement, the amount of the benefit and the time limits are to be fixed by an Ordinance which is now being prepared (section 161 of the Act).

France.

Decree No. 57-503 of 16 April 1957 to amend Decree No. 51-319 of 12 March 1951 establishing qualifying conditions for entitlement to unemployment allowances (*Journal officiel*, 19 Apr. 1957, No. 93, p. 4151, and erratum in *Journal officiel*, 18 June 1957, No. 139, p. 6087).

This decree has eased some of the qualifying conditions for unemployment allowances.

Ireland.

- Social Welfare (Amendment) Act, 1956 (S.I. No. 24).
- Social Welfare (Overlapping Benefits) (Amendment) Regulation, 1956 (S.I. No. 225).
- Social Welfare (Disability, Unemployment and Marriage Benefit) (Amendment) (No. 2) Regulation, 1956 (S.I. No. 157).
- Social Welfare (Modifications of Insurance) Regulation, 1956 (S.I. No. 236).
- Social Welfare (Unemployment Benefit) (Additional Condition) Regulations, 1956 (S.I. No. 291).
- Social Welfare (Contributions) (Amendment) Regulations, 1957 (S.I. No. 15).

The major changes during the period have been the increases of the rates of benefit with effect from 7 September 1956 and of the contribution rates from 3 September 1956 made under the Social Welfare (Amendment) Act, 1956.

Article 6 of the Convention. As from 5 July 1956 the minimum number of contributions required to have been paid or credited in a contribution year in order to give title to full unemployment benefit during the corresponding benefit year has been reduced from 50 to 48 by the Social Welfare (Modification of Contribution Conditions for Benefit) Regulations, 1956.

From the same date, as a result of the Social

Welfare (Disability, Unemployment and Marriage Benefit) (Amendment) Regulations, 1956, the reduction of benefit where this minimum condition has not been satisfied is limited to the insured person's personal benefit and the reduction of the increase payable for his adult dependants has been discontinued.

Italy.

Ministerial Decree of 27 March 1957 (*Gazzetta Ufficiale*, No. 125).

The schedule of work of brief duration for which exclusion from the unemployment insurance scheme is permissible has been amended by the decree mentioned above.

United Kingdom.

For legislation see under Convention No. 24.

As regards the coming into force of a number of reciprocal agreements see under Convention No. 24.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

New Zealand, Switzerland.

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
Dominican Republic	12. 8.1957
Ecuador	6. 7.1954
Egypt	11. 7.1947
Finland	3. 3.1938
France	25. 1.1938
Federal Republic of Germany	15.11.1954
Ghana	20. 5.1957
Greece	30. 5.1936
Hungary	19.12.1938
India	25. 3.1938
Indonesia ¹	20. 2.1937
Ireland	20. 8.1936
Italy	22.10.1952
Japan	11. 6.1956
Luxembourg	3. 3.1958
Federation of Malaya	11.11.1957
Mexico	21. 2.1938
Morocco	20. 9.1956
Netherlands	20. 2.1937
New Zealand	29. 3.1938
Pakistan ²	25. 3.1938
Peru	8.11.1945
Poland	15. 6.1957
Portugal	18.10.1937

Countries	Date of registration of ratification
Sweden	11. 7.1936
Switzerland	23. 5.1940
Tunisia	15. 5.1957
Turkey	21. 4.1938
Union of South Africa	25. 6.1936
United Kingdom	18. 7.1936
Uruguay	18. 3.1954
Venezuela	20.11.1944
Viet-Nam	6. 6.1953
Yugoslavia	21. 5.1952

¹ See footnote 3 to Convention No. 19.
² See footnote 3 to Convention No. 1.

Federal Republic of Germany.

In reply to an observation by the Committee of Experts the Government states that the exceptions permitted by section 28 of the Ordinance of 30 April 1938 respecting hours of work are of no practical significance as far as section 16 (1) of the Ordinance (which relates to the underground work of women) is concerned, and that exceptions to section 16 (1) have neither been nor are likely to be authorised. The possibility of limiting the scope of section 28 will be considered when the Ordinance is next amended. Employers' organisations have, however, expressed reservations concerning the repeal or amendment of this section.

Greece.

The Greek General Confederation of Labour has made further representations. It has suggested that the Labour Inspectorate be made responsible for enforcement of the Convention and that the activities of the Labour and Mines Inspectorate be co-ordinated, as otherwise the application of the Convention cannot be guaranteed.

In reply to the observations made by the Committee of Experts and to the further representations from the Greek General Confederation of Labour, the Government states that the Mines Inspectorate has found no evidence of the employment of women underground; that the Labour Inspectorate has instructed all its local offices to supervise strictly the application of the Convention and to report all contraventions; and that reports so far received from such local offices indicate that no contraventions have been discovered.

While existing legislation delimits the respective functions of the Labour Inspectorate and the Mines Inspectorate, there exists in practice a satisfactory co-ordination of their activities.

Hungary.

The Government states that the numerical proportion of women in the underground labour force has decreased because women have gradually been taken off the more arduous types of work. The majority of the few women

still employed on underground work at the present time are working as mechanics. In recent hirings no women have been engaged for underground work.

In view of the fact that there is no longer any major problem in doing away with the employment of women on underground work, the authorities responsible for drawing up the revised text of the Labour Code have suggested the insertion in the Code of an outright prohibition on the employment of women in underground work of any kind.

United Kingdom.

Mines and Quarries Act, 1954 (2 and 3 Eliz. 2. Ch. 70).

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application:

Australia, India, Indonesia.

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

Austria, Belgium, Bulgaria, Ceylon, Chile, Cuba, Ecuador, Egypt, Finland, France, Ireland, Italy, Mexico, Netherlands, New Zealand, Pakistan, Portugal, Sweden, Switzerland, Turkey, Union of South Africa, Uruguay, Viet-Nam, 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

The voluntary report from *New Zealand* refers to the information previously supplied.

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

Countries	Date of registration of ratification
Poland	21. 3.1938
Spain	8. 7.1937
Yugoslavia	4. 1.1946

Czechoslovakia.

See under Convention No. 19.

Italy.

Act No. 137 of 19 February 1957 to ratify the Social Security Convention concluded between Italy and Sweden on 25 May 1955 (*Gazzetta Ufficiale*, 1 Apr. 1957, No. 81, p. 1196).

Netherlands.

Act of 27 March 1957 to amend the Invalidity Act.

The above Act raises the wage ceiling for the purposes of the invalidity insurance scheme.

Spain.

Decree of 26 October 1956 respecting social insurance contributions (*Boletín Oficial del Estado*, No. 304, 30 Oct. 1956, p. 6868).

In reply to the observations made by the Committee of Experts the report states that, in virtue of the above decree, nationals of Por-

tugal, the Philippines, Andorra, Brazil and the Spanish-American countries who work on Spanish territory on account of other persons are placed on the same footing as Spanish workers for all the purposes of the unified social insurance scheme. As regards nationals of other countries, the position depends on the treaties or agreements concluded with the respective countries.

Bilateral social security agreements were concluded with Italy and Belgium in 1956 and with France in 1957.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Poland, Yugoslavia.

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

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.

Glass-bottle works are equipped with semi-automatic "Kiko" machines and work is carried on in three shifts. A factory may close down for one day a week in order to give the workers their weekly rest. This, however, does not affect workers engaged in running the gas generators or the furnaces, who hand over to a relief shift when they take their weekly rest.

Since the end of 1956 continuous working has been introduced in glass-bottle works equipped with automatic machines, the working week being 41 hours. Hours of work per day may not on the average exceed seven (six for night work).

Mexico.

Article 4 of the Convention. Firms issue a card to each worker on which must be marked the time actually worked during the normal working day and as overtime.

The worker's clocking-on and clocking-off times are stamped on this card.

The shift supervisor or timekeeper is respon-

sible for ensuring that the system is operated properly, so that, as was stated earlier, the time of the worker's arrival for his normal day's work is noted, together with any overtime he may be called upon to work. The payroll is based on these cards and any overtime is duly taken into account for purposes of calculating the worker's wages. Any such overtime reckoned on the payroll must tally with the amount of overtime shown on the workers' cards.

New Zealand.

The Government states that the question raised in the observations of the Committee of Experts is covered in general by the Government's reply to the Committee's observations on Convention No. 1. It adds that overtime in glass-bottle works is also controlled in virtue of the roster of shifts laid down in the industrial agreement covering this industry. This roster provides for the continuous operation of the plant by four shifts. A worker could not exceed the hours rostered for his own shift except by being asked to stand in on a shift other than his own (a situation which would arise only through the absence of a worker in that shift whose place he would take) or called back for one of the other reasons specified in the Convention.

* * *

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

Ireland, Norway.

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 ¹	26. 7.1948
Ghana	20. 5.1957
Japan	8. 9.1938
Federation of Malaya	11.11.1957
New Zealand ¹	8. 7.1947
Norway	7. 7.1937
United Kingdom ¹	22. 5.1939

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

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

Argentina, Japan, New Zealand, Norway, United Kingdom.

52. Holidays with Pay Convention, 1936

This Convention came into force on 22 September 1939

Countries	Date of registration of ratification
Albania	3. 6.1957
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
Tunisia	15. 5.1957
Ukraine	14. 9.1956
U.S.S.R.	10. 8.1956
Uruguay	18. 3.1954
Viet-Nam	6. 6.1953
Yugoslavia	26. 3.1953

Argentina.

Decree No. 5569 of 27 March 1957 to amend section 2 of Decree No. 1740 of 24 January 1945 respecting annual leave.

The above-mentioned decree provides that absence from work due to sickness for which the worker is not to blame, or as a result of an industrial accident, shall be included in the qualifying period for holidays.

Bulgaria.

Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

Under section 53 of the Labour Code, as amended in 1957, any wage earner or salaried employee is entitled to a paid holiday of not less than 14 working days after eight months' continuous service. The length of the holiday increases with the length of service ; it is 16 days for workers with more than ten years' service and 18 days for those with more than 15 years' service.

Under section 54 of the Code longer holidays may be granted to certain classes of workers who will be specified in an Order to be issued later.

Under section 55 of the Code extra holidays with pay, totalling up to 22 working days, are granted to workers employed on particularly unhealthy or dangerous jobs. Additional holidays with pay ranging from three to 30 working days are also granted to certain classes of workers or to persons engaged on certain types of work (e.g. persons who have worked uninterruptedly for a specified period in the same establishment, workers who are taking study courses in their spare time, workers who wish to take up teaching, etc.).

Under section 84 of the Code the annual holiday with pay may not be commuted for a cash payment except in the event of dismissal.

A new Ordinance dealing with the regulations on holidays is now being drafted.

Burma.

For the Government's reply to an observation made by the Committee of Experts see *Report of the Committee*, pp. 673-674.

Cuba.

The Government refers to the observations made by the Committee of Experts and states that a draft decree providing for the suspension of the application of section X of Law No. 40 and the repeal of section 9 of Decree No. 1435 has been placed before the Council of Ministers.

Egypt (First Report).

Legislative Decree No. 317 of 8 December 1952 respecting individual contracts of employment (L.S. 1952—Eg. 1).

Article 1 of the Convention. Section 1 of Legislative Decree No. 317 defines the persons to which the provisions of the decree apply. However, there is no need to consult the principal organisations of employers and workers for the purpose of defining the line of demarcation prescribed in paragraph 2 of this Article, as this is already defined in the decree.

Article 2. Section 20 of the Legislative Decree provides that every worker who has completed a full year in the service of an employer shall be entitled to 14 days' annual leave with full pay. Section 21 provides that the leave period in excess of the first six days may be taken in instalments where the work renders this necessary; this provision is not applicable to the leave stipulated for young persons.

Article 3. According to section 20 full pay must be granted during the annual leave.

Article 4. The report states that no use is made of this Article.

Article 5. Section 22 of the Legislative Decree provides that an employer may refuse to pay a worker's wages for the leave period if it is established that the worker has worked for another employer during his leave.

Article 6. Section 23 of the Legislative Decree ensures the enforcement of this Article.

Article 7. Section 32 of the Legislative Decree provides that every employer must keep a personal file for each worker employed by him, containing full information regarding the worker's holidays.

Article 8. According to section 52 of the Legislative Decree employers may be fined E£1 to E£10 in the case of breaches of the provisions of the decree.

The Labour Department is entrusted with the application of the above-mentioned legislation.

France.

Acts of 3 August 1956 and 20 July 1957 to amend the Labour Code.

In reply to the observation made by the Committee of Experts the Government states that section 4 of the Decree of 1 August 1936 prohibits any overlapping between a period of sickness and a period of annual paid holiday, and that no use has ever been made of section

54 (*m*) of Book II of the Labour Code, which provides that the annual holiday in certain undertakings may be suspended by the Secretariat of State for Labour.

Greece.

Legislative Decree No. 3755 of 1957 (Official Journal, No. 182, Vol. A, 17 Sep. 1957).

Circular No. 12976 of 26 February 1957 to regulate the manner in which registers of wage earners are to be kept.

Royal Decree of 14 November 1956 (Official Journal, No. 287, Vol. A, 27 Nov. 1956) regarding the suspension, for the year 1956, of the granting of holidays to bakers, provided for by Act No. 539 of 1945.

Section 3 of Legislative Decree No. 3755 of 1957 provides for additional financial penalties in the case of employers who have refused to grant the leave legally due to wage earners; in such cases the amount due to the wage earners for the holiday is trebled.

The possible exception dealt with in section 5 (3) of Act No. 539 of 1945, in virtue of which the Minister of Labour may suspend the right to an annual holiday, has been closely examined by the organisations concerned, that is the Federation of Greek Bakers and the Greek General Confederation of Labour. Consequently, by the Royal Decree of 14 November 1956, workers in bakeries have been exempted from the provisions regarding the granting of holidays, subject to the payment of an increased wage.

As regards the observation made by the Committee of Experts in regard to Article 3 of the Convention the Government states that this Article is fully applied by section 3 of Act No. 435 of 1945, since this provision is interpreted as meaning that lodging must continue to be provided during the holiday period. In special cases the employer pays, for the holiday period, an additional sum in lieu of lodging.

In a letter dated 22 February 1957 the Greek General Confederation of Labour notes that the Convention is fully applied in Greece in virtue of Act No. 539 of 1945, and suggests that the Recommendation concerning holidays with pay should also be applied with a view to improving the legislation.

Israel.

Regulations of 19 May 1957, issued under sections 26 and 36 of the Annual Holidays Act of 1951 (*Kovetz halakanot*, No. 705, 7 July 1957).

Act of 18 July 1957 to amend the Annual Holidays Act of 4 July 1951 (*Sefer hakhukim*, No. 231, 18 July 1957).

The Act of 18 July 1957 provides for the deletion from the Act of 4 July 1951 of section 3, paragraph (*a*) (2), under which workers whose remuneration consists exclusively of a share in profits were excluded from the annual holiday provisions.

The Regulations of 19 May 1957 provide that employers must keep a register showing, *inter alia*, the date of entry into service of workers, the period during which holidays were granted and the holiday remuneration paid, together with the date on which it was paid.

Italy.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 674.

Mexico.

Section 94 of the Federal Labour Act, as interpreted by the courts, means that the employer may reduce annual paid holidays by the number of days during which the worker was absent without valid cause but for which he received wages. This does not affect public holidays or legitimate absences.

Under section 93 of the Federal Labour Act the worker is entitled to his full wages, including seniority bonuses as laid down by collective agreement, in respect of public and annual holidays.

Sections 15 and 677 of the Federal Labour Act, as interpreted by the courts, forbid the worker to relinquish the advantages which he enjoys under the law and further prohibit any money payment in lieu of the granting of holidays.

Uruguay.

Act No. 12353 of 27 December 1956 to amend Act No. 10684 (*Diario Oficial*, 10 Jan. 1957, p. 53 A).

Decree of 24 January 1957 to issue regulations under Act No. 12353 (*Diario Oficial*, 28 Jan. 1957, p. 225 A).

Act No. 12384 of 1 March 1957.

Decree of 26 March 1957 to issue regulations under Acts Nos. 12353 and 12384 in the building industry.

Decree of 9 April 1957 to regulate annual leave for homeworkers (*Diario Oficial*, 12 Apr. 1957, p. 107 A).

Decree of 9 April 1957 to regulate annual leave for workers employed in warehouses for wool, hides and similar commodities.

Decree of 11 April 1957 to regulate annual holidays for persons employed on public works carried out by private undertakings.

For more than 50 years persons employed in the public sector (government service, independent authorities, decentralised agencies, state industrial undertakings and local government) have been entitled to a minimum holiday of 20 consecutive days after one year's service. Once they have ten years' service the holidays are increased by one day per year. In conformity with the Constitution and the new law on the budget, a provision withholding annual leave from officials who had taken more than 60 days' sick leave in any one year has been repealed. Article 4 of the Convention is fully applied. The last subsection of section 9 of Act No. 10684 of 17 December 1945 makes provision for those workers in domestic service and certain types of commerce who are unable to pay for their board and lodging during the holiday period. However, very few persons are involved. The authorities administering the Act are given prior notification of holiday dates and the grant of holidays is effectively checked.

Section 10 of Act No. 10684 deals with technicians (in most cases foreigners) under short-term contracts even if these are for more than one year. No comprehensive regulations on this point have been issued and each case is decided on its merits and does not constitute a precedent. The provision for threefold compensation is an effective deterrent to abuses as regards Uruguayan technicians, all of whom enjoy their holidays in the same way as the other employees of the undertaking to which they belong, and it is used solely to compensate foreigners engaged for short periods.

Act No. 10684 was amended by Act No. 12353 of 27 December 1956 in four respects. The

holiday period was increased from 12 to 20 days; this period was made indivisible; an increase of one day's holiday for every four years' service after the first five years' employment with the same employer was granted; and it was forbidden to grant holidays during Carnival Week and "Touring Week" (Holy Week).

At the request of the workers Act No. 12384 of 1 March 1957 was approved; the provisions regarding indivisibility of holidays and the prohibition on the granting of leave during national holidays, which are contained in Act No. 12353, are suspended.

On the subject of sickness, Act No. 10684 provided that up to 30 days' sick leave may be taken without affecting the period on which leave rights accrue.

Viet-Nam.

The report supplies the following information in reply to the observations made by the Committee of Experts:

Provision is made in Viet-Nam for all or part of the annual holiday to be postponed until the end of the contract; this is to enable foreign workers to accumulate their leave in order to take a holiday in their countries of origin. Amendments to section 208 of the Labour Code are now being drafted to limit to three years the period for which leave may be postponed.

Vietnamese seafarers are covered, where holidays with pay are concerned, by sections 200 ff. of the Labour Code. Provision for special legislation for this class of workers is made in section 1 of the Labour Code.

The question of the deduction of official or customary public holidays from holidays with pay is now being examined by the Department of Labour and it is expected that an amendment will be made to the Order of 24 February 1955 which specifies these holidays.

Inspectors ensure that the legislation is enforced by making personal visits to undertakings. During the period under review the Labour Inspectorate discovered 14 infringements due to failure to keep a register of holidays. The employers concerned have been warned.

Yugoslavia.

In reply to the observation made by the Committee of Experts the Government repeats its statement that no workers in Yugoslavia receive any part of the remuneration in kind, and adds that remuneration in kind is interpreted as any payment in the form of board, lodging, light, etc.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application:

Denmark, Greece, Israel, New Zealand, Viet-Nam.

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

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

Argentina (First Report).

Digest of Maritime and River Law approved by Decree No. 125571 of 16 February 1938.

The regulations concerning the certificates of competency of masters and navigating officers are contained in Chapter XXIX of the Digest and those of engineers in Chapter XXXII.

Article 1 of the Convention. All deck and engine-room staff must hold a certificate attesting their competency to perform their duty on board ship, regardless of the tonnage of the vessel. Certificates are issued by the National Port Authority.

Article 3. The following certificates of competency are issued : for deck personnel : (1) master of foreign trade vessel, (2) first officer, and (3) assistant officer ; for engine-room personnel : (1) engineer, 1st class, (2) engineer, 2nd class, and (3) engineer, 3rd class.

The report gives detailed information concerning the duties for the performance of which such certificates are required.

Article 4. Detailed information is contained in the report concerning the minimum ages and minimum period and nature of the professional experience laid down as conditions to be fulfilled before the different classes of certificates are granted (sections 1016, 1021, 1046, 1049, 1050, 1171, 1172 and 1173). Details are given concerning the nature of the examinations required to be passed for each class of certificate. A first officer can be promoted to the rank of captain without further examination after having served a specified period (section 1049).

Article 5. The application of the above-mentioned legislation is entrusted to the National Port Authority, and to its Department of Shipping Police.

Article 6. Provisions concerning penalties are contained in sections 2304 and 2305 of the Digest.

Bulgaria.

Rule 17 of the Rules concerning ships' crews and the ranks of master and engineer officer

in the merchant fleet of the People's Republic of Bulgaria lays down the following requirements for the grant of officers' certificates of competency :

(1) For certificates of master of small vessels and navigating officer in coastal and foreign-going ships the candidate must : (a) be over 19 years of age ; (b) pass both a theoretical and a practical examination ; (c) have the necessary practical experience and, in the case of navigating and other senior officers, have completed instructional courses at a Bulgarian or foreign school of navigation.

(2) For certificates of master in coastal or foreign-going ships the candidate must possess a certificate of navigating officer for the relevant type of navigation and have acquired the necessary practical experience.

(3) Persons having the necessary higher instruction and 12 months' practical experience may act as 3rd navigating officer in all coastal and foreign-going ships. After 36 months of actual navigation, six of which must have been in foreign-going vessels, they may take the examination to qualify as navigating officer.

To obtain the certificate of engineer officer the candidate must : (a) be over 19 years of age ; (b) pass both a theoretical and a practical examination ; and (c) have the necessary practical experience. For the certificate of engineer of 3rd class and above, candidates must have completed a course of technical study at a Bulgarian or foreign school of navigation.

Particulars are also given of the requirements for obtaining certificates of assistant engineer and trimmer.

A person having the necessary technical instruction may, after 12 months' practical experience, be appointed as 3rd engineer. After 36 months' effective navigation he may sit the examination for 2nd engineer.

Egypt.

Out of a total of 42 engineer officers engaged on board Egyptian vessels only one does not hold the prescribed certificate of competence (Article 3 of the Convention).

France.

A new certificate has been established for mates on board deep-sea fishing vessels. The curricula of studies for the above-mentioned certificate and that of fishing skipper are appended to the report.

Italy.

Presidential Decree No. 651 of 29 April 1956 (*Gazzetta Ufficiale*, 13 July 1956, No. 173).

The above decree introduces minor amendments in the sections of the Regulations under the Maritime Code dealing with minimum age and practical experience required to obtain the

various certificates of competency for engineers. The decree in no way affects the application of the Convention.

New Zealand.

Marine Engineers Examination Regulations, 1957
(New Zealand Statutory Regulations, Serial 1957/135).

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Belgium, Denmark, Finland, France, New Zealand, Norway, United States.

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

54. Holidays with Pay (Sea) Convention, 1936

This Convention is not yet in force

Countries	Date of registration of ratification
Belgium	11. 4.1938
Bulgaria	29.12.1949
France.	19. 6.1947
Mexico.	12. 6.1942
United States.	29.10.1938
Uruguay	18. 3.1954

The voluntary report from *Belgium* 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
Morocco	14. 3.1958
United States.	29.10.1938

Italy.

For the Government's reply to the observa-

tion by the Committee of Experts see *Report of the Committee*, p. 675.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Belgium, Bulgaria, France, Mexico.

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

Countries	Date of registration of ratification
Federal Republic of Germany .	12.12.1956
United Kingdom	30. 9.1944

United Kingdom.

See under Convention No. 24.

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The reports from the following countries

supply information on the practical effect given to the Convention or on minor changes in its application :

Bulgaria, France.

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 ¹	6. 1.1939
United States.	29.10.1938

¹ Conditional ratification.

The voluntary report from Belgium refers to the information previously supplied.

58. Minimum Age (Sea) Convention (Revised), 1936

This Convention came into force on 11 April 1939

Countries	Date of registration of ratification
Albania	3. 6.1957
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
Ghana	20. 5.1957
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	7. 6.1946
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

Argentina (First Report).

The Government refers to previous annual reports supplied on Convention No. 7.

Belgium.

For the Government's reply to an observation by the Committee of Experts see Report of the Committee, p. 675.

Bulgaria.

See under Convention No. 7.

Cuba.

With regard to the observation made by the Committee of Experts the report states that a Presidential Decree raising to 15 years the minimum age for admission to any type of employment has been submitted to the Government.

Denmark (First Report).

Act No. 76 of 31 March 1937 respecting the engagement and signing on and off of ships' crews (L.S. 1937—Den. 2). (Løstidende A, 7 Apr. 1937, No. 11, p. 181.)
Seamen's Act No. 229 of 7 June 1952 (L.S. 1952—Den. 1). (Løstidende A, 19 June 1952, No. 23, p. 485.)

Article 1 of the Convention. The Act of 1952 applies to all Danish vessels.

Article 2. Under section 10 of the Act, young men under 15 years of age and young women under 18 years of age may not be employed on board any vessel. The Act does not provide for the exemption permitted by paragraph 2 of this Article.

Article 3. Section 10 of the Act applies also to persons engaged in training ships.

Article 4. The report refers to section 11 of the Seamen's Act.

The supervision of the enforcement of the Convention is entrusted to the shipping masters.

Japan (First Report).

Mariners' Law No. 100 of 1 September 1947 (*L.S.* 1947—Jap. 5). (*Official Gazette*, 1 Sep. 1947, Extra (1), p. 1.)
 Regulations of the Ministry of Transportation of 1 September 1947 for the enforcement of the above-mentioned Law (*Official Gazette*, 1 Sep. 1947, Extra (1), p. 17).

Article 1 of the Convention. Section 1 of the Law defines the meaning of the term "mariner" used in the Law. It includes every master or seaman who serves on board a Japanese vessel, or a non-Japanese vessel provided for in the Ordinance, and every reservist.

The following vessels are excluded: those of less than five gross tons; those navigating lakes, rivers or within harbours exclusively; and fishing vessels of less than 30 gross tons.

Section 1 of the Regulations defines a "non-Japanese vessel provided for in the Ordinance" as a "non-Japanese vessel held on lease by those who are qualified to own as a 'Japanese vessel'".

Article 2. Section 85 of the Law provides that young persons under 15 years of age shall not be engaged as mariners. This does not, however, apply to vessels on which only members of the same family are employed.

Article 3. The report states that the Mariners' Law does not apply to children on school-ships or training-ships as they are not employees. Training schools for seamen are supervised by the Government, and children under the age of 15 years who have not completed their compulsory education may not enter these training schools.

Article 4. According to the provisions of sections 18, 36 and 37 of the Law and of sec-

tions 12, 18 and 19 of the Regulations, the master of the ship shall keep the shipping articles on board his vessel and enter therein the names, dates of birth, working conditions, etc., of all seamen employed. The master shall apply to the competent authority for certification of the contracts of engagement. The competent authority then examines the contracts to determine whether they are in conformity with the provisions of the Law.

A model of the shipping articles is appended to the report.

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 97 local offices.

During the period under review maritime labour inspectors carried out 16,878 inspections on board ships (86 per cent. of the vessels covered by the Law). No infringements of paragraph 1 of section 85 of the Mariners' Law was found.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application:

Cuba, Italy, Japan, Netherlands.

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

Canada, France, Mexico, New Zealand, Norway, Sweden, Uruguay.

59. Minimum Age (Industry) Convention (Revised), 1937

This Convention came into force on 21 February 1941

Countries	Date of registration of ratification
Albania	3. 6.1957
Byelorussia	6.11.1956
China	21. 2.1940
Cuba	7. 9.1954
Ghana	20. 5.1957
Italy	22.10.1952
Luxembourg	3. 3.1958
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.

In connection with the observation made by the Committee of Experts the Government states that the definition of child labour under section 5 of the Mines Act corresponds to the definition under section 6 of the Factory Act.

Cuba.

See under Convention No. 58.

Italy.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 675.

New Zealand.

Factories Amendment Act, 1956 (New Zealand Statutes 1956, Vol. II, p. 1049).

In response to the request of the Committee of Experts the Government states that the Factories Act, 1946, has been amended by the above-mentioned Act, and includes an express prohibition of the employment in factories of any boy or girl under 15 years of age.

Pakistan (First Report).

Mines Act, 1923 (*L.S.* 1923—Ind. 3).
 Factories Act, 1934 (*L.S.* 1934—Ind. 2).
 Employment of Children Act, 1938 (*L.S.* 1938—Ind. 5).

Article 7 of the Convention. The above enactments apply the provisions of this Article.

Paragraph 2. Reference should be made to sections 50 and 59 (b) of the 1934 Factories Act (amended in 1940).

Paragraph 3. Reference should be made to section 3 of the Employment of Children Act, 1938.

Paragraph 4. Reference should be made to section 26 of the Mines Act, 1923, to section 3 (a) of the Employment of Children Act, 1938, and to section 33 (4) of the Factories Act, 1934.

Paragraph 5. Reference should be made to sections 50, 51 and 51 (b) of the Factories Act, 1934. In order to apply this provision to mining it is proposed to delete the words "which is below ground" from section 26 (a) of the

Mines Act, 1923. A draft amendment to this effect is being prepared.

Responsibility for enforcing these provisions belongs to the inspectors appointed under the Factories Act, 1934, the Employment of Children Act, 1938, and the Mines Act, 1923.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Cuba, Italy, Norway.

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

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
Luxembourg	3. 3.1958
New Zealand	8. 7.1947
Ukraine	14. 9.1956
U.S.S.R.	10. 8.1956
Uruguay	18. 3.1954

Bulgaria.

Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

Under the Labour Code, as amended, no person under the age of 16 may be admitted to employment. In exceptional circumstances persons between 15 and 16 years of age may be employed with the consent of the Inspectorate of Labour and after a compulsory medical examination. The only exceptions in respect of children under the age of 15 years are in

the field of the arts, as stated in section 113 (amended) of the Labour Code. Detailed regulations governing the granting of these exceptions will shortly be issued in the form of an ordinance. No other exceptions are allowed.

Cuba.

See under Convention No. 58.

Italy.

See under Convention No. 59.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Cuba, Italy.

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

New Zealand, Uruguay.

61. Reduction of Hours of Work (Textiles) Convention, 1937

This Convention is not yet in force

Countries	Date of registration of ratification
New Zealand	29. 3.1938

The voluntary report from *New Zealand* refers to the information previously supplied.

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.

Royal Order of 10 July 1957 to amend the General Labour Protection Regulations (*Moniteur belge*, 8 Aug. 1957, No. 220, p. 5608).

The provisions of the above-mentioned Order give effect to Article 7, paragraph 8, and Article 13 of the Convention, with regard to which the Committee had made an observation in 1957.

Bulgaria.

Resolution of 26 July 1952 respecting arduous and unhealthy work in which the employment of women and young persons between the ages of 14 and 16 is prohibited (*Izvestia*, No. 65, 4 Aug. 1952). Regulation of 30 December 1953 concerning the inspection of lifting gear (*Izvestia*, No. 14, 16 Feb. 1954).

In reply to the observation made by the Committee of Experts the report states that the provisions of the two above-mentioned texts implement Articles 11, 12, 13 (2), and 14 (1) of the Convention.

Finland.

With reference to the hope expressed by the Committee in 1957 the Government states that a Bill on occupational safety contains mandatory provisions which will entail a revision of the safety regulations in the building industry.

France.

For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee*, p. 675.

Federal Republic of Germany (First Report).

Industrial Code.

Federal Insurance Code.

Ordinance concerning elevators.

Safety Regulations for hoisting equipment of 1 April 1934.

Safety Regulations for Scaffolds of 1 March 1953.

Safety Regulations for Work on Roofs of 1 January 1955.

Safety Regulations for Ladders and Steps of 1 January 1955.

Safety Regulations for the Building Industry (1956 Edition).

Safety Regulations for Winches of 1 March 1956.

No enactment or amendment of legislation was necessary to permit ratification.

Article 1, paragraph 1, of the Convention. In its report the Government refers, in particular, to section 120 (a) of the Industrial Code and to section 848 (a) of the Federal Insurance Code.

Paragraph 2. A three-yearly report appended to the report on the Convention indicates on general lines the extent to which effect has been given to the provisions of the Model Code annexed to the Safety Provisions (Building) Recommendation, 1937.

Article 2, paragraph 1. Legislative provisions and regulations make no distinction between the various types of construction work mentioned in this Article.

Paragraph 2. Only the safety regulations issued by the Mutual Accident Insurance Associations for the Building Industry (section 2) provide for possible minor exemptions to be granted by the board of directors in cases where particular difficulties render full compliance with the provisions of the regulations impracticable, and where other safety measures ensure the protection of the workers. Works councils must be consulted where they exist. When there are no such councils the board of directors of the insurance associations takes the decision, generally in the presence of a representative of the insured persons, but in urgent cases it may take the decision alone.

Article 3. The report refers to sections 3, 4, 5, 9 and 308 of the Regulations for the Building Industry.

Article 4. Sections 120 (d) and 139 (b) of the Industrial Code and sections 874, 875 and 878 of the Federal Insurance Code provide for the setting up of two systems of inspection, and specify the rights and duties of the inspectors.

Article 5. There are no general exemptions in respect of particular areas, localities or kinds of building operations.

Article 6. Comprehensive annual reports containing statistical data published by the various insurance associations for the building industry are appended to the report.

Article 7. The report refers to sections 10, 11.1, 24.1 and 32.2 of the Safety Regulations for the Building Industry and to sections 20, 25.1, 26, 28.1 and 30 of the Safety Regulations for Scaffolds.

The employer is responsible for proper and safe erection of the scaffold. Any employer making use of the scaffold is responsible for its proper maintenance and use.

Article 8. The report refers to sections 21.1, 23.1 and 23.3 of the Regulations for Scaffolds and to sections 19 and 20 of the Regulations for the Building Industry.

Article 9, paragraph 2. The report refers to sections 1.1, 2 and 3 of the Safety Regulations

for Work on Roofs, to section 21.2 of the Safety Regulations for Scaffolds and to sections 19, 21 and 24 of the Safety Regulations for the Building Industry.

Article 10. The report refers to sections 22.1, 28.4, 30.2 and 30.7 of the Regulations for Scaffolds, and to section 42 of the Regulations for the Building Industry.

Article 11, paragraph 1. Section 4 of the Ordinance concerning elevators states that elevators, which include all types of building hoists, must comply with the recognised rules of science and engineering and with the rules worked out by the German Elevator Committee which form part of this Ordinance.

Section 137 of the Regulations for the Building Industry refers to the Ordinance concerning elevators, and section 138 (1) and (2) of the same Regulations deals with the approval of cranes by competent authorities and the static stability of cranes. Section 2 of the Safety Regulations for Winches refers in a general way to the recognised rules of engineering.

Paragraph 1 (b). Section 10 (1) of the Ordinance concerning elevators requires that hoists must be used in conditions of safety and operated by competent personnel. The report also refers to paragraph 4 (dealing with the general obligations of the employer).

Section 137 of the Regulations for the Building Industry refers to the Ordinance concerning elevators, and section 138 (4) of the same Regulations requires the periodical (at least annually) inspection of hoisting appliances. Parts which are directly used for the lifting or carrying of loads such as ropes and chains must be checked more often.

Paragraph 2. The report refers to sections 21(1), 137 and 138 (4) and (5) of the Regulations for the Building Industry.

As regards Article 11 of the Convention as a whole the report gives, on the basis of the technical requirements appended to the Ordinance concerning elevators, detailed technical information. In this connection the report also states that the existing Safety Regulations for Hoisting Equipment are being revised.

Article 12. The report refers to sections 12 and 13 of the Ordinance concerning elevators, to sections 17 and 24 of the Regulations for Winches and sections 11, 138 (1) and (4) of the Regulations for the Building Industry.

Article 13. The report refers to the texts cited under Article 12.

Article 14, paragraph 1. The report refers to section 12 of the Ordinance concerning elevators, and to section 138 (3) and (4) of the Regulations for the Building Industry.

Article 15, paragraph 1. The report refers to section 5 of the Ordinance concerning elevators.

Paragraph 2. The report refers to section 138 (6) to (8) of the Regulations for the Building Industry, and to sections 4, 5, 12 and 18 of the Safety Regulations for Winches.

Paragraph 3. The report refers to section 139 of the Regulations for the Building Industry.

Article 16. The report refers to sections 4 (1), 6 and 12 of the Regulations for the Building Industry.

Article 17. The report refers to section 4 (1) of the Regulations for the Building Industry.

Article 18. The report refers to sections 298 to 307 of the same Regulations.

The supervision of the application of the requirements contained in the Industrial Code is entrusted to the highest labour authorities of the federal states and the enforcement of the provisions of the Federal Insurance Code to the Mutual Accident Insurance Associations for the Building Industry.

The report states that the practical application of the Convention is ensured by strict application of the safety regulations. As regard statistics, it refers to the annual report of the Labour Inspectorate.

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

Mexico.

In reply to the observations made by the Committee of Experts the Government supplies the following information :

Article 3 of the Convention. Labour laws and regulations are published in the official gazette (*Diario Oficial*) and the authorities responsible for ensuring compliance with this legislation are the federal and local labour authorities.

Article 8. Sections 14, 70 and 80 of the Building Regulations issued by the relevant department of the Federal District give effect to this Article.

Article 9. The provisions of this Article are applied by sections 527, 529, 532 and 533 of the Regulations of 1934 respecting the prevention of accidents in industry.

Article 10. Section 510 of the above-mentioned Regulations requires lighting to be provided on all sites where night work is carried on.

Articles 11 to 15. Sections 512 to 525 of the same Regulations contain prescriptions regarding hoisting apparatus and the safety devices thereto.

Article 18. Section 50 of the Regulations of 1934 provides that, in addition to the arrangements made by each firm to render immediate first aid for persons injured in industrial accidents, the Safety Committee must give instructions to the workers regarding first aid in event of injury and the use of pharmaceutical supplies and equipment.

Uruguay.

The Government reports that new regulations under Act No. 5032 and the Convention are now nearing completion. These regulations will meet all the observations made by the Committee of Experts in 1957.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Belgium, Finland, France, Federal Republic of Germany, Netherlands, Poland, Switzerland, Uruguay.

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 ¹	5. 9. 1939
Burma	4. 3. 1955
Canada	6. 4. 1946
Ceylon ³	25. 8. 1952
Chile ²	10. 5. 1957
Cuba	7. 9. 1954
Czechoslovakia	12. 6. 1950
Denmark ²	22. 6. 1939
Egypt ^{2 3}	5. 10. 1940
Finland ²	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 ¹	18. 1. 1940
Norway ²	29. 3. 1940
Sweden ²	21. 6. 1939
Switzerland ^{2 3}	23. 5. 1940
Union of South Africa ^{1 3}	8. 8. 1939
United Kingdom	26. 5. 1947
Uruguay	18. 3. 1954

¹ Excluding Part II.

² Excluding Part III.

³ Excluding Part IV.

Burma (First Report).

Employment Statistics Act No. LIV of 1948.
Ministry of Public Works and Labour Notification
of 18 May 1949.
Employment Statistics Rules of 1954.

Article 2 of the Convention. The report states that Parts III and IV have not been accepted.

Article 4. Inquiries are made by means of questionnaires sent to employers.

Article 5. Statistics are under compilation and it is hoped to publish them on or about November 1957. The present inquiry covers about 4,500 industries and establishments.

Article 7. Payments in kind are not common in the industries covered.

Article 8. No family allowances are received by workers.

Article 11. Where figures do not relate to the whole country this is to be indicated in the publication.

Article 12. Index numbers are being compiled.

The Director of Labour has been appointed the Statistical Authority under the Employment Statistics Act.

The employers' response to the inquiry is poor because of lack of interest and illiteracy.

Ceylon.

Article 10 of the Convention. Action is being taken to compile statistics of average earnings and of hours actually worked for each sex and for adults and juveniles separately, wherever practicable.

Finland.

Article 5 of the Convention. Statistics of average earnings in building and construction have been collected since the beginning of 1955, and data for 1955 and 1956 were published in *Social Tidskrift (Social Review)* in 1956 and 1957.

France.

Article 15 of the Convention. In reply to the observation of the Committee of Experts the Government states that the extension of statistics of time rates of wages to occupations in industries other than the metallurgical industries is being studied.

Federal Republic of Germany.

Article 7 of the Convention. Since February 1957 the value of allowances in kind has been compiled separately.

Article 12. Figures for the mining industry will probably be included in the index numbers of average earnings as from August 1957.

Article 20. Statistics of rates of pay based on collective agreements, published since September 1956, give particulars of allowances in kind in bituminous and lignite mining and in the brewing industry.

Article 21. Index numbers of time rates of wages are in process of computation, and will probably be completed by October 1957.

Mexico.

In reply to the observation made by the Committee of Experts in 1957 the Government supplies the following information:

Article 5 of the Convention. Statistics are provided of average earnings and total (not average) hours of work in each of the principal manufacturing industries, and average earnings and average hours of work in building and construction.

Article 7. Particulars are furnished of payments in kind.

Article 8. Particulars are furnished of family allowances.

Article 10. Statistics are not compiled separately by sex or for juveniles because of the very minor importance of women and young workers in the industries covered.

Article 12. Index numbers are provided for each of the series, including index numbers of hours of work.

Articles 13 to 21. Statistics of time rates of wages and normal hours of work are not provided since they fall outside the jurisdiction of the Ministry of Labour and Social Security.

Article 22. Statistics of wages (minimum rates of pay) in agriculture are provided, together with index numbers.

A statistical appendix transmitted with the report contains the series indicated above as “provided”, and references to the publications in which some series appear are also given.

New Zealand.

Although Part II of the Convention was excluded from ratification, statistics of average earnings and actual hours of work in the principal mining and manufacturing industries and building and construction have been collected twice a year, starting in April 1957.

Norway.

Article 10 of the Convention. The Central Bureau of Statistics obtained the consent of the Norwegian Employers' Confederation to prepare data showing average hours worked in member undertakings. This makes possible

the calculation of average hours of work separately for males and females in manufacturing, mining, and building and construction.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Canada, Denmark, Finland, France, Federal Republic of Germany, Netherlands, New Zealand, Norway, Sweden, Switzerland, Union of South Africa, Uruguay.

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

Cuba, Egypt, Ireland, United Kingdom.

64. Contracts of Employment (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

Countries	Date of registration of ratification
Belgium ¹	26. 7.1948
Ghana	20. 5.1957
Federation of Malaya	11.11.1957
New Zealand ¹	8. 7.1947
United Kingdom ¹	24. 8.1943

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

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

New Zealand, United Kingdom.

65. Penal Sanctions (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

Countries	Date of registration of ratification
Ghana	20. 5.1957
Federation of Malaya	11.11.1957
New Zealand ¹	8. 7.1947
United Kingdom ¹	24. 8.1943

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

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

New Zealand, United Kingdom.

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

A copy of the above-mentioned resolution is appended to the Government's report; it contains regulations under section 34 (j) of Legislative Decree No. 800 of 1936, regarding the work books to be issued to bus and lorry drivers, conductors and their assistants.

* * *

Cuba.
Resolution No. 3136 of 9 January 1956, issued by the Ministry of Transport.

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

68. Food and Catering (Ships' Crews) Convention, 1946

This Convention came into force on 24 March 1957

Countries	Date of registration of ratification
Argentina	24. 9.1956
Belgium	5.12.1951
Bulgaria	29.12.1949
Canada	19. 3.1951
France	9.12.1948
Ireland	12. 6.1956
Italy	22.10.1952
Norway	28. 1.1957
Poland	13. 4.1954
Portugal	13. 6.1952
United Kingdom	6. 8.1953

latitude and are engaged in the transport of cargo or passengers for the purpose of trade. The Regulations govern the scale of provisions of food and water to be carried on board, the spaces and equipment used for the storage and handling of food and water, and the galley and other equipment used for the preparation and service of meals. There are also provisions concerning enforcement and penalties as well as the carrying out of weekly inspections at sea by the master or an officer deputed by him; the results of such inspections must be recorded in the ship's log-book and produced to an official inspector upon demand. A schedule to the Regulations sets out the standard quantities of various items of food and drink, or permissible substitutes, making up the weekly ration for each crew member. Specimen copies of the form of report used for recording weekly inspections are appended to the Government's report. Enforcement of the Regulations is entrusted to the Department of Transport in co-operation with the Department of National Health and Welfare.

Canada (Voluntary Report).
Canada Shipping Act—Ships' Crews Food and Catering Regulations (Order in Council P.C. 1957-284 of 28 February 1957).
The Convention came into force for Canada on 24 March 1957. The Regulations apply to ships registered in Canada which are engaged in foreign voyages or home-trade voyages extending south of the 36th parallel of north

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

Countries	Date of registration of ratification
Netherlands	23. 2.1951
Norway	6. 3.1952
Poland	13. 4.1954
Portugal	13. 6.1952
United Kingdom	29. 7.1949

Belgium.

Basic Act of 11 July 1957 respecting maritime training.

The above Act makes possible the issue of Orders giving effect to the provisions of the Convention. An appropriate draft Order is being considered by the competent authorities.

Bulgaria.

In connection with the Committee of Experts' request for information the report states that regulations to give effect to the Convention are under consideration.

France.

Ministerial Order No. 10 of 26 March 1957 to amend the Order of 29 July 1953 concerning the issue of the certificate of qualification as ships' cook (*Bulletin officiel de la Marine marchande*, Apr. 1957).

Ministerial Order No. 23 of 4 July 1957 concerning the issue of the certificate of qualification as ships' cook (*Bulletin officiel de la Marine marchande*, July 1957).

Of the two Orders mentioned above the first completes the list of qualifications for obtaining a certificate of ships' cook while the second puts into conformity with the Convention the provisions relating to seamen having served two years as ships' cook prior to the expiry of the three years' period of grace from the date of entry into force (Article 5 of the Convention).

In reply to an observation made by the Committee of Experts in 1957 the report states that the certificates provided for by section 4

of the Order of 29 July 1953 are issued in conformity with the requirements of Article 4 of the Convention.

Italy.

Presidential Decree No. 1065 of 14 July 1957 to approve the regulations concerning examinations and issue of certificates of qualification for ships' cooks (*Gazzetta Ufficiale*, 22 Nov. 1957, No. 288).

Following the observations made by the Committee of Experts the Government has issued the above decree which states expressly that its provisions are intended to give effect to the Convention.

Poland.

A draft decree concerning certificates of competency of officers and ratings on board Polish vessels was issued by the Ministry of Shipping on 3 November 1956. Following consultations now in progress with the seafarers' and fishermen's union, the final text of this decree is expected to be promulgated shortly.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application:

Ireland, Netherlands, Norway, United Kingdom.

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

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

Argentina (First Report).

Digest of Maritime and River Law, approved by Decree No. 125571 of 16 February 1938.

Under section 1394 of the above-mentioned Digest medical examination, or the possession of a health certificate, is compulsory for all merchant navy personnel. Under section 1395, persons seeking registration as seafarers on board ships of Argentine registry must produce a health certificate, issued by the Ministry of Health. Under section 1396, seafarers on

applying for a new competency certificate and on such other occasions as may be prescribed must be examined by the naval health authority or medical committees. Under section 1397, apart from cases covered by sections 1395 and 1396, a crew member may at any time be required to undergo a medical examination if he has contracted an infectious disease which may endanger the health of the crew or the safety of navigation and of other persons. Under section 1401, personnel who fail to pass the medical examination because of a curable condition may be readmitted whenever a naval medical committee considers that the causes for their rejection no longer exist.

The authorities entrusted with the application of the above legislation are the General Directorate of Social Welfare in the Ministry of Health, the medical committees of the Navy and the Health Department of the National Maritime Prefecture. During the period under review 370 young persons and 7,383 adult seafarers underwent medical examinations.

Belgium.

In reply to the observations made by the Committee of Experts in 1957 the Government provides the following information:

Articles 4, 5, 6, paragraph 1, and 8 of the Convention. A draft Royal Order has been prepared, in consultation with the shipowners' and seafarers' organisations concerned, with a view to bringing Belgian legislation into conformity with these Articles. It is expected to come into force by 30 June 1958.

Article 6, paragraph 2. The terms and conditions of employment of seafarers engaged, in cases of urgency, without a medical certificate are the same as those for seafarers in the same category holding a medical certificate.

Paragraph 3. The application of this provision does not give rise to any difficulty as seafarers have been subject to medical examination in Belgium for a number of years.

Bulgaria.

With respect to the observations made by the Committee of Experts the Government states that special regulations concerning the medical examination of seafarers are under consideration.

Finland (First Report).

Decree No. 157/52 of 4 April 1952, as amended by Decree No. 164/55 of 15 April 1955, concerning seafarers' medical examination (*Finlands Författningssamling*, 1952, No. 157-161, and 1955, No. 159-168).

Decree No. 275/56 of 4 May 1956 to apply the Medical Examination (Seafarers) Convention (*Finlands Författningssamling*, 1956, No. 257-278).

Article 1 of the Convention. Decree No. 157/52 applies to all persons employed on board a Finnish sea-going vessel other than (1) a vessel owned by the State and employed for purposes of national defence; (2) a fishing vessel not operating outside the Baltic Sea; (3) a vessel of less than 200 gross registered tons on which only members of the owner's family are employed; and (4) pleasure yachts.

Article 2. Decree No. 157/52 does not apply to pilots, dockers or other persons who are not crew members and who work on board ship only temporarily.

Article 3. According to section 1 of the Decree No. 157/52, "no person shall be engaged for employment on board a vessel unless he produces a medical certificate issued not more than one month previously, attesting to his fitness for service at sea and for the work for which he is to be employed". There are two exceptions to section 1 of Decree No. 157/52: (a) by Decision No. 159/52 of the Ministry of Commerce and Industry a master can be allowed to remain in employment even though his sight, hearing, colour vision and general physical condition are below the standard required for officers of the Merchant Navy, if the Shipping Department determines that he is still able to carry out the functions of a ship's master; (b) by Decision No. 168/55 of the Ministry of Commerce and Industry, seamen, other than ships' masters, whose sight and hearing are not fully in accordance with the requirements laid down may be allowed to continue in employment, if they were admitted to service at sea before 1 January 1953 or if they satisfied the requirements when first employed, and if the Shipping Department so decides on the basis

of a medical certificate stating that they are nevertheless able to carry out their particular functions.

According to section 3 of Decree No. 164/55 the medical certificate is issued by a medical practitioner approved by the Shipping Department. Where the seafarer is engaged in the provinces or abroad, the certificate may be issued by another approved medical practitioner or by a person to whom this function has been temporarily delegated.

Article 4. Section 8 of Decree No. 157/52 provides that the Shipping Department, after consultation with the Health Department and the shipowners' and seafarers' organisations concerned shall make detailed rules regarding the medical examination to be carried out and shall establish the form of the certificate.

Section 4 of Decree No. 157/52 (as amended by Decree No. 164/55) provides that the medical certificate shall attest (1) that the seafarer is physically fit for the work to be performed; (2) that his eyesight and hearing are satisfactory and, if he is to be employed in the deck department, that he has normal colour vision; (3) that he is not suffering from any injury or disease which may interfere with his work, nor from any disease likely to be aggravated by service at sea or likely to endanger the health of other persons on board; and (4) if he is under 18 years of age that his health or physical development are not likely to be endangered by starting or continuing service at sea.

On 3 May 1955 the Shipping Department, after consulting representatives of shipowners' and seafarers' organisations, established the form of the medical certificate and gave instructions as to the procedure to be followed as regards the medical examination (a copy of the form of certificate and of the instructions are appended to the report).

Article 5. According to section 1 of Decree No. 157/52, if employment is continuous a new medical examination must be carried out within two years from the date of issue of the previous certificate. A medical certificate which expires during a voyage remains valid until the end of that voyage.

No special certificate is issued in Finland for colour vision.

Article 6. Section 2 of Decree No. 157/52 allows seafarers to be engaged in urgent cases without a valid medical certificate if prior permission has been obtained. In such cases the medical examination should, if possible, be carried out at the next port of call. The requirement that the seafarer should undergo a medical examination must be noted in the ship's log book and the Shipping Department must be notified.

It has not been considered necessary to adopt legislative provisions covering paragraphs 2 and 3 of this Article.

Article 7. No advantage has been taken of the provisions of this Article.

Article 8. Section 5 of Decree No. 164/55 enables a seafarer to appeal against the results of his medical examination. A fresh examination must be carried out by two medical practitioners who are independent of any shipowner or shipowners' or seafarers' organisations

and are appointed by the Shipping Department in consultation with the Department of Health.

Article 9. No advantage has been taken of the provisions of this Article.

The Shipping Department is entrusted with the enforcement of the above-mentioned legislation, which applies to about 9,000 seafarers.

France.

Decree of 13 September 1936 concerning special medical inspection committees for merchant seamen. Instruction No. 115 CM/4 of 25 May 1943 concerning the physical fitness of merchant seamen.

In reply to the request made by the Committee of Experts in 1957 the Government supplies the following information :

Article 4. The medical certificate delivered to the authorities to enable them to enter seafarers on the crew list contains no medical information, since this would involve a breach of medical secrecy, but only deals with the seafarer's fitness for particular types of work. The seafarers' health services, however, keep a medical record card for each seafarer, showing the results of all medical examinations.

The form of the medical record card used by the seafarers' health services shows that a thorough physical examination and a complete X-ray examination are required when the seafarer first signs on and in periodical annual examinations carried out under the special system of social insurance for seafarers. Since the shipowners' and seafarers' organisations are aware of the form of certificate used and the procedure followed to preserve medical secrecy, and have made no observations, there is no need to take any new measures. Nor have any specific measures been taken to prescribe the nature of the medical examination for entry on the crew list required by section 8 of the Act of 13 December 1926. This examination is carried out at the shipowner's expense by the ship's doctor, by a doctor belonging to the shipowners' medical service, or by a doctor approved by the maritime authority, who are all qualified medical practitioners. Moreover, the fact that the shipowner is liable, for a period of four months, to pay the wages and other expenses of a seafarer falling ill during a voyage ensures that the seafarer is given a thorough medical examination. The certificate required to be delivered to the authorities must have been issued not more than a few days previously. A new certificate is required each time a seafarer embarks and the provisions relating to holidays with pay ensure that he cannot embark for periods longer than ten to 14 months.

In accordance with Instruction No. 115 CM/4 of 25 May 1943 seafarers who have been found unfit by a shipowner's doctor can ask for a further examination by a doctor of the seafarers' health service.

Italy.

In reply to the observations made by the Committee of Experts in 1957 regarding the application of Articles 4 and 5 of the Convention the Government states that this question has again been taken up, in consultation with

the sickness funds and the shipowners' and seafarers' organisations concerned.

The matter cannot, however, be settled immediately since the legislation would have to be amended.

Japan (First Report).

Mariners' Law No. 100 of 1 September 1947 (*L.S.* 1947—Jap. 5). (*Official Gazette*, 1 Sep. 1947, Extra (1), p. 1.)

Regulations of the Ministry of Transportation of 1 September 1947 for the enforcement of the above-mentioned Law (*Official Gazette*, 1 Sep. 1947, Extra (1), p. 17).

Articles 1 and 2 of the Convention. Section 1 of the Law defines "mariner" as including every master or seaman serving on board a Japanese vessel, or a non-Japanese vessel as provided by ordinance. Section 2 defines "seaman" as including every person, except the master, employed as a member of the crew on a vessel engaged in maritime navigation. The vessels referred to in section 1 of the Law do not include (a) those of less than five gross tons; (b) those navigating lakes, rivers or within harbours exclusively; or (c) fishing vessels of less than 30 gross tons.

The Law does not apply to a pilot who is not a crew member, a travelling docker or a person employed in ports who is not ordinarily employed at sea. It does, however, apply to a person employed on board by an employer other than the shipowner.

Article 3. A shipowner may not take into his service any person not possessing a certificate attesting to his fitness for sea service from a doctor designated by the competent authority (section 81 (1) of the Law). This certificate must be entered in the mariner's pocket-ledger (section 54 of the Regulations).

Article 4. Section 81 (3) of the Mariners' Law provides that necessary matters connected with certificates of health shall be provided for by Ordinance, and section 121 provides that no Ordinance issued under the Law shall be enacted unless an extensive hearing is given in respect of the draft thereof to mariners' and shipowners' representatives.

Section 54 of the Regulations prescribes the nature of the medical examination and table 2 (standards for passing health examinations) annexed to the Regulations specifies the various diseases and physical defects disqualifying a person from sea-service, and lays down standards of hearing and eyesight for various categories of seafarers.

The Minister of Transportation, as the competent authority, prescribes the nature of the medical examination and the particulars to be included in the medical certificate. These particulars are given in Form No. 16 of the Regulations.

Article 5. A medical certificate is valid for one year, and a certificate relating to colour vision for six years. If a certificate expires during a voyage it continues in force until the end of that voyage (section 54 of the Regulations).

Article 6. The provisions concerning medical examination do not apply in cases of unavoidable necessity. In such cases the shipowner

must take immediate steps to enable the person concerned to obtain a health certificate at the next port of call, and may not continue to employ a person to whom a certificate is subsequently refused (section 81 of the Law).

Although discriminatory treatment of a seafarer engaged in urgent cases without a medical certificate is not expressly prohibited, such discrimination does not arise in practice since the marine authority investigates the working conditions of seafarers and instructs employers to provide not less favourable conditions in the case of persons not in possession of a medical certificate. The number of cases in which permission is granted to engage a person without a medical certificate is believed to be few.

Article 7. No provision exists.

Article 8. There is no specific provision applying this Article, but doctors designated by the Minister of Transportation under section 81 of the Law mostly have no connection with shipowners' and seamen's organisations ; should a person be disqualified, he may possibly be re-examined by other designated doctors.

Article 9. No functions are delegated.

The legislation is enforced by the Ministry of Transportation, and various subordinate agencies. Mariners' labour inspectors are employed in 88 offices in the main ports all over Japan. During 1956-57 about 86 per cent. of the vessels covered by the Law were inspected and 2,423 cases of infringements of section 81 found.

Poland.

The Legislative Committee of the Council of Ministers has recently approved a draft Ordinance concerning the medical examination of seafarers, which will shortly be published.

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The report from Norway supplies information on the practical effect given to the Convention.

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

Canada, Uruguay.

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
Ireland	21. 6.1957
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.

Poland.

See under Convention No. 69.

United Kingdom.

Merchant Shipping (Certificates of Competency as A.B.) (New Zealand) Order No. 1895 of 1956.

Certificates of competency as able seaman issued in New Zealand are recognised under the provisions for the recognition of certificates issued in other parts of the Commonwealth.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

France, Netherlands.

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

Canada, United States.

77. Medical Examination of Young Persons (Industry) Convention, 1946

This Convention came into force on 29 December 1950

Countries	Date of registration of ratification
Albania	3. 6.1957
Argentina	17. 2.1955
Bulgaria	29.12.1949
Byelorussia	6.11.1956
Cuba	13. 1.1954
France	28. 6.1951
Guatemala	13. 2.1952
Haiti	12. 4.1957
Hungary	8. 6.1956

Countries	Date of registration of ratification
Iraq	13. 1.1951
Israel	23.12.1953
Italy	22.10.1952
Luxembourg	3. 3.1958
Poland	11.12.1947
Ukraine	14. 9.1956
U.S.S.R.	10. 8.1956
Uruguay	18. 3.1954

Argentina (First Report).

See under Convention No. 78.

Bulgaria.

Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

Under section 120 of the Labour Code, as amended, wage and salary earners under 18 years of age are only admitted to employment after a thorough medical examination. Work permits for young persons under 18 years of age are only issued by the appropriate Labour Inspectorate when their health is shown by medical examination to be satisfactory, having regard to the nature of the work, and the possibility of its being laborious, unhealthy or dangerous. The Labour Protection Services are empowered to inquire whether the necessary permit has been issued. Wage and salary earners under 18 years of age are also subject to periodic re-examination.

France.

Undertakings in which children are employed under the authority of their father, mother or guardian are covered by Act No. 46-2195 of 11 October 1946 relating to industrial medical services. On the other hand, children working on their own account are independent workers and are, in general, not covered by labour legislation.

Guatemala (First Report).

Constitution of the Republic of 6 February 1956 (L.S. 1956—Guat. 1).
Labour Code of 8 February 1947 (L.S. 1947—Guat.1, and 1948—Guat.1).

Under article 149, paragraph 20, of the Constitution, ratified Conventions have the force of law.

Article 2 of the Convention. Work permits for young persons are issued by the General Labour Inspectorate. Before issuing a permit the Inspectorate ascertains the conditions under which the young person will be working and orders his medical examination by the medical services of the General Directorate of Public Health. A work permit is issued only if the examination confirms the young person's good health and physical fitness and a favourable opinion is expressed by the Inspectorate of Undertakings and Social Welfare Section. Work permits issued to young persons specify the work on which they will be employed and the minimum protective measures to be taken in addition to those prescribed by law.

Article 3. The law on social security covers all workers, including young persons. The Social Security Institute of Guatemala requires for each insured person in specified cases the establishment of a card indicating his state of health. In the case of young persons their state of health is checked by the social welfare workers of the General Labour Inspectorate. Under regulation 56 of the General Accident Prevention Regulations, all insured persons may at any time be required to submit themselves to a general medical examination

by the Directorate of the Medical Services of the Social Security Institute of Guatemala.

Article 5. Examinations to determine the state of health and fitness of young workers are carried out free of charge in the official medical centres.

Article 6. In addition to the special protection provided for him by the law, the young worker enjoys the same rights as those which the Labour Code provides for adult workers. Consequently, where the medical examination reveals an unsatisfactory state of health, the Social Security Institute prescribes the measures to be taken, such as the granting of sick leave or the placing of the worker in employment suited to his physical condition. Under regulation 57 of the General Accident Prevention Regulations, whenever a general medical examination reveals that an insured person suffers from any sickness or handicap which may cause an accident to himself or others, he must be declared temporarily unfit for purposes of rehabilitation until the physician nominated by the Institute is satisfied that the risk in question has disappeared or has diminished considerably or that there is no possibility of improvement. If the Social Security Institute states that the risk may be eliminated or diminished by a change of occupation the employer must, if possible, make such a transfer within his own undertaking.

Article 7. The original permit is kept by the employer.

The Ministry of Labour and Social Welfare and the General Labour Inspectorate are responsible for the enforcement of the legislation (Labour Code, sections 274 and 278, as amended by Government Decree No. 570, and Legislative Decree No. 1117 of 15 October 1956). The Ministry is studying regulations to give fuller effect to the Convention.

Israel.

With reference to the observation by the Committee of Experts on the measures taken to give effect to Article 4, paragraph 2, of the Convention, the Government states that during the period under review the Labour Inspectorate was not in a position to organise the medical inspection of young workers between the ages of 18 and 21 years.

Italy.

With reference to the observation by the Committee of Experts the Government reiterates that the whole question of the employment of young persons is under active consideration in connection with the revision of Act No. 653 of 26 April 1934, relating to the protection of women and young persons. Owing to the complexity of the problems involved and the undesirability of adopting partial solutions, it has not yet been possible to enact revised legislation. The Ministry of Labour is, however, undertaking the necessary study and research with a view to bringing the national legislation, as soon as possible, into complete conformity with the Convention.

The report from *Cuba* supplies information on the practical effect given to the Convention.

The reports from the following countries

merely reproduce or refer to the information previously supplied :

Poland, Uruguay.

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
Albania	3. 6. 1957
Argentina	17. 2. 1955
Bulgaria	29. 12. 1949
Byelorussia	6. 11. 1956
Cuba	7. 9. 1954
France	28. 6. 1951
Guatemala	13. 2. 1952
Haiti	12. 4. 1957
Hungary	8. 6. 1956
Israel	23. 12. 1953
Italy	22. 10. 1952
Luxembourg	3. 3. 1958
Poland	11. 12. 1947
Ukraine	14. 9. 1956
U.S.S.R.	10. 8. 1956
Uruguay	18. 3. 1954

Argentina (First Report).

Act No. 11317 of 30 September 1924 to regulate the employment of women and young persons (*L.S.* 1924—Arg. 1). (*Crónica Mensual del Departamento Nacional del Trabajo*, Sep. 1924, No. 81, p. 1417.)

Decree No. 14538 of 3 June 1944 respecting the organisation of industrial apprenticeship and the regulation of the employment of young persons (*L.S.* 1944—Arg. 1). (*Boletín Oficial*, Vol. LII, 13 July 1954, No. 14944, pp. 4-6.)

Decree No. 7251 of 26 March 1949 to provide for the medical examination of young persons between the ages of 14 and 18 years who apply for work permits by the Ministry of Health, prior to any other technical or occupational examination (*L.S.* 1949—Arg. 4). (*Boletín Oficial*, 31 Mar. 1949, No. 16315, p. 1.)

Legislative Decree No. 5568 of 27 May 1957 to amend section 1 of Act No. 11317 of 30 September 1924 (*Boletín Oficial*, 16 July 1957, p. 2.)

Article 2 of the Convention. Under section 35 of Decree No. 14538 of 3 June 1944 the Secretariat of Labour and Welfare is required to make provision, in agreement with the National Directorate of Public Health and Social Assistance, for the medical examination of all young persons applying for employment permits. Under section 1 of Decree No. 7251 of 26 March 1949 the medical examination of young persons of either sex between the ages of 14 and 18 years who apply for work permits is to be carried out by the Ministry of Health.

Section 35 of Decree No. 14538 also provides that in initial medical examinations and in periodical re-examinations account shall be taken of the physical condition of the young person in relation to the nature, methods and characteristics of the work he is to perform, the conditions of safety and hygiene obtaining at the place where he is to perform his work and the implements which he is to use. Similarly, section 4 of Decree No. 7251 provides

that the Ministry of Health shall supply every young person with a health book indicating his degree of organic and functional capacity for the type of work he wishes to take up or which has been offered to him.

Article 3. Medical supervision of the fitness of young persons for employment is provided for by section 35 of Decree No. 14538 and medical re-examination at intervals not exceeding one year by section 2 of Decree No. 7251.

Article 4. The employment of young persons under 18 years of age in dangerous or unhealthy occupations is prohibited (section 9 of Act No. 11317 of 30 September 1924). There is at present no provision for medical examination of persons over 18 years of age employed in such occupations.

Article 5. The health book is issued free of charge (section 4 of Decree No. 7251).

Article 6. Section 36 of Decree No. 14538 requires measures to be taken for the treatment of young persons suffering from physical defects which can be cured or corrected, and also for the establishment of institutions, schools or courses for the rehabilitation and retraining of young persons in need thereof. Section 37 provides that, when the services of the Institute of Vocational Guidance have been organised, young persons applying for employment or apprenticeship permits shall undergo a psycho-technical examination. Young persons who, on account of organic or functional defects discovered in the course of medical examination are considered unfit for work, shall receive suitable treatment in the assistance institutions of the Ministry of Health, and any defects or deficiencies discovered in the course of psychological examination may be treated in institutions of the Ministry of Health specialising in such matters or in institutions to be established in the future in co-ordination with the General Directorate of Apprenticeship and Vocational Guidance (sections 5 and 6 of Decree No. 7251).

Article 7. Section 62 of Decree No. 14538 imposes a duty on employers of young persons employed under the conditions laid down in the decree to require them to be in possession of the workbook provided for by section 61. Employers must enter in such workbook the category to which the young person belongs and the wage or salary paid. A list giving these particulars must be posted up in a conspicuous position in the establishment and another list must be sent to the General Directorate of Apprenticeship and Employment of Young Persons.

Article 10. Argentine legislation lays down minimum standards, and agreements between employers and workers can therefore only lay down standards more favourable to workers than those established by legislation.

The authorities entrusted with the application of the above legislative provisions are the National Directorate of School Health (Ministry of Education and Justice), the National Labour Directorate (General Directorate of Labour Inspection) in the Ministry of Labour and Social Welfare, and the provincial Labour Departments.

Bulgaria.
See under Convention No. 77.

Guatemala (First Report).
See under Convention No. 77.

Israel.
See under Convention No. 77.

Italy.
See under Convention No. 77.

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The reports from the following countries merely reproduce or refer to the information previously supplied :
Cuba, France, Poland, Uruguay.

79. Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946

This Convention came into force on 29 December 1950

Countries	Date of registration and 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
Luxembourg	3. 3.1958
Poland	11.12.1947
Ukraine	14. 9.1956
U.S.S.R.	10. 8.1956
Uruguay	18. 3.1954

Argentina (First Report).
Act No. 11317 of 30 September 1924 to regulate the employment of women and young persons (L.S. 1924—Arg. 1). (*Crónica Mensual del Departamento Nacional del Trabajo*, Sep. 1924, No. 81, p. 1417.)
Decree No. 14538 of 3 June 1944 respecting the organisation of industrial apprenticeship and the regulation of the employment of young persons (L.S. 1944—Arg. 1). (*Boletín Oficial*, Vol. LII, 13 July 1944, No. 14944, pp. 4-6.)
Legislative Decree No. 5568 of 27 May 1957 to amend section 1 of Act No. 11317 of 30 September 1924 (*Boletín Oficial*, 16 July 1957, p. 2).

Under section 1 of Act No. 11317, as amended by Legislative Decree No. 5568, the employment of children under the age of 12 years on any kind of work is prohibited throughout the territory of the Republic.
The employment of young persons over the age of 12 years who have not completed their compulsory education is also prohibited. Nevertheless the competent authority may, in exceptional circumstances, authorise the employment of these young persons on condition that they are employed on light work that is not harmful to their health and does not last more than two hours a day.
The exceptions provided for by Article 1, paragraph 4, of the Convention are allowed by section 6, paragraph 1, of Act No. 11317 in

respect of domestic work, and by section 2 of the same Act, which authorises the employment of young persons under the age of 14 years in undertakings in which only members of the same family are employed.
Article 2 of the Convention. The employment of young persons under the age of 14 years is prohibited by section 2 of Act No. 11317.
Under section 26 of Decree No. 14538 young persons from 14 to 16 years of age may not be employed for more than four hours a day.
Article 3. Under section 6 of Act No. 11317 and section 31 of Decree No. 14538 the night period runs from 8 p.m. to 7 a.m. in winter and from 8 p.m. to 6 a.m. in summer.
Article 5. As regards individual permits to enable young persons under the age of 18 years to take part in public entertainments the report refers to section 22, paragraph 2, of Act No. 11317, which fixes the minimum age for taking part in a public entertainment given at night, and to section 9 of the same Act, which provides that “young persons under the age of 18 years and women shall not be employed in dangerous or unhealthy industries or occupations”. The Government also cites section 40 of Decree No. 14538, the first part of which provides that “all measures and orders in force relating to hygiene, prevention and protection shall apply to apprenticeship and to the employment of young persons, without prejudice to any others of a special nature requisite in view of the age or inexperience of young workers under the age of 18 years”.
Article 6. The authority responsible for inspection and for supervising the application of the above-mentioned provisions is the Ministry of Labour and Welfare.
Section 33 of Decree No. 14538 provides that “registers shall be kept in the Secretariat of Labour and Welfare in which young persons engaged in industrial employment shall be entered according to their category”, and section 62 of the same decree provides that

"every employer who employs young persons under the conditions laid down in this decree shall be bound to require the said young persons to be in possession of the workbook provided for in the last preceding section". A list giving all these particulars is to be posted up in a conspicuous position in the establishment, and another list is to be sent by the employer to the General Directorate of Apprenticeship and Employment of Young Persons.

A special decision by the Criminal Court of Appeal, dated 24 October 1919, provided for the keeping of a police register of young persons employed on public thoroughfares, under section 21 of Act No. 10902.

A circular has been issued by the Federal Police concerning the register of young persons who are employed on public thoroughfares.

Penalties are provided for in sections 21, 22 and 23 of Act No. 11317 and sections 63 and 64 of Decree No. 14538.

Under Resolution No. 441 of 1 October 1957 of the Ministry of Labour and Welfare the National Directorate of the Employment Service is responsible for applying the legislation concerning the inspection of public entertainments.

The inspection of the employment of young persons in general, apart from employment in public entertainments, is the responsibility of the Directorate of Employment of Young Persons, which reports to the National Apprenticeship and Vocational Guidance Board, and of the Federal Police as regards the register of young persons employed on public thoroughfares.

There have been no court decisions involving issues of principle relating to the application of the Convention.

The number of contraventions reported in 1956-57 was 250.

Bulgaria.

Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

Under section 113 of the Labour Code, as amended, night work by young persons under 18 years of age is prohibited. In exceptional cases persons over the age of 16 may be allowed to work at night with the authorisation of the Labour Inspectorate.

Young persons under 15 years of age may only be admitted to employment in the field of entertainment for the purpose of appearing in cinematograph films, or rehearsing for or performing in operatic, theatrical, ballet, circus or other productions, under conditions to be laid down by ordinance. This ordinance is now in the course of preparation.

Dominican Republic.

With reference to the observations of the Committee of Experts relative to the application of Article 3, paragraph 1, of the Convention, the Government points out that section 137 of the Labour Code, which establishes an eight-hour day, is in practice a safeguard against possible infringements of the type mentioned by the Committee, because the next working day cannot begin until after an interval of 24 hours from the time of beginning work on the preceding day. Moreover, the Convention applies only to non-industrial employment, whereas the cases of continuous operations mentioned by the Committee would occur only in industrial or agricultural-industrial undertakings. Nevertheless, the Government is studying the possibility of making more explicit provision in its legislation for the 12 consecutive hours of nightly rest required by the Convention.

Israel.

Regulations concerning the registration of young workers.

In connection with the observation made by the Committee of Experts in 1957 the Government states that regulations relating to the keeping of registers of young workers have been issued under sections 31 (a) and 42 of the Youth Labour Law, and will come into force on 1 October 1958. A Bill amending the Youth Labour Law so as to bring its provisions into full conformity with the Convention is under consideration.

Italy.

With reference to the observation of the Committee of Experts the Government reiterates that the whole question of the employment of young persons is under consideration in connection with the revision of Act No. 653 of 26 April 1934 relating to the protection of women and young persons. It has not yet been possible to adopt revised provisions but the Ministry of Labour is engaged in the study and research necessary for the purpose, with a view to bringing the national legislation into complete conformity with the Convention.

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

Cuba, Poland, Uruguay.

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
Brazil	25. 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 ¹	7. 4.1949
Iraq ¹	13. 1.1951
Ireland ¹	16. 6.1954
Israel	7. 6.1955
Italy	22.10.1952
Japan	20.10.1953
Luxembourg	3. 3.1958
Morocco	14. 3.1958
Netherlands	15. 9.1951
Norway	5. 1.1949
Pakistan	10.10.1952
Sweden	25.11.1949
Switzerland ¹	13. 7.1949
Tunisia	15. 5.1957
Turkey	5. 3.1951
United Kingdom ¹	28. 6.1949
Yugoslavia	18. 8.1955

¹ Excluding Part II.

Argentina (First Report).

Act No. 8999 of 30 September 1912 to establish a Labour Department (*Leyes Nacionales*, Vol. XVIII, p. 118. *Crónica Mensual del Departamento Nacional del Trabajo*, 1926, No. 99, p. 1743.)
Act No. 11570 of 25 September 1929 concerning the supervision of the observance of the labour laws and their administration (*L.S.* 1929—Arg. 2). (*Boletín Oficial*, 25 Oct. 1929, Vol. XXXVII, No. 10646, p. 882. *Crónica Mensual del Departamento Nacional del Trabajo*, Sep. 1929, No. 139, p. 2919.)
Decree No. 12333/47 to establish a General Directorate of Sanitary Inspection and Control in the Secretariat of Labour and Welfare.
Decree No. 21288/47 concerning the functions of the General Directorate of Sanitary Inspection and Control (*Anales de Legislación Argentina*, VII, 1947 : Decree No. 12333/47, p. 667, and Decree No. 21288/47, p. 759).

Articles 1 to 3 of the Convention. Sections 1, 2 and 3 of Act No. 8999 of 30 September 1912 provided for the setting up of a National Labour Department, and the establishment by the Department of an inspection and supervision service to control the enforcement of labour laws in commercial and industrial establishments in the national capital and territories. The Government states in its report that it is also a function of the service to advise employers and workers on how to apply the laws, and that none of the functions of inspectors affect their authority and impartiality towards those concerned. The legislation does not exempt mining and transport undertakings.

Article 4. Labour inspection in the federal territory is under the supervision and control of one central authority, but in other areas inspection is a responsibility of the provincial authorities in accordance with the federal structure of the Government.

Article 5. The two decrees of 1947 provide for the co-operation of the Secretariat of Labour and Welfare with the Secretariat of Public Health and the Directorate of Industrial Hygiene and Medicine, for the enforcement of regulations concerning the hygiene and safety of workers. The collaboration of the General Inspection Service with employers' and workers' organisations is required under various labour laws.

Article 6. The status of labour inspectors as state employees guarantees them stability of employment.

Article 7. Inspectors are nominated by the Executive Power according to their qualifications to perform their duties, and they receive vocational training in the course of their employment.

Articles 8 and 10. The staff of the inspection service in the city of Buenos Aires comprises a general inspector, four supervisors, five senior inspectors (including one woman), six inspectors of the second grade, nine of the third grade (including two women) and nine assistant inspectors (including three women).

Article 9. Under Decree No. 21288/47 the staff of the sanitary inspection and control service is required to be qualified in industrial medicine and the study of the prevention of industrial accidents and occupational disease. Experts and technicians in other departments collaborate with the inspection staff when this appears necessary.

Article 12, paragraph 1 (a) and (b). The right of entry for inspection purposes is provided for.

Article 13. Inspectors may order the immediate cessation of work which is being carried out in conditions endangering the safety and health of workers.

Article 15. The requirements of paragraph (a) of this Article are applied by the legal provisions which govern public servants, and the application of the provisions of paragraph (b) is provided for in the Penal Code.

Article 16. Inspections, although not strictly periodic, are made frequently in the zones of the capital city where industrial and commercial workplaces are concentrated. For this purpose, 20 districts have been established and these are divided into 209 inspection rounds.

Articles 17 and 18. The legislation provides for administrative and legal procedures in the case of contraventions, including the obstruction of inspectors. Sanctions include fines, the closing of the undertaking and imprisonment.

Articles 19 to 21. The Labour Inspectorate registers all visits made to establishments and the results thereof. The report states that the department publishes information on the activities of the Inspectorate each month and once a year.

Articles 22 to 24. The labour inspection system applies to all commercial and industrial establishments.

Austria.

Federal Act of 13 March 1957 (*Bundesgesetzblatt*, No. 80), to amend and supplement the Labour Inspection (Transport) Act of 1952.

For the reply of the Government to the observation made by the Committee of Experts see *Report of the Committee*, p. 676.

Article 2 of the Convention. The Labour Inspection (Transport) Act lists the transport undertakings subject to the supervision of the Labour Inspectorate for Transport.

Article 4. The Labour Inspectorate for Transport is an independent service attached to the Federal Ministry of Transport and Electricity.

Article 10. At the end of the period covered by the report the staff of the General Labour Inspectorate numbered 166 persons (154 men and 12 women), and that of the Transport Inspectorate numbered 14 (two chiefs and 12 inspectors).

Several observations have been received from the Austrian Chamber of Labour concerning the application of the Convention. The Chamber considers that the number of inspectors operating in the three subdivisions is inadequate for the task involved. The General Inspectorate and the Transport Inspectorate have both replied that efforts are being made to increase the staff.

Further to its earlier observations concerning the application of Article 9 of the Convention, the Chamber of Labour has pointed out that the Silicosis Control Centre, whose activities the National Department of Mines has cited as fulfilling the purposes of this Article, is not a government agency and cannot be considered as a proper substitute for the type of specialised medical service contemplated by Article 9. The Ministry of Commerce and Reconstruction has replied that the question of securing the services of a physician will be reconsidered in the light of a report to be submitted by the occupational safety and health section of the Department of Mines.

Moreover, the Chamber of Labour has pointed out, as it did last year, that the Labour Inspection Act is not fully in conformity with Article 18 of the Convention. The Central Inspectorate has replied that the application of Article 18 is generally ensured by existing penal provisions. Under the Labour Inspection Act (section 24, paragraph 3) contraventions are subject to sanctions under the Industrial Code and in some instances to more severe penalties laid down in other laws. Where the contravention occurs in a public undertaking the proper procedure, as laid down in section 8, paragraph 4, of the Labour Inspection Act, is to report the fact to the higher competent authority.

Bulgaria.

Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

In reply to the observation made in 1957 the report gives the following information:

The enforcement of all legal provisions relating to working conditions and the protection of workers is entrusted to the labour inspectors. As a result of changes made in the structure of the trade unions, with effect from 1 October 1957, the labour inspection services are now attached to district and town trade union councils. The labour inspectors, who constitute the state supervisory authority, are empowered to give orders and to report breaches of the law. On the other hand, the worker-inspectors and the labour protection committees attached to the trade union committees in undertakings act as public supervisory agencies only; their decisions are not binding and they are not empowered to make official reports in case of contraventions of the law.

Although there are no legal provisions giving effect to paragraph (c) of Article 15 of the Convention, the existing practice is in conformity with the Convention. Moreover, an appropriate provision will be inserted in the new labour inspection regulations in course of preparation.

In 1956 the labour inspection staff attached to central and regional committees and to the regional councils of trade unions numbered 205 persons. The number of worker-inspectors in undertakings, establishments and organisations was 48,272.

France.

Article 3 of the Convention. The Act of 27 April 1956 has been added to the list of legislation the application of which is the responsibility of the Labour Inspectorate. Ministerial instructions in the matter were published in the *Journal officiel* of 19 December 1956.

Federal Republic of Germany (First Report).

Prussian Labour Inspection (Industrial Establishments) Act of 16 May 1853.
Industrial Code (section 139 (b)).
Hours of Work Order of 30 April 1938 (L.S. 1938—Ger. 6). (*Reichsgesetzblatt*, Part I, p. 447.)
Protection of Young Persons Act of 30 April 1938 (L.S. 1938—Ger. 5). (*Reichsgesetzblatt*, Part I, p. 437.)
Unhealthy and Inflammable Materials Act of 25 March 1939 (*Reichsgesetzblatt*, Part I, p. 581).
Maternity Protection Act of 24 January 1952 (L.S. 1952—Ger. F.R. 2). (*Reichsgesetzblatt*, Part I, p. 69.)

Article 1 of the Convention. The industrial inspection service is responsible for labour inspection in industrial establishments and transport.

Article 2. In the case of mines and ancillary establishments and in other underground work the mines inspection service acts in the place of the industrial inspection service.

Article 3. Enforcement of the legal provisions relating to wages is not part of the work of the Labour Inspectorate. This service has the duty of ensuring that workers enjoy the full protection afforded by the law. The in-

spectors are required to report any defects or abuses; they must also protect persons residing in the vicinity of an establishment in cases where the latter may involve danger or inconvenience or be harmful to them. The labour inspectors are not entrusted with any further duties which might prejudice in any way their authority and impartiality.

Article 4. The industrial inspection service is placed under the supervision of the highest administrative labour authority in each of the Länder. Co-operation between the regional labour inspectorates is achieved by means of periodical meetings at the highest regional level and by conferences under the auspices of the Federal Minister of Labour.

Article 5. Pursuant to a directive issued by the Federal Minister of Labour and dated 17 November 1950, there is effective co-operation between the labour inspection services and the insurance institutions engaged in providing protection against employment injuries and occupational diseases. It has always been one of the aims of the industrial inspection service to strengthen the existing collaboration between officials of the Labour Inspectorate and employers and workers and their organisations. The inspectors co-operate with the works councils in all matters relating to occupational safety and health.

Article 6. The majority of the members of the industrial inspection staff are public officials and as such they enjoy a status which makes them independent of any external influence; they can only be deprived of their office by a prescribed disciplinary procedure. Those members who are employees of the State enjoy special safeguards against dismissal.

Article 7. The labour inspectors are appointed solely on their personal and technical qualifications. The report describes the professional academic qualifications required of candidates for the various grades of the inspection service.

Article 9. The industrial inspection service is given assistance and technical advice by the officials of the industrial health service in their capacity as officials of the industrial medical inspection service. These officials are required to carry out both a general and a medical examination of unhealthy establishments. In order to discharge their duties effectively the inspection services may call upon the specialists of the technical supervisory agencies.

Article 10. Information on the number of labour inspectors and on the geographical distribution of the inspection offices is contained in the annual reports of the industrial inspection service.

Article 11. All the offices of the industrial inspection service have their own premises, suitably equipped in accordance with the requirements of the service. As regards their field work, the inspectors are reimbursed for any travel and incidental expenses which may be necessary for the performance of their duties.

Article 12. Under section 139 (b) of the Industrial Code a labour inspector is author-

ised to enter any establishment liable to inspection by him at any hour of the day or night. Each inspector carries an identification card. Any action by an employer to obstruct the labour inspector in the performance of his duties is punishable under section 149 (7) of the Industrial Code, provided that no heavier penalty is called for under sections 113 and 114 of the Penal Code.

Article 13. A labour inspector may propose any action of a technical or business nature which he considers necessary for the health or safety of the workers. If an inspector finds defects he will endeavour by giving technical explanations and advice to satisfy himself that safe working conditions can be restored, and he will set an appropriate time limit for the employer to take the necessary action. In the event of non-compliance the inspector may require immediate measures to be taken by issuing an order under section 120 of the Industrial Code. In the event of imminent danger to the health or safety of the workers, such measures may include a complete stoppage of work in the establishment or in certain of its installations.

Article 14. The Labour Inspectorate is notified of industrial accidents and cases of occupational disease under a procedure laid down in the regulations in force.

Article 15. Public officials are not allowed to engage in any secondary occupation or activity which may affect their impartiality, financial or otherwise, or be detrimental to other interests of the service. The Industrial Code prohibits officials of the Labour Inspectorate from revealing any information on the plants or the manufacturing processes that may have come to their notice in the course of their duties. Each inspector must promise to observe discretion upon joining the service and he remains bound by this promise even after leaving it. Labour inspectors are further required to treat as confidential any complaint addressed to them, and they must refrain from revealing the name of the complainant to any person in the undertaking.

Article 16. Officials of the Labour Inspectorate are required to carry out regular inspection visits and to pay particular attention to establishments which may represent a special danger to the safety and health of the workpeople.

Article 17. If a labour inspector becomes aware of an infringement of the labour protection legislation or regulations he must move the competent judicial authority to apply one of the prescribed penalties, unless there are extenuating circumstances in the case in question.

As a general rule the employer is given a warning in the first place and is given time to enable him to make good any deficiencies.

Article 18. See under Articles 12 and 17.

Article 19. Under section 139 of the Industrial Code the Labour Inspectorate authorities are required to submit an annual report on the results of their inspection activities. These reports are drawn up in a prescribed form.

Articles 20 and 21. The inspection authorities of the Länder prepare reports on the activities

of their various inspection offices which are published as a single comprehensive report by the Federal Minister of Labour. Two copies of this report are forwarded to the Office.

Articles 22 to 24. The same system of inspection as for industrial undertakings is in force for commercial workplaces, and such inspection is a responsibility of the industrial inspection service. In certain Länder the industrial inspection service is already entrusted with the inspection of retail sales establishments. Following the amendment to section 139 (g) of the Industrial Code, which renders all commercial establishments liable to inspection, the provisions of Articles 3 to 21 of the Convention will be applicable to these establishments.

Article 25. The Federal Republic of Germany has ratified the Labour Inspection Convention, including Part II, by an Act of 23 March 1955.

Article 27. The provisions of this Article do not apply to the Federal Republic to the extent that they relate to enforcement of wage legislation and regulations, which is not part of the functions of the inspection service.

Article 29. The provisions of the Convention are applicable throughout the territory of the Federal Republic.

The Convention is also applicable in West Berlin.

Haiti.

In reply to the observation of the Committee of Experts the Government states in its report that social insurance does not yet cover the whole of the country so that the Labour Inspectorate follows up industrial accidents in the areas which are not covered. However, there exists no formal legislation in this respect. Recent developments in the field of social insurance have led to the coverage of the majority of workers against industrial accident risks.

In addition to its routine activities the inspection service was also called upon to act in connection with the penalties and legal proceedings arising out of labour disputes over the non-observance of the legislative provisions concerning conditions of work.

It has been decided in principle to insert a chapter on labour inspection in the annual report of the Labour Department. Publication of this report has been delayed owing to political disturbances.

Ireland.

Factories Act, 1955.

The above Act consolidates and replaces the Factory and Workshops Acts, 1901 to 1920, and other legislation relating to factories.

Articles 22 to 24 of the Convention. The Government states that proposals are at present before Parliament for the enactment of legislation intended to give to office workers the same general kind of protection which the Factories Act of 1955 gives to industrial workers.

Israel (First Report).

Employment Injuries (Notification) Ordinance, 1945. Factories Ordinance, 1946 (*Official Gazette*, 1946, Supplement No. 1). Labour Inspection (Organisation) Law, 1954 (*Statutes Book*, No. 164, 3 Sep. 1954).

Articles 1 and 2 of the Convention. Under the Law of 1954 the labour inspection system applies to all undertakings, irrespective of the branch of economic activity. No exemptions have been made in the application of the Convention.

Article 3. The report refers to sections 1, 3 and 6 of the Law and states that the labour inspectors have no duties other than those specified in the Law.

Article 4. The Labour Inspection Service is placed under the supervision and control of the Minister of Labour.

Article 5. The Labour Inspection Service is represented in all the organs of the National Safety and Health Institute and co-operates with the Productivity Institute and the workers' and employers' organisations.

Article 6. The labour inspectors are government officials, who enjoy stability of employment and are independent of changes of government.

Article 7. The labour inspectors are recruited after competitive examination on the basis of qualifications required. New labour inspectors take a six months' training course under the supervision of senior inspectors.

Article 8. During the period under review four women inspectors were employed; within their general duties they paid particular attention to the employment of women and children.

Article 9. The staff of the Labour Inspection Service includes engineers or persons with equivalent technical training (40 per cent. of the staff).

Article 10. The Labour Inspection Service consists of 47 persons, including two physicians, two electrical engineers, seven mechanical engineers, three civil engineers, three chemists, one agricultural engineer and three mechanical engineers specialising in boiler inspection. At the central office there is a chief labour inspector, a deputy labour inspector, a physician and one labour inspector. The remaining labour inspectors operate from three regional offices, each under the direction of a regional inspector.

Article 11. The offices of the Labour Inspection Service are on the premises of the Ministry of Labour and are suitably equipped in accordance with the requirements of the service. The transport facilities that are necessary for the performance of the inspectors' duties are provided either by public transport or by motor cars. The expenses incurred in the course of inspection are reimbursed.

Article 12. The report refers to section 3 of the Inspection Law and sections 77 to 79 of the Factories Ordinance, 1946.

Article 13. The report refers to sections 6, 7 and 8 of the Inspection Law, 1954.

Article 14. The Accidents and Occupational Diseases (Notification) Ordinance, 1945, is mentioned in the report. Measures are being taken to co-ordinate notification under that Ordinance and under the National Insurance Act, 1953.

Article 15. These provisions apply to all civil servants, including labour inspectors.

Article 16. Periodical visits are made; the frequency of the visits and their thoroughness are supervised by a regional inspector.

Article 17. Persons violating the statutory provisions are liable to prosecution without previous notice. As a matter of practice and in accordance with paragraph 2 of Article 17, the inspectors do send letters of warning in cases of first prosecution and in cases in which it is considered that a letter of warning will cause the employer to take the necessary remedial measures.

Article 18. Section 36 of the Act of 1954 provides for penalties for violations of statutory provisions and for obstructing labour inspectors in the performance of their duties.

Article 19. Weekly reports are submitted by all inspectors to their regional inspector and forwarded to the central office. In addition, two monthly reports are forwarded by regional inspectors, one dealing with general inspection activities and the other with the employment of children and young persons.

Articles 20 and 21. So far no annual report has been published by the Inspection Service. A first report will be published in 1958.

Articles 22 to 24. The Law of 1954 as well as the operations described above apply to industrial and commercial workplaces alike.

During 1956, 27,379 visits to establishments were made, 8,772 contraventions were recorded and 182 prosecutions for breaches of the Factories Ordinance were initiated; there were 137 convictions and 22 cases were pending at the end of the year. Eight prosecutions for contravention of the Law of 1954 were initiated and 71 warnings were given with regard to dangerous jobs.

Italy.

Presidential Decree No. 1563 of 29 November 1956 concerning the staff of the Labour Inspectorate (*Gazzetta Ufficiale*, No. 26, 30 Jan. 1957).

Article 10 of the Convention. Decree No. 1563 increased the number of posts in the Labour Inspectorate by nearly 43 per cent., the number now being 2,257.

Article 20. The annual inspection report for 1956 is being prepared.

Pakistan.

The following information is supplied in response to the observations made by the Committee of Experts:

Article 6 of the Convention. Since inspectors are public officials they are assured of stability of employment and are independent of changes of government and of improper external influences, in accordance with articles 180 to 182 of the National Constitution.

Article 9. The persons appointed to the gazetted posts of inspectors are qualified in mechanical or electrical engineering or chemistry.

Article 10. The strength of the inspection staff in the Central Government is as follows: Factories Act, 7 officials; Mines Act, 2; Employment of Children Act, 20; Dock Labourers Act, 2; Mines Maternity Benefit Act, 2; Sind Shops and Establishments Act, 3. No information is at present available in respect of the staff of the provincial governments.

Article 14. Under the Factories (Amendment) Bill the manager of a factory is required to send notice in respect of the worker suffering from a specified disease, and the physician is required to send a report to the Chief Inspector of Factories.

Article 15. Action is being taken to amend the Mines Act, 1923, and the Factories Act, 1934, so as to give effect to the provisions of Article 15.

Articles 20 and 21. Reports have not so far been published on the working of the following labour laws: Employment of Children Act; Sind Shops and Establishments Act; Mines Maternity Benefit Act; and Provincial Shops and Establishments and Maternity Benefit Laws. It is proposed to publish these reports and the authorities concerned are being requested to compile them in accordance with Article 21.

Sweden.

Article 5 of the Convention. In July 1956 an advisory council was established in each labour inspection district to deal with questions of workers' protection of interest to employers and employees. The council comprises representatives of national employers' and workers' organisations, a medical practitioner representing the Medical Board and a representative of the Workers' Protection Board. The council meets four times a year.

Switzerland.

Article 25 of the Convention. Replying to the Committee of Experts' observation the Government states that a Labour Bill framed in December 1950 applies, *inter alia*, to commercial establishments. The Government is, however, unable to predict when this Bill will be adopted.

Turkey.

Article 13 of the Convention. In reply to the observation made by the Committee of Experts, the Government states that sections 56 and 91 of the Labour Code and section 85 of the Industrial Health and Safety Regulations make it possible for labour inspectors to issue orders requiring measures with immediate executive force.

Article 20. The request of the Committee of Experts as regards publication of an annual inspection report will be complied with in the next report.

United Kingdom.

Great Britain.

Mines and Quarries Act, 1954.

The Mines and Quarries Act, mentioned in the Government's previous report, came into operation on 1 January 1957. Revised regulations have been made for competitions for the appointment of mines and quarries inspectors, and for the recruitment of factory inspectors.

Yugoslavia (First Report).

General Contraventions Act of 4 December 1947, as amended in 1950 (*Službeni List*, No. 11/50).

Labour Inspection Act of 1 December 1948 (*L.S.* 1948—Yug. 2). (*Službeni List*, No. 108/48.)

Penal Code of 27 February 1951 (*Službeni List* No. 13/51).

Regulations of 28 March 1952 concerning the grades, duties and salaries of employees of the Labour Inspectorate (*Službeni List*, No. 18/52).

Regulations of 12 July 1952 concerning examinations for officials of the Labour Inspectorate (*Službeni List*, No. 39/52).

State Administration Act of 26 March 1956 (*Službeni List*, No. 13/56).

Federal Administrative Agencies Act of 26 March 1956 (*Službeni List*, No. 13/56).

Articles 1 and 2 of the Convention. The labour inspection system covers all establishments and branches of economic activity. However, there is also a special inspectorate for mines and metallurgy which co-operates with the General Labour Inspectorate.

Article 3. The Labour Inspection Act defines the duties of labour inspectors, foremost among which are the enforcement of prescriptions governing labour relations and conditions of employment (concerning which function an official definition has been published in *Službeni List*, No. 12/52) as well as occupational safety and health. In addition to these primary duties and those relating to the welfare of workers (housing, food, etc.), including apprentices, labour inspectors are empowered by law to act as conciliators in labour disputes.

Article 4. In keeping with the usual administrative pattern labour inspection services are set up and operate at two levels, the district level and the People's Republic level, and are attached to the district or Republic labour department, as the case may be.

Article 5. The Labour Inspectorate co-operates extensively with other government services, independent institutions, social self-governing bodies and other social organisations. Co-operation with certain services and institutions, e.g. the health inspectorate, trade union organisations and the Social Insurance Institute, is prescribed by statute. Other forms of co-operation, though not specifically provided for by law (e.g. with public health centres, people's universities, associations of physicians, engineers and technicians, and health institutes) are implied by the principle of self-government in the social field. A special form of co-operation exists between the Labour Inspectorate and the workers' collectivities, with statutory responsibility for carrying out occupational safety and health measures in undertakings. The Labour Inspectorate also co-operates with economic chambers and other economic associations. From time to time conferences are held with the participation of the Inspectorate, the trade unions and economic associations.

Article 6. The employees of the Labour Inspectorate are public servants. Their status is governed by the Civil Service Act and other legislative provisions relating to the conditions of employment of public servants. In the districts and towns inspection personnel are recruited by competitive examination. Labour inspectors are appointed by the People's Committee, subject to the approval of the Secretary for Labour Affairs of the Executive Council of the People's Republic concerned, and may not be transferred or dismissed without his consent.

Article 7. Labour inspection staff are divided into the following grades: assistant inspector, inspector and principal inspector. The report describes the qualifications required for these various posts. Candidates must pass an examination, for which special preparatory courses are organised.

Article 8. The federal Constitution guarantees equality between the sexes. Women may therefore be appointed as labour inspectors.

Article 9. The Labour Inspection Act authorises the Labour Inspectorate to resort to the services of qualified experts and technicians (technical engineers, physicians, etc.), and of occupational associations.

Article 10. The total number of inspectors in the country is 378, including 151 in Serbia, 97 in Croatia, 37 in Slovenia, 39 in Bosnia and Herzegovina, 41 in Macedonia and 13 in Montenegro. Their specific duties depend on their occupational qualifications, i.e. engineers and technicians are entrusted with occupational safety and health and lawyers with the application of labour legislation. The geographical distribution of inspection services coincides with the administrative units into which the country is divided.

Article 11. Premises offering all the necessary facilities and accessible to all concerned are placed at the disposal of labour inspectors. Travel expenses and subsistence allowances are paid to them in accordance with the general provisions applicable to civil servants.

Article 12. Under the Labour Inspection Act inspectors must, upon exhibiting their identity cards, be allowed to inspect contracts of employment and workers' booklets, registers of the staff, wage and salary documents, workers' housing and feeding facilities, workplaces, the installations and equipment placed at the workers' disposal, industrial accident registers, absenteeism records, raw materials and other substances used in the process of production.

Article 13. If in the course of an inspection it is found that occupational safety and health prescriptions are not observed, that accepted practices concerning the protection of the workers' life and health are not followed or that obligations laid down in the contract of employment are not fulfilled, the labour inspector, by a written order, directs the employer or other responsible person to correct the deficiencies noted, specifying where necessary a deadline and the method of complying with the order. Decisions of the Labour Inspectorate may be appealed, in which case their execu-

tion is usually suspended, except in cases of urgent necessity. The Labour Inspectorate may order the suspension of operations where the deficiencies and irregularities noted directly imperil the life or health of workers.

Article 14. The Labour Inspection Act provides that the Labour Inspectorate must be informed of any severe accident or situation likely to imperil the life or health of workers.

Article 15. Since the undertakings under the jurisdiction of the labour inspector are public property inspectors cannot have any interest in them. Under the Labour Inspection Act inspection staff are required, both during and after their term of service, to observe secrecy in relation to any information brought to their knowledge in the course of their work.

Article 16. The Inspectorate is required by law to inspect undertakings, workshops and installations at least once a year. Other premises may be inspected as required.

Article 17. Labour inspectors institute legal proceedings against employers or managers who violate or disregard legal provisions, but only after prior warnings have proved ineffectual.

Article 18. Fines, and in some cases penalties of imprisonment, are laid down by the Labour Inspection Act for obstructing labour inspectors in the performance of their duties in connection with the employer's unjustified failure

to remedy the defects noted, or other contraventions.

Article 19. The various inspection services are required to submit periodical reports of their activities to the higher authorities, according to a prescribed model.

Articles 20 and 21. On the basis of the reports of the inspection services of the People's Republic the inspection service of the Secretariat for Labour Affairs of the Federal Executive Council draws up an annual report concerning the over-all activities of the Labour Inspectorate throughout the national territory. A copy of the report for 1955 is appended.

Articles 22 to 24. The inspection system described above applies also to commercial undertakings.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Dominican Republic, Finland, France, Haiti, Ireland, Italy, Netherlands, Sweden, Switzerland, United Kingdom.

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

Cuba, Japan, Norway.

82. Social Policy (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 19 June 1955

Countries	Date of registration of ratification
Belgium ¹	27. 1.1955
France ¹	26. 7.1954
New Zealand ¹	19. 6.1954
United Kingdom ¹	27. 3.1950

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 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 ¹	27. 1.1955
France ¹	26. 7.1954
New Zealand ¹	1. 7.1952
United Kingdom ¹	27. 3.1950

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 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 ¹	30. 9.1954
Belgium ¹	27. 1.1955
France ¹	26. 7.1954
United Kingdom ¹	27. 3.1950

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 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 ¹	27. 3.1950

¹ See below the summary of reports on the application of Conventions in non-metropolitan territories (articles 22 and 35 of the Constitution).

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
Albania	3. 6.1957
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
Egypt	6.11.1957
Finland	20. 1.1950
France	28. 6.1951
Federal Republic of Germany	20. 3.1957
Guatemala	13. 2.1952
Honduras	27. 6.1956
Hungary	6. 6.1957
Iceland	19. 8.1950
Ireland	4. 6.1955
Israel	28. 1.1957
Luxembourg	3. 3.1958
Mexico	1. 4.1950
Netherlands	7. 3.1950
Norway	4. 7.1949
Pakistan	14. 2.1951
Philippines	29.12.1953
Poland	25. 2.1957
Rumania	28. 5.1957
Sweden	25.11.1949
Tunisia	18. 6.1957
Ukraine	14. 9.1956
United Kingdom ¹	27. 6.1949
U.S.S.R.	10. 8.1956
Uruguay	18. 3.1954

¹ In respect of Great Britain.

✓Belgium.

In reply to the request for information made by the Committee of Experts the report states that under sections 6 and 7 of the Order of 5 January 1957 to fix the designation, sphere of competence and composition of joint committees, the General Council of Belgian Liberal Trade Unions, although its representative character is not to be compared with that of the two major trade union organisations (the General Confederation of Christian Trade Unions and the Belgian General Federation of Labour), is none the less represented in 70 out of the 77 existing joint committees. The joint committees in which the General Council of Belgian Liberal Trade Unions is not represented are the Joint National Committee for Mines and the joint committees for quarries, printing, the graphic arts and newspapers, the diamond industry, gas and electricity, inland navigation and the Verviers textile industry, its membership in all of these industries being too small.

✓Cuba.

The Government states that consideration has been given to the Committee's observations, but that there is in the first place a constitutional obstacle to granting civil servants the right to organise. The Government maintains

that as the civil service and labour are dealt with in the National Constitution in separate chapters, it is not legally feasible for state, provincial and municipal employees to form unions and register them as such with the Ministry of Labour. A constitutional amendment would be required for this purpose.

The Government wishes to ascertain exactly what is meant by "political activities" and it raises the following specific questions: Does political freedom imply that the trade unions should be constituted in the same way as political parties? Is it enough for trade union leaders or members to be able to stand for elective office and to give public support to the candidature of workers or political parties whose interests are akin to theirs? The Government states that if the answer to these two questions is in the affirmative, there are no difficulties of a legal or practical nature.

With respect to the presence of a public official at trade union meetings the Council of Ministers has before it a Presidential Decree in which it is stated that the functions of inspectors are to authenticate the proceedings and to certify whether or not the legal requirements have been complied with, and that they are appointed at the request of the organisation holding the meetings.

Denmark.

In reply to the observations by the Committee of Experts the Government gives the following information:

The provisions of the Civil Servants Act governing the negotiating rights of civil servants involve no restriction of their right to organise. Special recognition entitling an organisation to negotiate wages and conditions with the government department concerned is conditional on the organisation admitting all employees in such department and, generally, on membership being limited to such employees, and on the existence of not more than two organisations entitled to negotiate for the employees of the department. Any additional organisation could only negotiate through an alliance with one of the two such organisations. The Act implies that any civil servant is entitled to membership of an organisation that can negotiate. The special negotiations taking place with the recognised civil servants' organisations do not affect the right of application to the government departments devolving under general rules on any organisation or individual, but any *actual* negotiation between professional organisations (Association of Civil Engineers, etc.) and the government departments concerns only public employees paid under an agreement and not the civil servants of the State.

With regard to the question of the appointment and discharge of individuals, unsolicited discharge, apart from cases of abolition of post and illness, which are governed by statutory rules, may be due to unfitness, misconduct or some punishable act. In these cases, the civil servant has an opportunity to express his opinion and to receive a written statement as to the reason for discharge. In cases of disciplinary charges, no final decision to dismiss a civil servant may be taken until after a

representative of the civil servants' organisation has had an opportunity to discuss the case with the head of the government department concerned. Unsolicited discharge of a pensionable civil servant requires the consent of the competent Minister.

Ireland (First Report).

Constitution of Ireland of 29 December 1937.
Trade Union Act, 1871.
Conspiracy and Protection of Property Act, 1875.
Trade Union Amendment Act, 1876.
Trade Disputes Act, 1906.
Trade Union Act, 1913.
Trade Union (Amalgamation) Act, 1917.
Trade Union Act, 1941 (L.S. 1941—Ire. 1).
Trade Union Act, 1942 (L.S. 1942—Ire. 1).
Trade Union Act, 1952.
Offences Against the State Act, 1939.

Article 2 of the Convention. The right to form associations and unions is guaranteed by article 40 of the Constitution. The exercise of the right may be regulated by law, but the law may contain no political, religious or class discrimination. The Constitution kept in force previous legislation of the United Kingdom so far as it was not inconsistent with the Constitution.

Article 3. There are no substantive or formal conditions to be fulfilled by a union when it is being established. Registration is optional and confers certain benefits. A negotiation licence may be given only to a registered union; without a negotiation licence a trade union may not negotiate for the fixing of wages and other conditions of employment. A trade union seeking registration must submit its rules for approval by the Registrar of Friendly Societies and he cannot register it unless its rules provide for "statutory objects", i.e. the regulation of the relations between workmen and masters, or between workmen and workmen or between masters and masters, or the imposing of restrictive conditions on the conduct of any trade or business, and the provision of benefits to members. An appeal lies to the High Court against refusal of registration. Registered unions are required to submit annual returns of receipts and expenditures, funds and effects. If a registered or non-registered union wishes to apply any part of its funds to political objects this requires the approval of a majority vote of the members by ballot, the union must get the approval of the Registrar for its rules concerning the ballot and the political fund and, where a political fund is established, it must furnish the Registrar with a separate account concerning it; members may contract out of contributing to a political fund.

Article 4. There are no relevant provisions.

Article 5. There are no relevant provisions.

Article 6. No legal provisions relate specifically to federations and confederations. They enjoy the constitutional rights of association enjoyed by trade unions.

Article 7. Acquisition of legal personality is optional. Registration under the Trade Union Acts confers a "quasi-corporate" status. Requirements for registration do not restrict the application of Articles 2, 3 and 4 of the Convention.

Article 8. There are no restrictions on association for any lawful purpose. Under the Constitution special measures may be taken in time of war and armed rebellion, and special courts may be set up where the ordinary courts are inadequate to secure the effective administration of justice and the preservation of public peace and order. The Offences Against the State Act, 1939, makes provision with respect to activities calculated to undermine public order and the authority of the State. Unlawful activities such as intimidation, watching and besetting are restricted under the Conspiracy and Protection of Property Act, 1875.

Article 9. The Convention is not considered appropriate for application to members of the armed forces. The police may join and make representations through certain special recognised associations only.

The right to organise is guaranteed by the Constitution and enjoyed by virtue of the existing system of industrial relations, and no special measures are considered necessary.

The application of the Convention has not been considered in any case so far arising in the courts.

No observations have been received from any workers' or employers' organisation regarding the Convention or the legislation by which it is implemented.

Mexico.

Constitution of 5 February 1917.

Federal Labour Act of 18 August 1931 (*L.S.* 1931—Mex. 1). (*Diario Oficial*, Vol. LXVII, No. 51, 28 Aug. 1931.)

New Regulations for Civil Service Workers.

In Part III, Chapter I, of the Civil Service Regulations, unions of state employees are defined as associations of federal workers in the employ of a government department, formed for the study, advancement and defence of their common interests.

The same Chapter I authorises all workers in the employment of the State to join a union.

Article 9 of the Constitution guarantees freedom of assembly and association to all citizens; this provision includes employers' and workers' organisations.

Netherlands.

In reply to the observation made by the Committee of Experts last year the Government states that it is for the Crown to determine what constitutes the "public interest", and it is not bound by any specific legislative provision on the subject. In the majority of cases the considerations of "public interest" which entail a refusal of royal assent are the following: (a) that the association has concealed its true nature in its constitution and rules; (b) that the association is not viable; (c) that the composition of the directorate of the association does not give sufficient reason to believe that the association will be run in accordance with the law or in conformity with its own constitution and rules.

Pakistan.

With regard to the observations made by the Committee of Experts the Government states that it proposes to incorporate the measures referred to by the Committee in the Trade Union (Amendment) Bill now in preparation, and the enactment of which is expected shortly.

The report again explains that civil servants in Pakistan are divided into a number of classes, and that they are entitled to form associations within each class. In actual practice there are no unrecognised associations of civil servants in classes where officially recognised associations already exist. Seeing that the Government provides full facilities for the representation of legitimate demands by government servants and accords official recognition to the duly constituted bodies, there is not much scope for the formation of unrecognised civil service unions. Moreover, the interests of the various classes of government servants are divergent and may in some cases be conflicting. It is therefore not possible for a single recognised body to represent effectively the interests of all classes. It is also not possible for the Government to deal with the demands of civil servants whose conditions of service are not the same. It is for administrative reasons that the principle of granting recognition to associations of distinct classes of government servants has been enunciated. This principle does not, however, offend the spirit of Article 2 of the Convention.

Philippines.

Republic Act No. 1700 of 20 June 1957.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 677.

One of the requirements for the voluntary registration of a union, which carries with it the rights of certified representation and other privileges conferred by Republic Act No. 875 of 17 June 1953, is the submission of affidavits of all its officers to the effect that they are not members of the Communist Party or of any organisation which teaches the overthrow of the Government by force or by any illegal or unconstitutional method. Similar affidavits must be submitted within 60 days of the election of officers of a registered union to maintain it in good standing. These provisions apply only to registered unions.

The political opinions of officers are not a ground for refusal or withdrawal of the registration and permit of a union. When officers of a union are found to be members of the Communist Party or of an organisation of the type referred to above, it is the policy of the Government to ask the union to replace them. It is only the final conviction of the officers and members of the union that may warrant the withdrawal of the registration and permit; no such case has so far occurred.

Republic Act No. 1700 of 20 June 1957 has now made membership of the Communist Party illegal in the Philippines. This does not contravene the duty of the public authorities, under Article 3 of the Convention, to refrain

from any interference which would restrict the right of workers' and employers' organisations to elect their representatives in full freedom, because it does not infringe the lawful exercise of the right. The Department of Labour is studying the advisability of presenting certain amendments so that the affidavit will be required by court order after evidence has been presented to the courts giving grounds for belief that some members of a labour organisation are connected with the Communist Party.

Sweden.

With regard to Article 9 of the Convention, although national and local government officials are excluded from certain laws dealing with the right of association, their right of negotiation is recognised by statute, which implies that their right of association is secured *de facto*.

Certain steps have been taken with a view to rendering their right of negotiation more substantial. A Royal Decision of 12 October 1956 provided for the consideration by a special commissioner of what the effects would be if the general rules of labour law were applied more widely to national officials. The inquiry will have repercussions with respect to local officials also. In practice, in recent years there has been increasing adherence to the pattern of negotiation and collective agreement operating in the private sector. Central wages questions affecting large numbers of national public officials are regularly settled by collective bargaining which parallels the statutory negotiation procedure. Negotiation procedures in the case of local government officials are established by agreements.

Major strikes of public officials took place early in 1957, arising out of the failure to renew salary arrangements with the public servants' organisations affiliated to the Swedish Graduates' Central Organisation. In the salary arrangements affecting municipal officials concluded with other organisations, a clause has been inserted in recent years empowering municipalities to make salary deductions in the case of officials belonging to organisations which have resorted to direct action. The Graduates' Organisation refused to accept such a clause. This occasioned the strike, which ended in May 1957 as a result of negotiations in a mediation committee set up by the Government. Various officials have instituted administrative and court proceedings to challenge the legality of the deduction clause, but no authoritative decision has as yet been handed down.

The Government appends to its report a list of cases brought before the Labour Court in respect of alleged infringements of freedom of association and the texts of the awards made in these cases.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

France, Ireland, Sweden.

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

Austria, Finland, Norway, United Kingdom, Uruguay.

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
Brazil	25. 4.1957
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
Luxembourg	3. 3.1958
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

Belgium.

Royal Orders of 25 October 1945 and 23 May 1957.

The Royal Order of 23 May 1957 broadens the objectives of the former specialised Young People's Occupational Guidance Service, particularly as regards assistance to young workers in the field of vocational guidance.

Bulgaria.

Order of the Council of Ministers of 1 October 1956 to approve an Ordinance respecting the work of the manpower registration and direction offices and the placement of handicapped persons (*L.S.* 1956—Bul. 1).

Instruction of 25 January 1957 to apply the Ordinance of 1 October 1956.

The following supplementary information is given in reply to the points raised in the observations made by the Committee :

(1) In their activities with respect to recruitment and allocation of manpower the People's Councils and the services attached to them are controlled and assisted by the Council of

Ministers, through its department for the organisation and supervision of the executive committees of the People's Councils and by the Ministry of Public Health and Social Welfare. Both these central agencies may also prepare, in consultation with the Central Council of Trade Unions, instructions regarding the application of the provisions of the Ordinance of 1 October 1956. The manpower registration and direction offices report to the executive committees of the People's Councils and to the manpower departments of the regional People's Councils which direct their work.

(2) The number of manpower registration and allocation offices in operation is 37.

(3) The functions and tasks of the manpower registration and direction offices are, *inter alia*, to study the manpower requirements of undertakings, institutions and organisations, to register job seekers and allocate them to suitable vacancies notified by employers and to assist at the local level in drawing up manpower budgets and advising on the location or extension of industrial establishments.

(4) The staff of the manpower registration and direction offices are selected on the basis of their knowledge of the tasks which will be entrusted to them. There are no staff regulations.

See also under Convention No. 2.

Dominican Republic.

In reply to the observation made by the Committee of Experts in 1957 the Government supplies the following information:

The transfer of Haitian temporary workers for employment in the sugar undertakings is governed by an agreement between the Governments of Haiti and the Dominican Republic; the Employment Service does not intervene. Courses are organised by officials of the Department of Labour with a view to giving appropriate vocational training to the staff.

There are no advisory committees such as those for which provision is made in Article 4 of the Convention, but when necessary the confederations of employers and workers are consulted.

The report also states that important changes have been made in the organisation of the Employment Service so as to render the officials more mobile in the geographical sense. The Service has carried out an inquiry into the manpower needs of industrial and commercial undertakings.

Egypt (First Report).

Act No. 244 of 21 May 1953 concerning the organisation of placement for unemployed persons (*L.S.* 1953—Eg. 3). (*Al-Waqa'u al-Massriya*, No. 42bis, 21 May 1953.)

Ministerial Decree of February 1945 concerning the creation of employment offices in certain industrial centres.

Articles 1 and 2 of the Convention. The national system of employment offices functions under the supervision and direction of the Labour Department.

Article 3. There are at present eight employment offices located in the main industrial centres. Ministerial Orders are issued to extend the coverage of the law.

Articles 4 and 5. The setting up of advisory committees is being discussed at present by the High Advisory Council of Labour.

Article 6. The employment service has to comply with all the provisions of this Article except as regards the administration of the unemployment insurance scheme.

Article 7. There is such an office for qualified white-collar workers.

Article 8. Arrangements concerning juveniles are governed by Act No. 244 of 1953.

Article 9. The directors and inspectors of the employment service are permanent public officials qualified to carry out their duties. Clerks have intermediate or industrial qualifications. Periodical training programmes have been organised.

Articles 10 and 11. There are no private employment agencies.

France.

Order of 10 April 1957 relating to the organisation and functions of the General Directorate of Labour and Manpower (*Journal officiel*, Lois et Décrets, No. 87, 12 Apr. 1957, pp. 3223-3224).

Pursuant to the provisions of the above-named Order, the general employment services have undergone a process of reorganisation and regrouping which, however, affects neither their operation nor their activities.

Federal Republic of Germany.

Act of 23 December 1956 to amend and supplement the Employment Exchanges and Unemployment Insurance Act (*Bundesgesetzblatt*, Part I, p. 1018). Employment Exchanges and Unemployment Insurance Act, Text of 3 April 1957 (*Bundesgesetzblatt*, Part I, p. 322).

The Act of 1957 has unified the legislation in respect of placement, vocational guidance and unemployment insurance in the whole territory of the Federal Republic of Germany. It replaces the Acts of 16 July 1927 and of 5 November 1935.

The Act reaffirms that placement and vocational guidance be carried out only by the Federal Institution for Placement and Unemployment Insurance. The latter may, however, delegate to private agencies, on their application, the function of placement in respect of particular occupations and groups of persons, if this is deemed advisable in the interests of an efficient service. Agencies to which placement is thus delegated are subject to supervision by the Federal Institution and are required to follow its instructions.

The following information is supplied in response to the observations made by the Committee of Experts concerning the application of Article 1, paragraphs 2, and 6 (e) of the Convention:

Section 38 of the Employment Exchanges and Unemployment Insurance Act, Text of 3 April 1957, provides that within the frame-

work of the Federal Government's economic and employment policy it is the task of the Federal Institution to see to the prevention and elimination of unemployment and of labour shortages and that, for this purpose, the Federal Institution must co-operate, where necessary, with other public or private bodies.

Guatemala (First Report).

Decree No. 1117 of 15 October 1956 of the Congress of the Republic.

The Ministry of Labour and Social Welfare was set up under the above decree. Under section 2 (8) of that decree the Ministry is responsible for organising and developing the Department of the Employment and Manpower Service.

In accordance with that statutory provision, and in view of the fact that in Guatemala any international labour Convention that is ratified acquires legal force, it is proposed to take the necessary technical and practical measures to plan, organise and put into operation an employment service. Meanwhile, the more important duties in this field are entrusted to the National Employment Agency, which has been organised with the assistance of an expert from the International Labour Office.

Italy.

The report reproduces the information communicated in the Government's reply to the observation made last year by the Committee of Experts (see *Report of the Committee*, pp. 678-679). In addition, the Government refers to the statement made by the Italian Employers' member before the Conference Committee. In its view, however, it cannot be argued that because the Government, whose delegates voted in favour of the Convention at the 31st Session of the Conference (San Francisco, 1948), did not give it full effect at the time of the adoption of the Italian Employment Service Act in 1949 (even before ratification), it loses its right to invoke article 19 of the Constitution of the I.L.O. The Government emphasises that voting for a Convention at the Conference does not imply any commitment to bring national legislation into conformity with it or to ratify it. It considers, therefore, that the only remark of the Italian Employers that appears to remain valid is that in which they recognise that the Government was right in claiming that article 19 of the Constitution of the I.L.O. was applicable.

The Government also contests that the 1949 Act violated article 10, paragraph 1, of the Italian Constitution, which provides that "Italian legal order conforms to the generally acknowledged rules of international law". In its opinion the rules referred to are those the existence of which is generally recognised, i.e.

general international law, not those of Conventions or treaties which are incorporated into it only upon ratification of the treaties containing them.

Mexico.

See under Convention No. 34.

Philippines.

The Government supplies the following information in reply to the observation made by the Committee of Experts:

In spite of the abolition of ten employment agencies and the Advisory Committee, the Office of Manpower Services, which is composed of the Employment Service Division, the Manpower Research Division, the Manila Employment Office and the Overseas and Fee-Charging Employment Agency, was established to take the place of the National Employment Service. The new body has the same functions as the National Employment Service.

Sweden.

As a result of the investigation carried out by the Public Establishment Advisory Board concerning the organisation of the Royal Labour Board and the employment service, the previous system, under which each officer dealt with only a very restricted number of branches, is to be replaced by a teamwork system, in which two officials are to co-operate both in receiving visits from applicants and orders from employers as well as in the carrying out of the work of placement.

Turkey.

Article 6, paragraph (c), of the Convention. A long-term manpower survey project has been launched with the assistance of an I.L.O. expert. The general objective of the survey is to develop measures destined to promote employment. One of the specific problems is to determine the size, causes and effects of seasonal labour movements and of seasonal unemployment and to find ways to make better use of underemployed rural labour. So far, surveys have been conducted in two regions.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application:

Australia, Belgium, Canada, Cuba, France, Federal Republic of Germany, Greece, Iraq, Italy, Japan, Netherlands, New Zealand, Norway, Sweden, Turkey, United Kingdom.

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
Brazil	25. 4.1957
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
Luxembourg	3. 3.1958
Netherlands	22.10.1954
New Zealand	10.11.1950
Pakistan	14. 2.1951
Philippines	29.12.1953
Rumania	28. 5.1957
Switzerland	6. 5.1950
Syria	1.12.1949
Tunisia	15. 5.1957
Union of South Africa	2. 3.1950
Uruguay	18. 3.1954
Yugoslavia	20. 6.1956

Austria.

For the Government's reply to the observations made by the Committee of Experts in 1957 see *Report of the Committee*, p. 679.

The Congress of the Chambers of Labour, while noting that the prohibition of the night work of women is generally respected in principle and in practice, urges the Government to adopt the necessary legal basis for the application of the Convention and to take such action immediately and independently of the more general action contemplated on hours of work.

Belgium.

Royal Order of 13 November 1956 respecting the nightly rest for women employed in electric cable and rubber factories at Eupen (*Moniteur belge*, 24 Nov. 1956).

This Order, issued after consulting the employers' and workers' organisations concerned, authorises the period from 10.30 p.m. to 5.30 a.m. to be substituted for that of 10 p.m. to 5 a.m. in the case of women over 18 years of age employed in the above-mentioned undertakings.

Dominican Republic.

With reference to the observations of the Committee of Experts as regards the application of Article 2 of the Convention, the Government points out that section 137 of its Labour Code, fixing an eight-hour day, is a practical safeguard against the type of possible infringements envisaged by the Committee because the next working day cannot begin until after an interval of 24 hours from the hour of beginning work on the preceding day. However, the Government is studying the possibility of including in its legislation in more explicit

form the provision of the Convention relating to 11 consecutive hours of nightly rest for women.

The Government draws attention to the fact that the exceptions authorised under section 219, paragraph 6, of the Labour Code are in practice confined to cases of *force majeure* or emergencies.

France.

For the Government's reply to the observation made by the Committee of Experts see *Report of the Committee*, p. 679.

Netherlands.

In reply to the observations of the Committee of Experts the Government states in its report that while the provisions of section 83, paragraph 7, of the Labour Act of 1919, enabling the ban on night work to be lifted "if justified by the circumstances" go somewhat further than the provisions of the Convention, this paragraph has a very limited application in practice, not only on account of the statement in the explanatory memorandum accompanying the Bill when it was submitted to the States General but also as the result of a number of rulings by the Supreme Court.

New Zealand.

Factories Amendment Act, 1956 (New Zealand Statutes, 1956, Vol. II).

Under the Factories Act, as now amended, no woman may be employed in or about a factory at any time between 6 p.m. in the evening of any day and 8 a.m. or, with the consent of the Inspector, 7 a.m. in the morning of the following day. Extensions are permitted in the case of women who are 16 years of age or older, but such extensions may not exceed three hours in any day and must not be for any period between 10 p.m. in the evening of any day and 7 a.m. in the morning of the following day.

The Factories Act, as amended, now also provides that with the written consent of the Inspector the limitations as to hours and overtime for women need not be observed (a) in industries where raw materials subject to rapid deterioration are processed for sale as foodstuffs; and (b) in industries where extended hours are necessary to meet a public demand resulting from approaching or existing holidays or from extraordinary circumstances. The Inspector, in consenting to such exceptions, may impose such conditions or restrictions as to scope as he thinks fit, but no such consent shall authorise the employment of any woman, *inter alia*, at any time between 10 p.m. of one day and 6 a.m. of the next or in such manner that the worker has not at least 11 consecutive hours for rest—including this 10 p.m. to 6 a.m. period—in any period of 24 hours. This proviso may be lifted by the Inspector, with the

approval of the Secretary of Labour, only if for climatic or other factors beyond the control of the employer any such employment is necessary to preserve raw materials from certain loss. All such extensions and exceptions require consultation with the employer and the workers' organisations concerned.

Pakistan.

With regard to the observations made by the Committee of Experts and the Conference Committee on the Application of Conventions, the report states that the progress of the Mines (Amendment) Bill had been held up for unavoidable causes, but that it was expected that the Bill would be enacted during the next session of Parliament.

Philippines.

In reply to the observations made by the Committee of Experts, the Government states

in its report that the Department of Labour submitted to the Fourth Session of Congress (January 1958) a Bill amending certain provisions of Act No. 679, including section 7 (b) (III) in order to bring it into complete agreement with the provisions of the Convention, particularly Articles 2 and 5, paragraph 1.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Austria, Belgium, France, India, Ireland, Italy, Netherlands, New Zealand, Switzerland, Union of South Africa.

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

Cuba, Pakistan, Uruguay.

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
Dominican Republic	12. 8. 1957
Guatemala	13. 2. 1952
Haiti	12. 4. 1957
India	27. 2. 1950
Israel	23. 12. 1953
Italy	22. 10. 1952
Luxembourg	3. 3. 1958
Mexico	20. 6. 1956
Netherlands	22. 10. 1954
Norway	20. 5. 1957
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

Guatemala (First Report).

Constitution of 6 February 1956 (*L.S.* 1956—Gua. 1).
Labour Code of 8 February 1947 (*L.S.* 1947—Gua. 1).

In conformity with article 149, paragraph 2, of the Constitution it is one of the prerogatives of the Council of the Republic to approve, before their ratification, the treaties and conventions concluded by the Executive, thus giving them force of law.

Articles 1 to 4 of the Convention. The Labour Code defines the line of division which separates the different branches of work. Section 148 (c) of the Labour Code prohibits without exemption of any kind "the employment of young persons under age at night and on overtime".

Article 5. Up to the present it has not been necessary to suspend the night work prohibition for young persons.

Article 6. Being a legal instrument the law is generally observed and its provisions are assumed to be known by everybody.

The General Labour Inspectorate is the authority to which the application of the statutory provisions concerning the absolute prohibition of night work of young persons is entrusted in any kind of undertaking and which arranges for visiting the workplaces at any hour of the day or of the night.

India.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 679.

Israel.

In connection with the observation made by the Committee of Experts with reference to Article 6 of the Convention, the Government states in its report that a regulation concerning the registration of young workers has been issued and will enter into force on 1 October 1958.

Italy.

See under Convention No. 77.

Mexico (First Voluntary Report).

Constitution of 5 February 1917.
Federal Labour Act of 18 August 1931 (*L.S.* 1931—Mex. 1). (*Diario Oficial*, Vol. LXVII, No. 51, 28 Aug. 1931.)

Article 1 of the Convention. The industrial establishments covered by subparagraphs (a) to (c) of paragraph 1 are defined in the Act on the Ministries of State (and the regulations issued thereunder) and in the Income Tax Act. These two enactments, in defining the powers of the various government departments, particularly the Ministries for Economic Affairs and for Agriculture, draw a distinction between industry on the one hand, and agriculture, commerce and other non-industrial work on the other.

Article 123, paragraph II, of the Constitution forbids night work by children up to the age of 16, and allows of no exceptions.

Article 2. Under article 123, paragraph II, of the Constitution, not more than seven hours may be worked by night, and young persons under the age of 16 may not work after 10 p.m.

Articles 3 and 4. The prohibition of night work by young persons under the age of 16 years is also embodied in section 22, paragraph II, of the Federal Labour Act. Children under the age of 12 have no power to sign contracts of employment.

Article 5. The prohibition of night work for young persons has never been suspended.

Article 6. The enforcement of the foregoing provisions is in the hands of the Inspectorate of the Ministry for Labour and Social Welfare at the federal level and of the state inspectorates at the local level.

The Federal Labour Act, in section 111, paragraph XVII, states that employers must allow the labour authorities to inspect their establishments in order to ensure that the Act is being obeyed and must provide such information as is requested. The employers may require the inspectors or their representatives to produce their credentials and to state what instructions they have received.

Employers who require children under the age of 16 years to work during the night are liable, under section 676, paragraph II, of the Federal Labour Act, to a fine of up to 500 pesos.

Article 7. The Federal Labour Act states that night work by young persons is forbidden below the age of 16 years. The age of 18 years stipulated in Article 3, paragraph 1, of the Convention is therefore replaced by the age limit of 16 years.

The authorities responsible for enforcing the foregoing provisions are the Conciliation and Arbitration Board and the Ministry of Labour and Social Welfare (through its Women's and Young Workers' Departments and its Inspectorate).

Netherlands.

Royal Decree of 11 August 1954 concerning warehouses (*Staatsblad*, No. 391).

In reply to the observations made by the Committee of Experts, the Government supplies the following information :

Article 1 of the Convention. It is true that the scope of the national legislation is not quite as wide as that of the Convention. While the above-named decree does cover the handling of goods in airports (Article 1, paragraph (d), of the Convention), persons other than drivers of motor vehicles who accompany road convoys are not covered by hours of work provisions. Public administration regulations to deal with classes of workers still left outside the scope of the relevant legislation, including the category in question, are now being prepared. Under these regulations night work will be prohibited.

Article 4. In reply to the observation concerning this Article the Government refers to the information which it has supplied concerning the application of Convention No. 89.

Article 6. The provisions of the Convention are brought to the knowledge of all concerned by means of the press. Any law or regulation giving effect to the Convention is published in the Official Gazette and in the press, general or specialised. Moreover, the Government is preparing a press release containing information on the measures taken. Finally, the Labour Inspectorate draws the attention of undertakings to the new provisions.

Pakistan.

With reference to the observations of the Committee of Experts the Government states that measures to eliminate the discrepancies between its national legislation and the Convention are in hand and that copies of the relevant Bills will be supplied as soon as they are finalised.

Philippines.

Referring to the observations made by the Committee of Experts the Government states that it submitted to the Fourth Congress of the Philippines (January 1958) a Bill to amend section 5 (b) of Act No. 679 in order to bring it into conformity with the provisions of the Convention.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

India, Italy, Netherlands, Pakistan.

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

Cuba, Israel, Philippines, Uruguay.

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

Poland.
Detailed legislation to apply the provisions

of the Convention referred to in last year's report is still under preparation, and will probably be enacted during 1958.

* * *

The report from the *United Kingdom* supplies information on minor changes in the application of the Convention.

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

Cuba, Denmark, Finland, France, Ireland, Norway, Sweden.

94. Labour Clauses (Public Contracts) Convention, 1949

This Convention came into force on 20 September 1952

Countries	Date of registration of ratification
Austria	10.11.1951
Belgium	13.10.1952
Bulgaria	7.11.1955
Cuba	29. 4.1952
Denmark	15. 8.1955
Finland	22.12.1951
France	20. 9.1951
Guatemala	13. 2.1952
Israel	30. 3.1953
Italy	22.10.1952
Morocco	20. 9.1956
Netherlands	20. 5.1952
Philippines	29.12.1953
Syria	7. 6.1957
United Kingdom	30. 6.1950
Uruguay	18. 3.1954

Belgium.
In order to meet the wishes of the Committee of Experts the Minister of Labour and Social Welfare has recommended to the Prime Minister and to the Minister of Public Works that a clause be inserted in the general specifications confirming that workers employed on state contracts shall enjoy the same legal protection and the same conditions of work as the general body of workers and shall be covered by the same collective agreements.
The matter is still under consideration.

Bulgaria (First Report).
Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

The provisions of the Labour Code cover all workers in all occupations. In the case of work done under public contract the conditions of employment stipulated in the contract must be the same as those generally applicable in the industry or trade concerned.
Moreover, where a public authority is a party to a work contract it is bound by the generally applicable provisions concerning occupational safety, social insurance, etc.
Enforcement of the labour clauses is entrusted to the labour protection authorities.

Cuba.
For the Government's reply to observations made by the Committee of Experts see *Report of the Committee*, p. 680.

Denmark (First Report).
Article 1 of the Convention. No exceptions have been made from any provisions of this Article.
Article 2. No legal provisions corresponding to those of the Convention exist in the country. The conditions of work of persons under public contracts are in conformity with the existing collective agreements.
Article 3. The General Occupational Safety and Health Act of 11 June 1954 governs questions of health, safety and welfare.
Articles 4 and 5. The provisions of these Articles have not been applied in Denmark (records, sanctions, etc.).

The industrial organisations are responsible for the supervision of the enforcement of the collective agreements and they may, if necessary, have recourse to the Permanent Court of Arbitration.

Finland.

In reply to observations made by the Committee of Experts the Government supplies the following information :

Article 1, paragraph 3. All building contracts concluded by the State with subcontractors contain the general provisions prescribed on 11 October 1956, which include clauses in accordance with paragraphs 1 and 2 of Article 2 of the Convention. In case of assignment of the contract the assignee remains bound by its terms.

Article 2, paragraph 3. The procedure laid down in this paragraph is followed.

Paragraph 4. The attention of persons tendering is drawn to the labour clauses by appending the specifications, containing the general provisions, to the notice regarding submission of tenders.

Guatemala (First Report).

Labour Code of 8 February 1947 (L.S. 1947—Guat. 1 ; and 1948—Guat. 1).
Government Decree No. 207.

By virtue of article 149 (2) of the Constitution ratification of the Convention has given it the force of law.

Article 1 of the Convention. Under section 14 of the Labour Code the provisions of the Code and of all regulations thereunder apply to all contracts, including public contracts.

Decree No. 207 provides that contracts for public construction and road works shall be subject to public invitation of tenders (section 2), must be approved by the President of the Republic in the Council of Ministers and published in the official gazette (section 3), and shall not be approved unless compliance with the contractors' obligations is fully guaranteed.

Article 2. Every contract concluded by a public authority for the execution, construction, transformation, etc., of public works or the performance of public services, must include labour clauses. Notices inviting tenders are published in the official gazette and in the press. They state that contractors will be subject to the provisions of labour legislation in respect of their workers.

Article 3. Provisions regarding safety, health and welfare of workers are contained in sections 197, 198 and 204 of the Labour Code and in the General Accident Prevention Regulations.

Article 4. Laws enter into force eight days after publication in the official gazette, unless they themselves provide otherwise.

Under section 274 of the Labour Code the Ministry of Labour and Social Welfare is responsible for the enforcement of labour legislation. Under section 283 the Labour and Social

Welfare Courts have exclusive jurisdiction over claims arising out of such legislation.

A number of issues of the official gazette of Guatemala containing notices inviting tenders for public contracts and the texts of concluded public contracts were transmitted with the report.

Israel.

In reply to observations made by the Committee of Experts the Government provides the following information :

Article 1, paragraph 3, of the Convention. The standard contract drawn up by the Standards Institute provides that all contractual duties of contractors (which include the labour clauses) will be transferred to any subcontractor.

Article 4. A notice under the Hours of Work and Rest Regulations, 1955, has been prescribed, and posters will be printed for distribution to employers. The poster is also to contain the prescribed notices under the Employment of Children and Young Persons Act and the Employment of Women Act, and the employer will have to enter certain additional particulars as to hours of work and rest.

The Government has supplied a translation of the relevant sections of the form of contract appended to the Financial Regulations mentioned in its previous report.

Philippines.

In reply to observations made by the Committee of Experts the Government provides the following information :

Up to now, despite the persistent recommendations made by the Secretary of Labour, Congress has failed to enact laws to implement the Convention.

Article 3 of the Convention. Republic Act No. 367 charges the Industrial Safety Division of the Bureau of Labour Standards with the duties of promulgating and enforcing safety measures for the protection of labourers. The Industrial Safety Division is also empowered to require employers to furnish reasonably safe employment, to furnish and use safety devices and safeguards, to adopt safe methods and processes, to provide first-aid facilities, and in general to do everything necessary to protect the life, health and safety of employees.

The provisions of the Workmen's Compensation Act (No. 3428) expressly cover employees and labourers employed in public works.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Italy, United Kingdom.

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

Austria, France, Netherlands, Uruguay.

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
Brazil	25. 4.1957
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
Syria	7. 6.1957
United Kingdom	24. 9.1951
Uruguay	18. 3.1954

Bulgaria.

Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

Obligations and Contracts Act.

Order of the Council of Ministers No. 793 of 26 September 1952 (*Izvestia*, No. 82, 3 Oct. 1952).

Articles 1 and 2 of the Convention. All wage and salary earners bound by a contract of employment are entitled to remuneration for their work, and are subject to the provisions of the Labour Code relating to protection of wages.

Articles 3 and 4. The undertaking, establishment or organisation must pay wages and salaries in cash. The granting of additional benefits in kind may be authorised by decision of the Council of Ministers (Labour Code, section 70).

Articles 5 and 6. Wages are paid at the place of work to the worker personally (Labour Code, sections 71 and 72).

Article 7. Workers are not obliged to use works stores or services provided by undertakings. The provisions of this Article are observed and no contraventions have been noted, since the undertakings are nationalised and the prices fixed. The maintenance of works canteens is the responsibility of the undertakings, and workers using such canteens pay only for the value of the food consumed, at wholesale prices.

Articles 8 to 10. These Articles are applied by section 82 of the Labour Code.

Article 11. Claims by workers arising out of employment relationships are privileged (Obligations and Contracts Act, section 136).

Articles 12 and 13. These Articles are applied by section 71 of the Labour Code. The intervals for payment of wages are fixed by Order of the Council of Ministers, No. 793 of 1952 (14 to 16 days in the case of all wage and salary

earners except village school teachers, who are paid monthly).

Articles 14 and 15. Workers are informed of conditions regarding wages by the press, by pamphlets, and by information given at the place of work. Workers can check the correctness of wage payments by means of regular payslips (Labour Code, section 72). The relevant provisions are enforced by the Labour Inspectorate and by other trade union and administrative agencies. Penalties for contraventions of the provisions are prescribed by the Labour Code.

Mexico (First Report).

Constitution of 5 February 1917.

Federal Labour Act of 18 August 1931 (*L.S.* 1931—Mex. 1). (*Diario Oficial*, Vol. LXVII, No. 51, 28 Aug. 1931.)

Decree to promulgate Convention No. 95 (*Diario Oficial*, 12 Dec. 1955).

In accordance with the provisions of article 123 of the Constitution, formal ratification of a Convention gives the force of national law to its terms and repeals any provisions to the contrary.

Article 1 of the Convention. The Federal Labour Act defines “wages” as the remuneration which must be paid by the employer to the employee in virtue of the contract of employment (section 84).

Article 2. The Government does not exclude any category.

Article 3. Article 123, paragraph X, of the Constitution requires payment to be made in cash of legal tender. The Federal Labour Act (section 89) imposes a penalty for infringement of this rule.

Article 4. This Article applies only to domestic service (Federal Labour Act, section 131).

Paragraph 2 (a). There is no doubt that the allowances in kind satisfy the requirements of the Convention.

Paragraph 2 (b). Section 131 of the Federal Labour Act estimates these allowances to be 50 per cent. of the wages received in money.

Article 123, paragraph X, of the Constitution and section 89 of the Federal Labour Act prohibit payment in goods, and hence also in the form of alcoholic liquor or drugs.

Article 5. Section 90 of the Federal Labour Act requires payment to be made directly to the worker, unless he has given a power of attorney in writing.

Article 6. Various legal provisions, among them article 123 of the Constitution and section 112 of the Federal Labour Act, contain a body of prohibitions of which one is of a general nature and the others relate to compulsion to buy articles for personal consumption, payments made by workers to the employer for admitting them to employment and collections or subscriptions at the workplace.

Article 7, paragraph 1. Section 112, subsection I, of the Federal Act gives effect to this clause.

Paragraph 2. In rural centres with a population of more than 200 the employer is required to provide a prescribed area of land on which to install markets. These markets are operated by co-operatives whose prices are controlled by the Secretary for the National Economy.

Article 8. Sections 100 and 91 of the Federal Labour Act lay down conditions for and place limits upon the authorised deductions: the minimum wage itself may not be touched; deductions may only be made from 30 per cent. of the amount of the excess thereof and then only with the worker's consent.

These provisions are assumed to be known to the worker, like the remainder of the Federal Act.

Article 9. Section 112, subsection II, of the Federal Labour Act prohibits the employer from demanding or accepting payments from a worker for admitting him to employment or for any other reason.

Article 10. Section 95 of the Federal Labour Act forbids judicial or administrative distress on wages. The only deductions authorised are those listed in section 91 (see *Article 8* above).

Article 11. Section 97 of the Federal Labour Act gives wages the status of privileged debts in the first category. Sections 261 and 262 of the Bankruptcy Act ranks them third among such debts, immediately after the bankrupt's possible sickness and funeral expenses.

Article 12. Section 87 of the Federal Labour Act fixes the periods for the payment of wages (i.e. a maximum of one week in the case of manual work and 15 days in the case of domestic service and other employment).

This also applies at the termination of the contract and section 126 of the above-mentioned Act recognises the employee's right to bring an action at law.

Article 13. Section 88 of the Federal Labour Act requires payment of wages at the workplace except where otherwise agreed. These provisions are in conformity with paragraph 2 of this Article.

Article 14. Section 24 of the Federal Labour Act states that the contract must specify the type of wage and the method of calculating it. Section 98 of the same enactment requires the worker's consent for any change in the wage and provides that all instruments for the purpose of setting off, liquidation, compromise or similar agreements must be drawn up before the competent labour authorities.

Article 15. As the provisions giving effect to the Convention are contained in the Constitution and the Federal Labour Act they are known to all concerned. Article 123, paragraph XXX, of the Constitution defines the respective responsibilities of the States and the federal Government in giving effect to labour legislation. Section 334 of the Federal Labour Act lists the authorities responsible for its administration, viz. the municipal and federal conciliation and arbitration boards, the labour inspectorate, the special minimum wage boards and the Ministry of Education.

The penalties are set out in the Eleventh Part of the Federal Labour Act.

Article 17. The Convention is applicable without any restrictions.

The report quotes four decisions by the Supreme Court on the subject to which the Convention relates.

The number of disputes which went to federal conciliation or arbitration in connection with wages was 612 in 1954 and 271 in 1955.

Philippines.

In reply to the observations made by the Committee of Experts the Government supplies the following information:

Article 4, paragraph 1, of the Convention. The Minimum Wage Law envisages allowances in respect of "board, lodging or other facilities customarily furnished". It is not customary for employers to furnish liquor to employees. Moreover, section 1705 of the Civil Code expressly provides that labourers' wages shall be paid in legal currency.

Article 7, paragraph 2. Section 3, subsection 2, of the Rules and Regulations implementing the Minimum Wage Law provides that the fair and reasonable value of facilities is to be not more than the actual cost to the employer, and does not include a profit to him or to any affiliated persons.

Article 10. The Workmen's Compensation Law, 1927 (enacted before the present Civil Code) provides in section 39 (b) that " 'Labourer' is used as a synonym of 'employee' and means any person who has entered the employment of, or works under a service of apprenticeship contract for an employer".

Section 10 (b) of the Minimum Wage Law provides that, except in three specified cases, wages shall be paid directly to the employee to whom they are due. This eliminates the possibility of wage assignment.

Article 13. The report cites the provisions of subsections 8, 9 and 10 of section 4 of the Rules and Regulations implementing the Minimum Wage Law, which make it difficult for employers to pay their workers in taverns.

Poland.

In reply to the observations made by the Committee of Experts in 1957 the Government supplies the following information:

Articles 8, 13 and 14 of the Convention. The workers excluded from the Order of 16 March 1928 concerning wage-earning employees (agricultural and forestry workers, domestic servants and caretakers) are covered by provisions in the Code of Obligations of 1933. Sections 582 and 259 of the Code limit the amount of wages which may be attached or otherwise claimed.

The place of payment of wages, in the case of workers not covered by the Order of 1928, is not determined by legislation, but payment is generally made at the workplace.

The time of payment of wages is governed, as regards workers in nationalised agricultural undertakings, by a collective agreement of

4 July 1957, and, as regards domestic servants and caretakers, by section 451 of the Code of Obligations.

Apart from section 41 of the Order of 1928 concerning wage-earning employees, there are no legislative provisions to give effect to Article 14 of the Convention. However, conditions of work are generally determined by collective agreements, which are brought to the knowledge of the workers through pamphlets and official publications.

Article 9. The previous report enumerated the deductions from wages which are permitted. Deductions of the nature referred to in Article 9 are prohibited. Further, penalties are prescribed, by section 8 of the Decree of 2 August 1945 respecting employment offices, for persons engaging in placement professionally.

United Kingdom.

Mines and Quarries Act, 1954 (Commencement) Order, 1956 (S.I. 1956, No. 1530).

Uruguay.

In reply to the observations made by the Committee of Experts in 1957 the Government has supplied the following information:

Domestic workers are explicitly included within the scope of Act No. 3299 of 25 June 1908, which provides that wages and pensions may not be attached. The fixing of the wages of such workers is entirely free.

Section 18 of the Order of 19 July 1940 to apply Act No. 9910 of 5 January 1940 implicitly guarantees that the wages of homeworkers will be paid in legal tender. Sections 1 to 9 of Act No. 10809 respecting rural labour also imply payment in national currency and not in token money. Act No. 11718 respecting minimum wages in sheep-shearing operations contains provisions similar to those of Act No. 10809.

The only wage deductions provided for are those mentioned in Acts Nos. 10449 and 10809.

Works stores are practically unknown in

Uruguay, rural workers being normally housed and fed by the employer. If the workers are not satisfied with the facilities thus provided, they are free to resort to outside tradesmen. Indeed Act No. 9991 of 20 December 1940 provides that such tradesmen must have free access to undertakings.

The Government considers that the provisions of the Convention which relate to wages in kind are not necessary in Uruguay. Sections 22, 23 and 24 of the Order of 19 July 1940 are clear in this respect and the relevant provisions of Acts Nos. 9991 and 11718 have already been described.

The sale of alcoholic beverages on rice plantations is prohibited under section 1 of Act No. 9991. In other workplaces no establishments selling alcoholic beverages exist.

Payment in kind is subject to the supervision of the Committee on Subsistence Needs, which fixes the price of staple goods.

Act No. 3299, already mentioned, prohibits the attachment or assignment of wages.

The law requires wages to be paid within three days following the end of the month or fortnight. At the expiry of the contract of employment claims for any amounts due may be filed through the National Labour Institute.

Married women and minors are authorised to receive their wages directly under section 14 of Act No. 9910, section 249 of the Children's Code and Act No. 10783 of 13 September 1946. The only agency legally empowered to act as an intermediary is the National Labour Institute.

The withholding of part of the wage is authorised by special laws concerning members of various sales co-operatives set up on a non-profit basis.

* * *

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

Austria, Cuba, Ecuador, France, Italy, 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 ¹	19. 7.1954
Brazil ¹	21. 6.1957
Cuba ¹	3. 2.1953
Finland ¹	22.12.1951
France ¹	10. 3.1953
Federal Republic of Germany ¹	8. 9.1954
Guatemala ¹	3. 1.1953
Italy ¹	9. 1.1953
Japan ²	11. 6.1956
Netherlands ¹	20. 5.1952
Norway ¹	29. 6.1950
Pakistan ¹	26. 5.1952
Poland ¹	25.10.1954
Sweden ¹	18. 7.1950
Syria ¹	7. 6.1957
Turkey ²	23. 1.1952

¹ Has accepted the provisions of Part II.

² Has accepted the provisions of Part III.

Finland.

In reply to the observations formulated in 1957 by the Committee of Experts the Government states that none of the associations authorised to carry on employment exchange work are permitted to place or recruit workers abroad.

France.

Apart from the information already given by the Government representative of France to the Committee on the Application of Conventions and Recommendations (see *Report of the Committee*, p. 680), the report for 1957 contains the following information relating to certain observations of the Committee of Experts to which no reply had yet been received:

Article 4 of the Convention. As regards the preparation of the decree provided for in section 2 of the Ordinance of 24 May 1945, the French Government is now considering the possibility of adopting a special text dealing with the placement of artists. Only after this question has been solved will it be possible to proceed with the preparation of the decree in question.

Articles 4, paragraph 3, and 5, paragraph 1. The consultation of occupational organisations takes place through the consultative machinery set up under the Decree of 20 April 1948 relating to the organisation of the manpower services of the départements, which provides for the establishment in each manpower service of a committee consisting of representatives of employers' and workers' organisations in equal numbers, as well as joint committees attached to the occupational and specialised subsections of the manpower services of the départements and local manpower bureaux.

Federal Republic of Germany.

Act of 23 December 1956 to amend and supplement the Employment Exchanges and Unemployment Insurance Act (*Bundesgesetzblatt*, Part I, p. 1018).

The above Act, which came into force on 1 April 1957, has as its purpose the consolidation and, to some extent, the remodelling of the provisions respecting fee-charging employment agencies and unemployment insurance.

The following information is supplied in response to the observations made by the Committee of Experts:

Article 5, paragraph 2 (b), of the Convention. In the opinion of the Government the provision under which a licence to carry on placement activities conducted with a view to profit may be withdrawn at any time goes further than this Article and therefore does not conflict with the latter. Nevertheless, it is intended that the administrative regulations to be issued under section 54 (4) of the Amendment Act will provide for the granting of a yearly licence.

Article 5, paragraph 2 (d) and Article 6 (c). Under the Amendment Act the recruitment and placement of workers abroad by fee-charging employment agencies is permissible only by special authorisation from the Federal Institution. The conditions with regard to the issue and withdrawal of an authority to recruit and place workers abroad and the precise conditions under which recruitment and placement abroad may be carried out if the necessary authority has been obtained will be governed by administrative regulations to be issued by the governing body of the Federal Institution, with the consent of the Federal Minister of Labour.

Guatemala (First Report).

Labour Code of 8 February 1947 (*L.S.* 1947—Guat. 1).

In Guatemala there are no employment agencies, whether fee-charging or otherwise. However, there are agents who, on behalf of the employers, recruit agricultural workers and workers to be employed abroad, and sections 34, 35, 140 and 141 of the Labour Code contain provisions governing the activities of such per-

sons in order to safeguard the rights of recruited workers.

The application and supervision of the legislation in force is the responsibility of the Ministry of Labour and Social Welfare and the Labour Inspection Service.

Italy.

In reply to the observations made by the Committee of Experts in 1957 the Government supplies the following information:

The preparation of the Bill to regulate the employment of domestic workers has been held up because another Bill was discussed in the 11th Committee of the Chamber of Deputies in April 1957; this concerned the protection of domestic workers in respect of their employment relationship. The Committee appointed a working party to prepare a new text which would also regulate the placement of this class of workers.

Article 3 of the Convention. Although it is not possible to give precise information regarding this Article it may be stated with confidence that the private fee-charging employment agencies now in operation will be abolished as soon as the new legislative provisions come into force.

Article 4. The provisions of this Article will be applied during the transitional period preceding abolition of the above agencies or prohibition of their activities in respect of domestic workers. In this connection mention should be made of the following: section 204 of the Public Security Regulations of 1940, which states that the application for a permit in such cases must indicate the scale of charges to be made; section 9 of the Public Security Act, under which any person obtaining a police authorisation must comply with the conditions imposed by the competent authorities in the public interest; and section 10 of the same Act, which states that a police authorisation may be withdrawn or suspended in case of abuse by the person to whom it has been granted. It is therefore not merely a question of "communicating" these charges to the public security authorities, but of their actual approval by these authorities on issue or renewal of the authorisation.

The activity of employment agencies for domestic workers is so circumscribed that it has not hitherto been considered, under Italian legislation, as one of those with regard to which the relevant employers' and workers' organisations ought to be consulted. This question may be dealt with in future legislative provisions, although this is hardly necessary, having regard to the present composition of the Central Committee for Placement and Assistance to the Unemployed, which is attached to the Ministry of Labour.

Article 7. There are private bodies engaged in free placement. These are institutions of a welfare or religious character, which find posts, suitable from the moral point of view, for domestic workers, and in particular for women workers. The police supervise these institutions to ensure that they really pursue moral and charitable objects.

Article 8. Italian penal legislation contains precise provisions enabling irregularities in this

field to be punished. Thus, section 665 of the Penal Code states that “any person who opens or conducts a business agency without a licence from the authorities, or without notifying the authorities in advance . . . shall be punished by detention for not more than six months or a fine not exceeding 40,000 liras”.

In addition there are also administrative sanctions which may include final withdrawal of the licence.

Pakistan.

In reply to the observations made last year by the Committee of Experts the Government states that action is being taken to prepare suitable draft legislation to ensure the full application of the Convention.

Sweden.

Act No. 45 of 8 March 1957 (*Svensk Författningssamling*, No. 40-45, 1957) to amend Act No. 113 of 18 April 1935 to issue certain provisions respecting employment agencies (*L.S.* 1935—Swe. 1).

The amendment extends until 1 January 1963 (instead of 1 January 1958) the date until which the Royal Labour Board may grant yearly renewals of licences to conduct employment agencies with a view to profit. These renewals are granted if special reasons warrant

it and in the manner and under the conditions prescribed in the transitional provisions of the Act of 18 April 1935; they concern employment agencies placing the following categories of workers: musicians, theatrical artists, domestic workers and workers in hotels, boarding houses and restaurants, health workers and agricultural workers.

Turkey.

The Bill to regulate the activities of persons acting as intermediaries between agricultural workers and employers has reached the legislature and it is very likely that it will be promulgated early in 1958.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application:

Federal Republic of Germany, Italy, Netherlands, Sweden, Turkey.

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

Finland, Norway, Pakistan, Poland, Uruguay.

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 ¹	29. 3. 1954
Guatemala	13. 2. 1952
Israel	30. 3. 1953
Italy	22. 10. 1952
Netherlands	20. 5. 1952
New Zealand ²	10. 11. 1950
Norway	17. 2. 1955
United Kingdom ^{2 3}	22. 1. 1951
Uruguay	18. 3. 1954

¹ Has excluded the provisions of Annex II.
² Has excluded the provisions of Annex I.
³ Has excluded the provisions of Annex III.

Belgium.

- Migration Convention between Spain and Belgium, signed on 28 November 1956.
- Procedural agreement for the migration of Spanish workers to Belgian coal mines, concluded on 28 November 1956.
- Agreement between Greece and Belgium concerning the migration of Greek workers to Belgium with a view to employment in the coal mines, signed on 12 July 1957.
- Act of 4 July 1956 to approve the Social Security Convention between Belgium and Yugoslavia, signed in Belgrade on 1 November 1954 (*Moniteur belge*, 1 Sep. 1956).
- Act of 4 July 1956 to approve the general social security Convention between the Kingdom of Belgium and the Republic of San Marino, signed in Brussels on 22 April 1955 (*Moniteur belge*, 6 Oct. 1956).

In connection with the effect given to Article 5 of Annex I of the Convention the report states that the Tripartite Committee on Foreign Labour has completed the preparation of the contract of employment for mineworkers other than Italians, Greeks; Spaniards and political refugees and the contract of employment for industries other than mining.

France.

In reply to the observations made by the Committee of Experts in 1957 the report states that, since France is not a country of emigration, no special measures have been taken to organise emigration at the national level. The report also mentions that a maternity allowance is granted to any person, regardless of nationality, who is a resident of France and whose child had French nationality at birth or acquires it within three months. Similarly, the allowances for families living on a single salary are granted, irrespective of nationality, to all persons residing in France and having at least one dependent child.

Guatemala (First Report).

Labour Code of 8 February 1947 (*L.S.* 1947—Guat. 1; 1948—Guat. 1; and 1949—Guat. 1). Migration Regulations of 1 August 1947, which contain clauses on entrance visas for passports. Decree No. 1781 of 25 January 1936, containing the Aliens Act, as amended by Legislative Decree No. 10 of 16 December 1944.

Article 1 of the Convention. Information on laws and regulations relating to emigration and immigration has been made available to the Office.

The report quotes sections 13, 34, 35 and 36 of the Labour Code; sections 80 and 90 of the Aliens Act and sections 28, 29 and 36 of the Immigration Regulations.

Article 2. Consideration is being given to the establishment of an Employment Service which will include an adequate and free service to assist migrants for employment.

Article 3, paragraph 1. The legislation of Guatemala does not contain any regulation which prevents it from taking steps against misleading propaganda relating to emigration and immigration.

Paragraph 2. Co-operation in this field with other governments has not been considered up to the present.

Article 4. The report refers to the statements made under Article 1.

Article 5. At the ports and at the frontier posts there are medical services in charge of the supervision of the health conditions of migrants. However, in order to comply fully with the provisions of this Article, consideration is being given to the possibility of establishing special medical services.

Article 6. The Labour Code and the regulations thereunder have the force of law and all the inhabitants of Guatemala, without distinction of sex or nationality, are covered by these provisions, without prejudice to the exceptions specified in the Code itself. In respect of the matters covered by Article 6 the law and regulations apply alike to all persons resident in Guatemala.

Article 7. The report states that when an employment service, at present under consideration, is established, the provisions of this Article will be taken into account.

Article 8. Since emigration as well as immigration are on a small scale, no cases of the type covered by this Article have arisen. Nevertheless, as the Convention has the force of national law, the provisions of this Article have to be necessarily applied.

Article 9. There are no limits within which the transfer of the earnings and savings of the migrant for employment is permitted by national laws and regulations.

Article 10. Up to the present no agreements concerning emigration or immigration have been concluded by Guatemala.

Article 11. There is no definition of "frontier workers" and the longest period which is regarded as constituting "short-term entry" is 60 days.

ANNEX I

Article 3. No authorisations have been issued to private agencies for the recruitment, introduction and placing of migrant workers. No supervision is necessary having regard to the insignificance of the movement.

Article 5. The Ministry of Labour and Social Welfare, through its General Labour

Inspectorate, supervises contracts of employment between an employer, or a person acting on his behalf, and a migrant for employment.

Article 6. Administrative formalities are laid down in the Migration Regulations. Up to the present no request for assistance has been received from the migrants for employment.

Article 7. No migration agreements have been concluded. The Ministry of Labour and Social Welfare is obliged to study the contracts offered to Guatemalan emigrants before authorising their recruitment. Contracts offered to immigrants are supervised by the General Labour Inspectorate.

ANNEX II

Article 3. No authorisation for the recruitment, introduction and placing of migrants has been given.

Article 5. There has been no collective transport of migrants in transit through Guatemala.

Article 6, paragraphs 1 and 2. In so far as Guatemalan employees are concerned, section 34 of the Labour Code deals with the matters laid down in these paragraphs. The competent authority is the Ministry of Labour and Social Welfare.

Article 7. See under Article 6 of Annex I.

Article 9. Section 34 (c) of the Labour Code deals with the question of repatriation expenses of the workers and the members of their family.

Article 12. Up to the present no agreement concerning emigration and immigration has been concluded.

ANNEX III

No specific administrative measures have proved to be necessary up to the present.

Israel (First Report).

Law of Return No. 48 of 1950 (Laws of the State of Israel, Vol. 4, 5710-1949/50).

Entry into Israel Law No. 71 of 1952 (Laws of the State of Israel, Vol. 6, 5712-1951/52).

Customs Tariff and Exemption Ordinance No. 24 of 1937, Class III—Group T, No. 704 (b), Settlers' Effects (Ordinances, Regulations, Rules, Orders and Notices, Annual Volume for 1937, Vol. I, Ordinances, Government of Palestine).

Article 1 of the Convention. The national policy is to have the country open for all Jews wishing to settle in the country. This principle is laid down in the Law of Return of 1950. In this case acquisition of Israeli nationality is automatic. Immigration not falling under the Law of Return is regulated by the Entry into Israel Law of 1952, Part I, section 2, (2)-(4), providing for temporary and permanent permits of residence. The latter form of immigration for employment is almost non-existent, as the needs of the labour market are satisfied by immigrants of the first category and is in practice confined to specially qualified craftsmen, experts and artists.

Article 2. These services are rendered by the Jewish Agency and by the consular services. In some countries there are public bodies linked

with the Jewish Agency and dealing with questions of immigration into Israel.

Article 3. The need for taking the steps envisaged in this Article has not arisen.

Article 4. Persons immigrating into Israel for employment are generally highly qualified specialists whose economic conditions do not require special facilities regarding departure, journey and reception. As a rule these matters are covered by the contract, which is signed before the entry visa is granted.

Article 5. Special medical officers examine all the prospective immigrants and the members of their families. During the journey medical services are provided by the Jewish Agency; on arrival they are provided by the general health services of the country. In so far as experts or highly specialised craftsmen are concerned, the introduction of a medical examination which will give effect to the relevant provision of the Convention is being studied.

Article 6. All immigrants enjoy the same working conditions as those enjoyed by nationals and there is no discrimination in the matters enumerated in paragraph 1 of this Article. On the contrary, new immigrants enjoy many special priority rights. All the social security benefits are provided to all residents.

Article 7. In view of the special character of immigration into Israel the measures envisaged in this Article are redundant.

Article 8. Persons entering the country under the Law of Return acquire Israeli nationality upon arrival and cannot therefore be returned to their country of origin for any reason whatsoever. In other cases, Israeli nationality may be applied for after three years of residence; it is granted if the conditions laid down in section 5 of the Nationality Law of 1952 are complied with.

Article 9. The export of currency is restricted under the Finance Regulations. In the case of migrants for employment, prior arrangements are made with the Treasury determining in each specific case in advance the amount which the person concerned will be allowed to export.

Article 10. There are no such agreements.

Article 11. The period of six months is regarded as "short-term entry".

ANNEXES I AND II

There is no recruitment of migrants for employment within the meaning of these annexes. The need for taking the measures envisaged therefore does not arise.

ANNEX III

Item 704 of the schedule to the Customs Tariff and Exemption Ordinance of 1937 exempts from customs duties the personal effects, tools and equipment of settlers.

The Department of Immigration of the Ministry of the Interior, in co-operation with other government departments concerned, is in charge of the enforcement of the relevant legislation and administrative regulations. In par-

ticular it demands appropriate guarantees from prospective employers of migrant workers.

Italy.

The report states that, according to circular No. 33-46 issued by the Directorate-General of Employment and Vocational Training of the Ministry of Labour, the procedure applicable to nationals of members of the Organisation for European Economic Co-operation in regard to applications for permission to take up employment in Italy has been extended to all foreign nationals and stateless persons. As regards emigration agreements, the Government mentions an agreement signed with Luxembourg on 16 January 1957.

Norway (First Report).

Act of 22 May 1869 respecting the supervision of transport for emigrants to other parts of the world.

Act of 27 June 1947 respecting measures to promote employment (*L.S.* 1947—Nor. 2).

Aliens Act of 27 July 1956 (*Norsk Lovtidend*, No. 28, 22 Aug. 1956, pp. 680ff).

Decree of the Crown Prince Regent of 25 January 1957 respecting the coming into operation of the Aliens Act and the provisions under the Act.

Aliens Regulations issued by the Ministry of Justice on 20 March 1957.

Circular No. 52 (*Rundskriv 2, Kontor (Afm)* No. 52) respecting the applications by aliens for work permits and procedure for placement.

Article 1 of the Convention. There are no restrictions in regard to emigration. There are, however, some statutory provisions relating to the supervision of activities promoting emigration and to the transportation of emigrants to other parts of the world.

In so far as immigration for employment is concerned, aliens must have a passport, a visa if necessary and a work permit. Danish, Swedish and Finnish citizens are not required to hold passports unless they remain more than three months in the counties of Troms and Finnmark or intend to take up employment there.

Aliens who take up employment in Norway have equal status with Norwegian citizens with regard to conditions of work. The report describes in detail the work permit system.

Article 2. The employment service is free both for Norwegians and aliens. Prospective immigrants receive from the Directorate of Labour information relating to conditions of work.

Article 3. Few legal provisions exist relating to misleading propaganda in connection with both emigration and immigration, but, in practice, measures will be taken if the need arises.

Article 4. Norwegians who participate in the Scandinavian exchange scheme for young people in agriculture are given free transport to the frontier. Other Scandinavians are granted free transport from the Norwegian frontier station to their workplace in Norway.

Article 5. A medical examination is usually made before the grant of a work permit for an indefinite period. Aliens employed in Norway and their families have the same access to public health institutions and general practitioners as Norwegian citizens.

The number of emigrants from Norway is very small, and they are not medically examined. However, the regular transport services are of a very high standard and satisfy all reasonable hygienic requirements.

Article 6. Aliens receive treatment no less favourable than that applied to nationals and foreign refugees, except that in case of old-age pensions, family allowances and assistance for the blind and disabled the relevant laws stipulate that aliens only qualify for benefit after having lived in the country five years, six months and five years respectively.

Article 7. Within the framework of the common employment market for the Scandinavian countries a number of local and regional offices in Norway work in direct contact with the employment services in the other Scandinavian countries. Services are rendered free both to citizens and aliens.

Article 8. No alien can be deported on the ground that he is unable to carry out his work because of illness.

Article 9. An alien who is a national of a member of the European Payments Union, and who has paid employment in Norway, may transfer to his country funds to cover all his expenses at home (family maintenance, rent, insurance premiums, etc.). If he leaves Norway within two years he may take all his savings with him. After a stay of more than two years an alien falls under the same currency regulations as Norwegian citizens.

Article 10. No special agreements have proved to be necessary up till now.

Article 11. A person who lives on one side of the frontier but works on the other side is considered to be a frontier worker. In Norway no exceptions are made from current provisions in the case of artists and intellectual workers.

ANNEX I

Since the war there has been no transfer on private initiative of groups of migrants to and

from Norway. The law prohibits activities with a view to promoting the emigration of Norwegian subjects or the acceptance by them of employment abroad unless the consent of the Ministry of Labour has first been obtained. Placement of foreign labour in Norway can only be effected by the official Employment Service.

ANNEX II

Group transfer to and from Norway with governmental support has only taken place to a very limited extent (refugees). There are no statutory provisions in this field, but the principles laid down in this annex have been followed.

ANNEX III

The report gives the interpretation of the term "personal effects" under Norwegian law.

The application of the regulations concerning work permits is undertaken by the local police authorities, the State Aliens Office, and, in some cases, by the Ministry of Justice.

Migration to and from Norway has been very limited during recent years.

Uruguay.

The report states that a Bill on immigration was submitted to Parliament in 1957.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Belgium, France, Guatemala, Israel, Italy, New Zealand, Norway, United Kingdom, Uruguay.

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

Cuba, Netherlands.

98. Right to Organise and Collective Bargaining Convention, 1949

This Convention came into force on 18 July 1951

Countries	Date of registration of ratification
Albania	3. 6.1957
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
Haiti	12. 4.1957
Honduras	27. 6.1956
Hungary	6. 6.1957
Iceland	15. 7.1952
Indonesia	15. 7.1957

Countries	Date of registration of ratification
Ireland	4. 6.1955
Israel	28. 1.1957
Japan	20.10.1953
Luxembourg	3. 3.1958
Morocco	20. 5.1957
Norway	17. 2.1955
Pakistan	26. 5.1952
Philippines	29.12.1953
Poland	25. 2.1957
Sudan	18. 6.1957
Sweden	18. 7.1950
Syria	7. 6.1957
Tunisia	15. 5.1957
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.

See under Convention No. 87.

Denmark (First Report).

Act No. 536 of 4 October 1919 respecting the Permanent Court of Arbitration (*Dansk Lovsamling A.*, p. 485), as amended by Act No. 135 of 2 May 1934 (*L.S. 1934—Den. 1 B*) (*Lovtidende A.*, p. 589) and by Act No. 88 of 15 March 1939 (*Lovtidende A.*, p. 239).

Act No. 5 of 18 January 1934 respecting intervention in labour disputes (*L.S. 1934—Den. 1 A*) (*Lovtidende A.*, p. 4) as amended by Act No. 96 of 20 March 1940 (*Lovtidende A.*, p. 189) and by Act No. 602 of 21 December 1945 (*Lovtidende A.*, p. 1588).

The September Agreements concluded on 5 September 1899 between the Danish Employers' Confederation and the Confederation of Danish Trade Unions.

Rules adopted by the above-mentioned Confederations on 21 December 1956 for the negotiation of collective agreements.

Ratification of the Convention has not called for any change in the law. In principle, collective agreements are concluded by free negotiation between the parties concerned and the Government authorities do not intervene in the enforcement of such agreements.

The State Conciliation Board in Labour Disputes has authority to assist only the industrial organisations in the conclusion and renewal of collective agreements. In case of conflicts arising out of an alleged breach of collective agreement the matter is dealt with by the Permanent Court of Arbitration.

Article 1 of the Convention. Under paragraph 4 of the September Agreements employers are free to engage workers no matter whether they are organised or not. If, however, an employer systematically failed to employ organised workers, this would be contrary to the September Agreements. An employer cannot forbid workers employed by him to join a trade union nor require them to resign their membership. Similarly any systematic discharge of trade unionists is unlawful if made by an employer who is bound by the September Agreements or has entered into an industrial agreement with the trade union. The same applies to individual discharges made on the sole ground that the worker concerned has refused to resign his membership of an industrial organisation or has made propaganda in favour of such an organisation.

Article 2, paragraph 1. Although the question has never arisen, the Danish Employers' Confederation has expressly stated that it would be contrary to the principle of the September Agreements if, through financial assistance or otherwise, an employers' organisation tried to control one trade union.

Paragraph 2. There has been no question of any such acts.

Article 3. Machinery has not been necessary in view of the long-established practice of voluntary negotiation.

Article 4. Machinery has not been necessary for the reason indicated above.

Article 5. No legal provisions restrict the right of the police to organise. Members of the armed forces may not join associations relating to their conditions of service without special

permission. The Ministry of National Defence has approved certain organisations.

Dominican Republic.

Act No. 4667 of 12 April 1957 (*Gaceta Oficial*, 13 Apr. 1957, Vol. LXXVIII, No. 8110).

This Act amends sections 104, 105, 106, 114, 314, 370, 371 and 374 of the Labour Code concerning collective agreements, trade unions and industrial disputes. The Government states that in this way the recommendations of the Governing Body regarding the 25th Report of the Committee on Freedom of Association have been complied with.

Under the new wording of section 104 of the Labour Code collective agreements do not require approval by the Department of Labour before they can come into effect.

Egypt.

Article 1 of the Convention. See under Convention No. 11.

Article 2. The Government states that practice and custom give adequate protection to workers' and employers' organisations.

France.

Act No. 57833 of 26 July 1957 (*Journal officiel*, 28 July 1957).

Among other things this Act defines the competence of conciliation boards and extends the mediation procedure to disputes other than those relating to wages. It provides that (a) all collective labour disputes arising in connection with the conclusion, revision or renewal of collective agreements must be dealt with in accordance with agreed or statutory conciliation procedures; (b) the scope of the mediation procedure is extended; and (c) fines may be imposed as penalties for the failure of the parties to appear before the conciliation boards and before mediators, as well as for refusing to communicate to them any documents that may be of use to them in the performance of their functions.

Indonesia (Voluntary Report).

Provisional Constitution of the Republic of Indonesia of 15 August 1950.

Law No. 21 of 12 June 1954 respecting union-employer agreements on conditions of employment (*L.S. 1954—Indo. 1 A*). (*Lembaran-Negara Republik Indonesia*, 1954, No. 69.)

Articles 1 and 2 of the Convention. Article 29 of the Provisional Constitution provides that everyone has the right to form and to join trade unions for the protection and promotion of his interests. Section 1 (3) of Law No. 21 of 1954 provides that any stipulation obliging an employer to accept or refuse workers or obliging a worker to accept or refuse employment with a particular employer on the grounds of religion, race, nationality, political views or membership of an organisation shall be null and void; this provision likewise applies to any stipulation contrary to law and order or morality.

Article 3. Law No. 21 of 1954 does not deal with this matter.

Article 4. Law No. 21 of 1954 does not cover the content of this Article, but the procedure for the settlement of labour disputes which is now in force ensures the establishment of a body for voluntary negotiation, so that the intermediary of government agencies will only be used if the voluntary negotiations reach a deadlock.

Article 5. Law No. 21 of 1954 does not deal with members of the armed forces and police, and such persons have the right to organise within the limits of the relevant disciplinary regulations.

The Government states that, according to the jurisprudence of the Central Board for the Settlement of Labour Disputes, any request by a labour union to be recognised as the only union in an undertaking will be rejected.

Ireland (First Report).

Constitution of 29 December 1937.
Industrial Relations Act No. 26 of 1946 (L.S. 1946—
Ire. 1), as amended by Act No. 19 of 1955.

Article 1 of the Convention. Article 40 of the Constitution guarantees the right to form associations and unions, subject to the regulation of the exercise of the right by legislation, which, however, may not permit political, religious or class discrimination. Workers' organisations are strong enough to protect their members against the acts referred to in Article 1, the principle of non-discrimination being generally accepted by organisations on both sides. Overt acts of anti-union discrimination could be challenged in the courts.

Article 2. The principle is generally accepted by workers' and employers' organisations, which are, moreover, strong enough to protect themselves against acts of interference by each other.

Article 3. Respect for the right to organise is ensured in practice as stated above.

Article 4. It is government policy to promote collective bargaining. The Labour Court was set up to assist the parties to conclude agreements by offering facilities for conciliation and the making of non-binding recommendations to the parties for the settlement of disputes. In the rare cases where the right to bargain has been questioned and the matter referred to the Labour Court as a dispute, the latter has endorsed the right. In some cases the Court may register collective agreements so as to give them statutory force.

Article 5. The Convention is not considered appropriate for application to members of the armed forces. Members of the police force may make representations concerning their conditions of employment through certain recognised associations, but may not adhere to any other associations or unions having as their object the control or influence of pay, pensions or conditions of service of any police force.

The application of the Convention has not been considered in any case so far arising in the courts.

No observations have been received from workers' or employers' organisations.

Norway (First Report).

Act of 5 May 1927 respecting labour disputes (L.S. 1927—Nor. 1). (*Norsk Lovtidende*, 1927, Part I, No. 17, p. 322.)
Provisional Act of 14 December 1951 respecting the right of association of supervisory staff in private industry.

According to the Norwegian interpretation of the law, citizens have the right to join organisations and draw up regulations for them. This applies in the case of organisations formed by employers and employees for the protection of their interests. The general principle of the right to organise is based on common law; in the special case of supervisors in private undertakings the principle has been embodied in a statute. In their basic agreement the central organisations of Norwegian employers and employees mutually recognise the free right to organise. The right to bargain collectively is recognised. The Act of 5 May 1927 concerning labour disputes presupposes this right. All the principles of the Convention are adhered to in practice.

Article 1 of the Convention. Pursuant to the principle of the right to organise workers are assumed to have this protection.

Article 2. Protection is secured by the basic agreement between the central organisations. The same practice is followed by other organisations.

Articles 3 and 4. No special machinery for enforcing the rights laid down in the Convention has been found necessary. The public conciliation authorities, the Labour Court and, if necessary, the ordinary courts, are available for the conciliation and settlement of disputes on questions of the kind dealt with in the Convention.

Article 5. No administrative decision has been taken as to how far the Convention shall apply to the armed forces and police. In accordance with the common principle of the right to organise, members of the armed forces and police are to a great extent organised.

Pakistan.

With regard to the observations made by the Committee of Experts the Government refers to its report on Convention No. 87. The machinery called for in Article 3 of the Convention for the purpose of ensuring respect for the right to organise already exists.

No judicial decisions on questions of principle with a bearing on the application of the Convention have come to the notice of the Government of Pakistan.

Turkey.

The report states that both the trade unions and the employers' associations possess legal personality and as such are independent and free of any interference from each other. The Civil Code, the Penal Code, the Associations Act and the Trade Unions Act also contain provisions designed to safeguard this independence.

The report adds that the authorities have decided to insert a further two sections in the

Trade Unions Act of 1947 so as to rule out the possibility of any act of interference whatsoever.

Uruguay.

The special Tripartite Committee has not yet made its final report.

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The reports from the following countries supply information on the practical effect given

to the Convention or on minor changes in its application :

Denmark, Indonesia, Ireland, Norway, Philippines, Sweden.

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

Austria, Cuba, Finland, Iceland, Japan, United Kingdom.

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
Brazil	25. 4. 1957
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

France.

See under Convention No. 26.

Federal Republic of Germany.

The following information is supplied in reply to the observations made by the Committee of Experts :

Article 2 of the Convention. Conformity with paragraph 2 (a) is secured by clauses governing payments in kind contained in collective agreements (of which the report cites examples).

Article 3. As regards the possibility that conditions of work might be less favourable than those prescribed under the Act of 11 January 1952 the question is of no practical significance at present, as the Convention is now applied only by means of collective agreements. In the opinion of the Government conditions of work cannot be less favourable, because, under section 4 of the Collective Agreements Act, contracting out of collective agreements is prohibited.

Article 5. Collective agreements are in operation for the whole of agriculture. In law these agreements apply only to the groups which are parties to them, but in practice they are of much wider significance. Generally employers who are themselves parties make no distinction between organised and unorganised workers, and other employers also frequently observe the collective agreements. The number of employed persons in agricultural undertakings and related occupations is about 870,000.

Netherlands.

Decree of 5 October 1945 to issue the Extraordinary (Employment Relations) Decree (L.S. 1945—Neth. 1).

Economic Offences Act of 22 June 1950.

In reply to the observations made by the Committee of Experts in 1957 the Government provides the following information :

The Conciliation Board has power to approve collective agreements and to make wage regulations under sections 14 and 12 of the Extraordinary (Employment Relations) Decree. The procedure in making wage regulations is also governed by section 12 of this Decree. Non-observance of approved rates is punishable under the Economic Offences Act by imprisonment and/or fines (section 6), by total or partial closure of the undertaking for a specified time and publication of the sentence (section 7), or by the payment of a security (section 8).

Stipulations to the effect that wages of apprentices and handicapped workers shall be fixed by individual contract may be included in collective agreements or wage regulations under section 12 of the Extraordinary (Employment Relations) Decree. Supervision of wages so fixed is carried out by the Wages Inspection Service.

Copies of collective agreements and of wage regulations are available to members of agricultural trade unions at low prices. Regulations made by the Conciliation Board are printed in the official gazette.

United Kingdom.

In reply to an observation made by the Committee of Experts in 1957 the Government states that in Northern Ireland the Agricultural Wages Board has only found it necessary to fix rates for female workers engaged in the pulling and scutching of flax, for the reason that the number of regular female workers, other than family workers, employed on general farm work in Northern Ireland is very small, roughly 2½ per cent. of the total number of agricultural workers. The Board has not received any representation that rates should be fixed for female workers, other than those engaged in the handling of flax.

Uruguay.

Act No. 12379 of 12 February 1957 fixing minimum wages for dairy workers (*Diario Oficial*, 20 Feb. 1957, No. 15046, p. 423).
Decree of 21 May 1957 to issue regulations under Act No. 12379.

In reply to observations made by the Committee of Experts the Government provides the following information :

In the case of statutory minimum wages information is submitted to the competent Ministry by employers and workers before proposals are submitted to Parliament, and the latter itself also receives information from the parties. Where wages are fixed by collective agreements, they are determined by the parties

themselves, subject to approval by the Executive. In either case, the law or collective agreement is published in the *Diario Oficial*, which has a large circulation.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Austria, Ceylon, Cuba, New Zealand, Philippines, United Kingdom.

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

100. Equal Remuneration Convention, 1951

This Convention came into force on 23 May 1953

Countries	Date of registration of ratification
Albania	3. 6.1957
Argentina	24. 9.1956
Austria	29.10.1953
Belgium	23. 5.1952
Brazil	25. 4.1957
Bulgaria	7.11.1955
Byelorussia	21. 8.1956
Cuba	13. 1.1954
Czechoslovakia	30.10.1957
Dominican Republic	22. 9.1953
Ecuador	11. 3.1957
France	10. 3.1953
Federal Republic of Germany	8. 6.1956
Haiti	4. 3.1958
Honduras	9. 8.1956
Hungary	8. 6.1956
Ireland	17. 2.1958
Italy	8. 6.1956
Mexico	23. 8.1952
Philippines	29.12.1953
Poland	25.10.1954
Rumania	28. 5.1957
Syria	7. 6.1957
Ukraine	10. 8.1956
U.S.S.R.	30. 4.1956
Yugoslavia	21. 5.1952

Belgium.

The Government transmits with its annual report a report on the progress made in applying the principle of equal remuneration in the joint committees, prepared by the government service for submission to the Minister of Labour and the National Labour Council. In conformity with the opinion expressed by the National Labour Council on this report the Minister of Labour is to request the joint committees to continue their work and to draw up a further report for 1958.

The Government points out that the report shows that in most branches of industry equality of remuneration is being achieved gradually on a somewhat empirical basis, but that in certain sectors such as the tobacco, mechanical engineering, pottery and chemical industries job classification is under consideration as a useful first step towards establishing

a fair scale of remuneration. No great headway has yet been made, however, in the work of job classification.

Bulgaria (First Report).

Constitution of the People's Republic of Bulgaria of 4 December 1947 (*L.S.* 1947—Bul. 3). (*Derjaven Vestnik*, Vol. LXIX, 6 Dec. 1947, No. 284, p. 1.)
Act of 15 November 1957 to amend and supplement the Labour Code of 1951 (*Izvestia*, No. 92, 15 Nov. 1957).

Articles 1 and 2 of the Convention. Under article 72 of the Constitution women enjoy the same rights as men in all areas of public, private, economic, cultural and political life. In particular, women, like men, enjoy the right to work, to equal pay for equal work, etc. The same rates of remuneration are provided for work of equal value; this principle applies to all workers, whatever the method of remuneration.

Article 3. Under article 73 of the Constitution and section 67 of the Labour Code, the amount of the remuneration depends on the quantity and quality of the work done. Rates of remuneration are determined according to the degree of skill required, whether and how far the work is difficult or unhealthy, and its importance for the national economy. The rates thus fixed are observed by all undertakings.

Article 4. The trade unions participate actively in the determination of wage rates and systems and ensure the application of the principle of "equal work for equal pay".

Mexico.

Article 2 of the Convention. In reply to the observation made by the Committee of Experts, the Government states that in Mexico work which is equal both qualitatively and quantitatively and is carried out under equal conditions in an equal period of time is remunerated at an equal rate, regardless of age, sex or nationality. Since this rule is always observed there is no need for any measures to be taken to encourage its observance.

Philippines.

In reply to the observations made in 1957 by the Committee of Experts the Government supplies the following information :

The number of women workers to whom the principle of equal remuneration is applied is some 3 million, about 1.3 million of whom are in agriculture and about 1.7 million in non-agricultural industries. Act No. 679, as amended by Act No. 1131, expressly provides for equal remuneration for work of equal value, so that it is not deemed necessary to make such provision in collective bargaining agreements.

A recent sample survey (in May 1956) conducted by the Philippine Statistical Survey of Households of the National Economic Council showed that the median male weekly earnings are about 17.50 pesos, while those of women are about 8 pesos. However, the explanation for the difference in earnings is not discrimination in pay based on sex but rather the differences in wages paid by industries employing women and industries employing men.

It is apparent from studies made by the Labour Statistics Division, a copy of which the Government appends to its report, that most women are employed in poorly paid work such as personal services, manufacturing and commerce, while the men are employed in better paid work which is in general reserved to them, such as mining, electricity, water and gas and the construction industry.

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The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application :

Dominican Republic, France.

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

Austria, Cuba, Poland, Yugoslavia.

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
Brazil	25. 4.1957
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

Cuba.

See under Convention No. 52.

France.

The minimum value of the payments in kind which the worker does not continue to receive while on holiday is fixed in each département by Order of the prefect. Such Orders, which are now being published, generally provide that the value to be allowed is that fixed by the collective agreements or wage agreements applicable to the workers concerned, and that failing such agreements the value of board and lodging shall be equal to that laid down in connection with the guaranteed minimum wage in agriculture and, for the other items, it shall be the sale price charged

by the producer if they come from the farm itself or the retail price if they do not.

Federal Republic of Germany (First Report).

Legislation in the Länder governing holidays with pay. (See *Textsammlung arbeitsrechtlicher Gesetze* von Nipperdey, 1. bis 4. Auflage, Stand 15.5.1957, Verlag Bech, München-Berlin).
Ordinance of 30 November 1951 fixing wages and conditions of work in agricultural undertakings in the Saar (*Amtsblatt* No. 55 of 1951).

Article 1 of the Convention. Annual holidays with pay are granted to agricultural workers by provincial legislation and collective agreements. There is no federal legislation on holidays.

Article 2. The right to annual holidays with pay is prescribed by legislation, except in the district of Süd-Württemberg-Hohenzollern in the province of Baden-Württemberg, where agricultural workers are granted annual holidays in virtue of the model collective agreement. In addition there are collective agreements in all provinces, of which a large number have been made generally binding; these agreements often overrule the legislation in so far as they contain provisions which are more favourable to the worker. In accordance with section 56, paragraph 1 (c), of the Act respecting the participation of employees (Betr. VG), the works committees co-operate in planning the dates at which annual holidays are to be taken by the different workers; the length of the holiday is fixed by collective agreement or legislation.

Article 3. In all provinces the minimum duration of the annual holiday is 12 working

days; in some of them the full holiday is granted after six months of continuous employment. For each month of continuous service with one employer, a holiday equivalent to one-twelfth of the annual holiday is normally granted.

Article 4. The provincial legislation on annual holidays is applicable to all wage earners, including those in agriculture; no exceptions are provided for.

Article 5. In all provinces wage earners under 18 years of age receive additional holidays, which generally bring up the total holiday period to 24 working days a year. The legislation does not provide for an increase in the duration of holidays with the length of service, but such an increase is frequently prescribed in collective agreements or in individual contracts. Certain laws and collective agreements lay down that, in cases where the period of continuous service of a worker is not of sufficient duration to qualify him for an annual holiday with pay, a holiday equivalent to one-twelfth of the annual holiday shall be granted for each month of service. The laws and collective agreements provide that a worker who leaves his employment may receive in exceptional cases payment in lieu of holidays not taken. Public holidays are not considered as working days under the law or under collective agreements and they are therefore not included in the annual holiday. This also applies to temporary interruptions of attendance at work due to sickness or accidents. Some laws provide that a worker who becomes ill during his annual holiday must resume his work at the end of his illness, the remaining holiday to be taken at a date fixed in agreement with the employer. Weekly rest periods are also excluded from annual holidays, subject to special provisions in the case of the five-day week.

Article 6. All the laws on annual holidays provide that the holiday shall be taken in one unbroken period. However, in exceptional cases, for personal reasons or in the interest of the enterprise, the holiday may be divided. Similar provisions are contained in collective agreements.

Article 7. Under the annual holidays laws in various provinces payment in respect of annual holidays is reckoned either on the basis of the normal weekly pay during the months preceding the holiday, or on the average piece rate calculated over the preceding months, or on the payment which the worker would have received if he had worked normal hours during the holiday period. Similar stipulations are contained in collective agreements.

Article 9. In the case of non-payment of holiday remuneration after dismissal the worker can appeal to the Labour Court.

Article 10. The application of the relevant provisions and of the Convention is ensured indirectly through the right of the worker to appeal to the Labour Court and through the working of collective agreements.

Article 11. Legal provisions or collective agreements governing annual holidays cover all agricultural wage earners in the Federal Republic; on 30 September 1956, there were 697,717

such wage earners, including 63,194 young persons under 18 years of age.

The texts of five decisions given by federal labour courts involving questions of principle relating to holidays with pay were transmitted with the Government's report. The report states that as there is no official body entrusted with the application of the Convention no statistics on infringements are available.

Israel.

See under Convention No. 52.

Uruguay.

Act No. 12353 of 27 December 1956 to amend Act No. 10809 of 16 October 1946 respecting the protection of agricultural workers (*Diario Oficial*, 10 Jan. 1957, No. 15011).

The above-mentioned Act provides that, for agricultural workers, the annual holiday with pay shall be increased to 20 days and that it shall be extended after a period of continuous service with the same employer.

Yugoslavia (First Report).

Decree of 4 July 1946 respecting annual holidays with pay for wage-earning employees, salaried employees and officials, as amended on 3 July 1947 (*L.S.* 1947—Yug. 1).

Regulations of 7 June 1950, issued under the above Decree (*Službeni List*, No. 40-1950).

Act of 1 December 1948 to amend and supplement the Labour Inspection Act (*L.S.* 1948—Yug. 2). (*Službeni List*, 15 Dec. 1948, No. 108, p. 1770.)

Regulations of 6 May 1949 respecting employment contracts (*Službeni List*, No. 29-1949).

Ordinance of 28 December 1949 respecting the planning of annual holidays with pay for workers and employees (*Službeni List*, No. 109-1949).

Decree of 29 March 1952 respecting the payment of wages of wage and salary earners employed by private employers (*L.S.* 1952—Yug. 1), as amended 6 January 1953. (*Službeni List*, No. 2 of 1953.)

Decree of 8 May 1952 respecting the remuneration of workers employed in co-operatives and co-operative organisations (*Službeni List*, No. 20-1952).

Decree of 22 July 1952 respecting apprentices (*L.S.* 1952—Yug. 5 A). (*Službeni List*, 25 July 1952, No. 39, Text 478.)

Decree of 27 May 1957 respecting the remuneration of workers employed in economic enterprises (*Službeni List*, No. 18-1957).

Article 1 of the Convention. The Decree of 4 July 1946, as amended, provides that every worker under a contract of employment, including those in agriculture, has the right to an annual holiday with pay after a period of continuous service.

Article 2. Annual holidays are provided for by legislation. Whenever new provisions are introduced the occupational organisations and other interested parties express their views beforehand in public debate.

Article 3. In accordance with the Decree of 1946, as amended, workers acquire the right to an annual holiday of from 14 to 30 days after 11 months of continuous service with the same employer, or even with different employers, provided that work has been carried on continuously and that the change of employer was caused by transfer, closure of the enterprise, dismissal which is not the fault of the worker, or on notice by the worker for such reasons as defined under sections 23 and 26 of

the Act of 1948 respecting contracts of employment. The Regulations of 1950 respecting annual holidays contain provisions for the calculation of seasonal work as a part of the qualifying period.

Article 4. The legislation governing annual holidays applies to all workers under a contract of employment without any exception.

Article 5. The duration of the annual holiday, varying between 14 and 30 days, is determined on the basis of the working conditions, type of work, category of the worker, etc. The Decree respecting apprentices provides for an annual holiday of 37 days for apprentices: 30 days to be taken in summer and seven days in winter. A law on labour relations to be promulgated most probably at the end of 1957 will provide for the duration of annual holidays to be increased with the length of service, and also for longer vacations in the case of workers under 18 years of age. Interruptions of attendance at work due to sickness are excluded from the annual holiday.

Article 6. The Decree of 4 July 1946 provides that the annual holiday must be taken in one unbroken period.

Article 7. The Decree of 4 July 1946 provides that the worker shall receive his usual remuneration in respect of the period of the holiday. In the case of workers in economic enterprises the holiday remuneration is calculated in accordance with the provisions laid down in the Decree of 27 May 1957, and workers receive the remuneration which they would have received if they had worked during the holiday. The holiday remuneration due to workers in co-operatives and co-operative organisations, and to those working for a private employer is prescribed by the relevant decrees.

Article 8. In accordance with the general principles existing in Yugoslavia any agreement to relinquish the right to an annual holiday shall be void; this principle is also laid down in the regulations respecting contracts of employment.

Article 9. The Decree of 3 July 1947 provides that a worker dismissed through no fault of his own before he has taken the annual holiday due to him shall receive 14 days' regular pay in respect of the holiday.

Article 10. The Act concerning labour inspection provides for an adequate system of inspection and supervision to ensure the application of the annual holidays provisions.

Article 11. The number of agricultural workers benefiting from annual holidays provisions was 198,931 in 1956, and the number of apprentices 4,432.

The competent administrative services are responsible for the application of the legislative provisions in question; they are assisted by the Labour Inspectorate.

* * *

The reports from the following countries supply information on the practical effect given to the Convention or on minor changes in its application:

Austria, Belgium, New Zealand, Sweden, Uruguay.

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

Norway, Yugoslavia.

102. Social Security (Minimum Standards) Convention, 1952

This Convention came into force on 27 April 1955

Countries	Date of registration of ratification
Denmark ¹	15. 8.1955
Federal Republic of Germany ²	21. 2.1958
Greece ³	16. 6.1955
Israel ⁴	16.12.1955
Italy ⁵	8. 6.1956
Norway ⁶	30. 9.1954
Sweden ⁷	12. 8.1953
United Kingdom ⁸	27. 4.1954
Yugoslavia ⁹	20.12.1954

¹ Has accepted the provisions of Parts II, IV, V and IX.
² Has accepted the provisions of Parts II to X.
³ Has accepted the provisions of Parts II to VI and VIII to X.
⁴ Has accepted the provisions of Parts V, VI and X.
⁵ Has accepted the provisions of Parts V, VII and VIII.
⁶ Has accepted the provisions of Parts II to VII.
⁷ Has accepted the provisions of Parts IV, VI and VII.
⁸ Has accepted the provisions of Parts II to V, VII and X.
⁹ Has accepted the provisions of Parts II to VI, VIII and X.

Denmark (First Report).

PART II. MEDICAL CARE

National Insurance Act No. 118 of 20 May 1933 (L.S. 1948—Den. 2), as promulgated by Notification No. 228 of 12 September 1957, Part I.
Regulation No. 30 of 14 February 1956 concerning payment for medicines, etc., by the recognised sickness insurance funds, as amended by Regulation No. 254 of 28 September 1956 and Regulation No. 291 of 20 June 1957.

PART IV. UNEMPLOYMENT BENEFIT

Employment Exchanges and Unemployment Insurance Act No. 179 of 23 June 1932 (L.S. 1947—Den. 1, and 1950—Den. 3), as promulgated by Notification No. 43 of 18 February 1952, Part II.

PART V. OLD-AGE BENEFIT

National Insurance Act No. 118 of 20 May 1933 (L.S. 1948—Den. 2), as promulgated by Notification No. 228 of 12 September 1957, Part II.

Regulation No. 148 of 22 August 1957 concerning the amount of invalidity and old-age pensions as at 1 October 1957.

PART IX. INVALIDITY BENEFIT

National Insurance Act No. 118 of 20 May 1933 (L.S. 1948—Den. 2, and 1950—Den. 1), as promulgated by Notification No. 228 of 12 September 1957, Part II.

Regulation No. 148 of 22 August 1957 concerning the amount of invalidity and old-age pensions as at 1 October 1957.

Article 2 of the Convention. The ratification of Denmark relates to Part II: Medical Care; Part IV: Unemployment Benefit; Part V: Old-Age Benefit; and Part IX: Invalidity Benefit.

PART II. MEDICAL CARE

Article 9. All persons over 14 years of age who satisfy the health conditions are entitled to be insured under the sickness insurance scheme. Persons having an income not exceeding the annual earnings of a skilled worker are eligible for membership of the State-recognised and State-subsidised sick funds. Persons having a higher income may be admitted as members of the State-supervised but not the State-subsidised sick benefit societies. Children under 15 years of age are covered by their parents' insurance.

All persons over 21 years of age are required to be either active or passive members of the sickness insurance scheme. Active members are entitled to sickness insurance benefits, whereas passive members have no rights other than that of being later transferred to active membership and to draw old-age or invalidity benefits.

Number of residents protected on 31 December 1954.	3,495,000
Total number of residents.	4,423,995
Percentage of residents protected.	79

Article 10. The report states that active members of State-subsidised sick funds are entitled to all the benefits specified in paragraph 1. As to subparagraph (a) (iii) of paragraph 1 the report states that vital and particularly important medicines, etc., are granted according to rules laid down by the Minister of Social Affairs.

There is no cost-sharing for medical care, including specialist care, hospital treatment, or, in the case of confinement, care by a midwife or general practitioner, or necessary hospitalisation. The cost-sharing in respect of vital and particularly important medicines is three-sixteenths.

The report states that there is no problem in regard to encouraging the persons protected to avail themselves of the services provided by the sickness insurance scheme.

Article 11. There is a qualifying period of six weeks for active members of the State-subsidised sick funds. There is no qualifying period for sickness due to accident or for members' children who are admitted before their 15th birthday. The qualifying period for benefits in respect of maternity is ten months.

Article 12. Benefit is limited to a period of 60 weeks during three consecutive years. There

are no special rules as to duration of benefits in respect of particular diseases.

The right to benefit may be forfeited in case of fraud.

PART IV. UNEMPLOYMENT BENEFIT

Article 20. The conditions for the right to unemployment benefit include the following:

(1) that the person concerned is a member of a State-recognised unemployment fund of which the condition for membership is that he earns his living mainly as a wage earner and is physically and morally fit for regular gainful occupation, as well as co-operation with supervisors and fellow-workers;

(2) that he has completed a qualifying period of 12 months (see Article 23 below);

(3) that he is not involved in a labour dispute, or that he has not refused suitable work without reasonable cause, or without reasonable cause has not given up such work;

(4) that he is available for work; and

(5) that he is not in receipt of such types of benefit specified in the Danish Public Assistance Act which entail special legal effects because of his moral or financial unjustifiable conduct or disposition.

Article 21. The persons protected are the members of the recognised unemployment funds.

Number of employees protected in October 1953 (including civil servants, about 105,000).	773,000
Total number of employees at the same date.	1,452,000
Percentage of employees protected.	53.2

Article 22. Unemployment benefit is calculated in accordance with Article 66.

A member of the Unskilled Workers' Union 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 (b) of Article 66. The Unskilled Workers' Union covers 35.6 per cent. of all members affiliated to the Confederation of Danish Trade Unions. The wage of such a worker is calculated on the basis of the hourly rates for the last three quarters of 1956. It amounted to 13,100 crowns annually, or 251.93 crowns weekly, in Copenhagen, and 11,300 crowns annually, or 217.31 crowns weekly, for the rest of the country (chiefly provincial towns). For rural areas the wage is calculated for a day labourer (from 26 to 39 years of age) working full time in agriculture who does not receive board and lodging as part of his wage. It amounted to 8,100 crowns annually, or 155.77 crowns weekly.

The family allowances for income corresponding to the annual wage of the standard beneficiary with two children amounted to 6.15 crowns weekly in Copenhagen, 5.77 crowns weekly in provincial towns, and 5.38 crowns weekly in rural areas, for the period 1 April 1956 to 31 March 1957. The total wage and family allowances were consequently 258.08, 223.08 and 161.15 crowns a week respectively in the three areas.

The maximum rates of unemployment allow-

ances were 76.20 crowns weekly as from 1 April 1956 in Copenhagen and in provincial towns, and 63.60 crowns weekly in rural areas. In addition to the unemployment allowance a supplement in respect of each child is payable, which amounted to 16.80 crowns weekly as from 1 April 1956 for standard beneficiaries with two children. Further, a rent allowance of 21 crowns weekly in Copenhagen and provincial towns and 14 crowns weekly in rural areas, and a fuel allowance of 1.90 crowns a week in all the three areas, are payable. The family allowances for persons having incomes not exceeding the amount of benefit are payable at the maximum rate; they amounted to 8.08 crowns a week in all the three areas in respect of two children for the period 1 April 1956 to 31 March 1957. The total amount of benefits plus family allowances consequently amounted to 123.98 crowns in Copenhagen and provincial towns and 104.38 crowns in rural areas. The percentage of benefit to standard wage would thus be 48 for Copenhagen, 55.6 for provincial towns and 64.8 for rural areas.

The maximum rate of unemployment allowance for a woman breadwinner without children was 76.20 crowns a week for Copenhagen and provincial towns and 63.60 crowns a week in rural areas, as from 1 April 1956. The percentage of benefit to standard wage was consequently 30.2 for Copenhagen, 35.1 for provincial towns and 40.8 for rural areas.

Article 23. The qualifying period is 12 months. In addition, the member must prove that he has had employment within or outside the insurance period for at least 39 weeks, of which 26 weeks must be during the last 18 months preceding the payment of benefit. Exceptions may be made to the qualifying period of 12 months for persons being admitted as members on completed apprenticeship.

Article 24. The duration of benefit is fixed by the unemployment funds subject to a minimum duration of 90 days, or 15 weeks of 6 week-days, in the course of a benefit year (1 October to 30 September). This period may, with the consent of the Minister of Social Affairs, be limited to less than 90 days but not less than 70 days (or $11\frac{2}{3}$ weeks). These provisions relate to the so-called general insurance. In addition benefit is payable from the so-called continuation insurance for a corresponding number of days, plus 70 additional days within a benefit year. The number of benefit days under general insurance is fixed at less than 90 days for one fund only. In that fund it is fixed at 70 days, but as the continuation fund pays benefit in addition to the general insurance the maximum number of benefit days in that fund must be considered to be 210 days.

The provisions respecting the waiting period vary from one unemployment fund to another. The majority of the unemployment funds pay no benefits for the first six days of the first unemployment period in a benefit year. Some unemployment funds pay no benefit for the first six days of any unemployment period. However, temporary employment lasting less than five weeks is deemed not to interrupt an

unemployment period. In both categories of unemployment funds the waiting period may be increased to 15 days. A member who during the six months preceding an unemployment period has had an exceptionally high income does not qualify for benefit until the expiration of a further waiting period, subject to a maximum of 45 days after he became unemployed.

A longer waiting period, subject to a maximum of 45 days, shall apply to an unemployment fund or to an occupational field covered by the fund where seasonal work is carried out to a large extent.

No benefit is payable to members involved in a strike or lockout. In addition, the fact that a labour dispute covers a specified large proportion of the members of an unemployment fund or section of the fund may, in certain cases specified in the Act, result in the other unemployed members being unable to draw unemployment benefits. Members whose unemployment is due to the fact that they have given notice without reasonable cause, or who, without reasonable cause, have refused to accept suitable work to which they have been referred by the competent authorities, are not entitled to unemployment benefit.

PART V. OLD-AGE BENEFIT

Article 26. During the period under review the age giving right to old-age benefit was 60 years for single women and 65 years for other insured persons.

The full amount of the old-age pension is payable if the annual income of the beneficiaries does not exceed certain amounts laid down in the Act. If the income is derived from capital these amounts, as from 1 April 1957, have ranged from 1,500 crowns annually for a single person in rural areas to 2,700 crowns annually for a married couple in Copenhagen. When the income is derived from a source other than capital these amounts are increased and, as from 1 April 1957, have ranged from 2,000 crowns to 3,600 crowns annually. For every 100 crowns by which the income exceeds these amounts 60 crowns are deducted from the pension. If the income exceeds 140 per cent. of the amount 72 crowns are deducted from the pension for every 100 crowns by which the income exceeds the 140 per cent. If the income exceeds 180 per cent. of the amount 84 crowns are deducted from the pension for every 100 crowns by which the income exceeds the 180 per cent. Finally, if the income exceeds 220 per cent. of the amount 96 crowns are deducted from the pension for every 100 crowns by which the income exceeds the 220 per cent. If the resulting pension amounts to less than one-sixth of the full amount no pension is payable.

Article 27. The legislation complies with paragraph (c) of this Article.

All Danish nationals resident in Denmark who satisfy the age condition mentioned under Article 26 above, and who are active or passive members of the sickness insurance scheme, are entitled to old-age benefit subject to the income limits mentioned under Article 26.

Article 28. Old-age benefit is calculated according to Article 66.

The annual amounts of full old-age pension, including personal supplements, during the period 1 April 1956 to 31 March 1957 for a married couple both of whom are entitled to the pension were 4,898 crowns in Copenhagen, 4,532 crowns in provincial towns and 4,006 crowns in rural areas. The annual standard wage for the same period was respectively 13,100 crowns, 11,300 crowns and 8,100 crowns in the three areas. The percentage of benefit to standard wage was consequently 37.4 for Copenhagen, 40.1 for provincial towns and 49.5 for rural areas. The report states that, in view of the fact that Denmark as a geographical area must be considered as a whole for the purpose of the Convention, the calculation must be based on a weighted average of the amount of old-age pensions and wages for the whole country. The average amount of the full old-age pension for the whole country is 42.9 per cent. of the wages for the whole of the country.

The Act provides for an adjustment of the pensions twice a year in accordance with the official cost-of-living index. Every change of 2 per cent. in the cost-of-living index will automatically involve a change of 2 per cent. in the pension. The following changes were reported for the period under review :

Period under review (1 Apr. 1956- 31 Mar. 1957)	Cost- of-living index (July 1914 = 100)	Index of earnings ¹ (in öre per hour)	Benefit for standard beneficiary (married couple in Copenhagen) in crowns per year
A. Beginning of period	414	522	4,898
B. End of period.	422	526	5,040
C. A as a percent- age of B	98.1	99.2	97.2

¹ Money wages in the period.

Article 29. The right to an old-age pension is not subject to payment of contributions. As from the financial year 1957-58 a pension contribution amounting to 1 per cent. of taxable income is payable by everybody liable to taxation. This contribution covers part of the state expenditure on old-age pensions. The right to an old-age pension, however, is not conditional upon payment of this pension contribution.

Article 30. A person who takes up residence outside Denmark loses his right to an old-age pension. Maintenance in a home for the aged, on conditions equally favourable to the pensioner as payment of the old-age pension, may replace the pension. If a person in receipt of an old-age pension is placed in an institution approved under the Public Assistance Act, his pension is utilised to meet the cost of his maintenance; the balance, if any, is paid to the person himself. If he has any dependants the pension shall, in the case in indigence, primarily be utilised to meet such family responsibilities. Similar rules apply while a pensioner is serving a sentence of imprisonment. A person who in bad faith has been drawing an old-age pension of a higher amount than that to which he was

entitled is liable to repay the amount wrongfully received. His right to an old-age pension is not otherwise restricted in consequence of the fraud. If the pensioner leads a life giving offence to public opinion he forfeits his right to a pension whereas punishment as such does not disqualify him for an old-age pension.

PART IX. INVALIDITY BENEFIT

Article 54. Invalidity pensions are payable to persons whose earning capacity is reduced to such an extent that the future earnings of the person concerned are supposed to be considerably below the earnings of physically and mentally normal persons of a similar training and in the same district. As a general rule the earning capacity shall be reduced to one-third or less of the normal capacity. However, a substantial reduction of the earning capacity may be deemed to exist also where the disablement has reduced the earning capacity to an amount corresponding to the amount of the invalidity pension.

Article 55. The legislation complies with subparagraph (c) of this Article.

Danish nationals who are admitted as active or passive members of the sickness insurance scheme and who are not suffering from a frequently recurring or incurable disease, automatically join the invalidity insurance, thus qualifying for invalidity pensions if their earning capacity is substantially reduced.

Invalidity pensions are payable under rules similar to those applying to old-age pensions. The invalidity pension, however, cannot be reduced to less than one-third of the basic rate of pension irrespective of the income of the person concerned. The full amount of invalidity pension is payable if the annual income does not exceed certain amounts laid down in the Act. In respect of earnings these amounts range from 3,200 crowns a year for a single person in rural areas to 5,400 crowns a year for a married couple in Copenhagen, and for income other than earnings the range was from 2,133 crowns to 3,600 crowns a year as from October 1957.

Article 56. Invalidity benefits are calculated according to Article 66.

During the period under review the annual amounts of full invalidity pensions, including personal supplements and supplements in respect of a wife and two children, were 5,767 crowns in Copenhagen, 5,236 crowns in provincial towns and 4,595 crowns in rural areas. The annual standard wage for the same period was respectively 13,100 crowns, 11,300 crowns and 8,100 crowns in the three areas. The percentage of benefit to standard wage was consequently 44.0 for Copenhagen, 46.3 for provincial towns and 56.7 for rural areas.

The Act provides for adjustment of the pensions twice a year according to the official cost-of-living index. Every change of 2 per cent. in the cost-of-living index will automatically involve a change of 2 per cent. in the pension. The following changes were reported for the period under review :

Period under review (1 Apr. 1956- 31 Mar. 1957)	Cost- of-living index (July 1914 = 100)	Index of earnings ¹ (in öre per hour)	Benefit for standard beneficiary (married couple in Copenhagen) in crowns per year
A. Beginning of period	414	522	5,767
B. End of period.	422	526	6,108
C. A as a percent- age of B . . .	98.1	99.2	94.4

¹ Money wages in the period.

Article 57. The insured persons pay, from the age of 18 until the age of 62 years, an annual contribution which amounted to 21.60 crowns as from 1 April 1957. There is no qualifying period for invalidity pensions and the amount of pension does not depend on the length of the insurance period.

Article 58. The right to invalidity pension ceases at the age of 67 years. Persons over that age are entitled to old-age pensions. When the beneficiary of an invalidity pension attains the age qualifying men and married women for national old-age pensions, the invalidity pension is converted into a national old-age pension but continues to be calculated according to the somewhat more favourable rules governing the invalidity pension.

The invalidity pension is suspended or reduced in the same circumstances as old-age pensions (see under Article 30 above). In addition, if a person at the time of his admission to the invalidity insurance has fraudulently given incorrect information or has concealed a circumstance relating to his state of health or earning capacity, and this has allowed him to be wrongfully admitted to the insurance, he forfeits his right to membership of the invalidity insurance and must repay any amount he has received. If, with intent to defraud, he has given incorrect information on his state of health or earning capacity but nevertheless must be considered as entitled to membership of the invalidity insurance, he may be disqualified from invalidity pension for up to two years. If in any other manner a person has committed a fraud against the insurance he may likewise be disqualified from receiving an invalidity pension for up to two years. Further, if an insured person or a pensioner fails to submit to any curative measures, etc., ordered by the Invalidity Insurance Court, his right to invalidity pension may be wholly or partly withdrawn for a period ranging from one to ten years.

PART XII. EQUALITY OF TREATMENT
OF NON-NATIONAL RESIDENTS

Article 68. Non-national residents have the same rights as nationals to medical care and unemployment benefit.

Non-national residents are entitled to old-age benefit and invalidity benefit subject to the existence of bilateral or multilateral agreements. Such agreements have been concluded with Finland, Iceland, Norway, Sweden, Germany, Switzerland and France. Denmark has also ratified the European Agreement on Social Security Schemes relating to Old-Age, Invalid-

ity and Survivors, and nationals of countries who have ratified the Agreement are therefore entitled, under the conditions of the Agreement, to old-age and invalidity benefits under the same rules as Danish nationals.

PART XIII. COMMON PROVISIONS

Article 70. As regards appeal the following provisions apply under the ratified Parts :

Part II (Medical Care). The claims are decided by the sick funds. Appeal may be made to the Directorate of Sick Funds and in turn to the Minister of Social Affairs.

Part IV (Unemployment Benefit). The claims are decided by the unemployment funds subject to appeal to a board composed of representatives of the unemployment funds and of Parliament, and then to the Minister of Social Affairs.

Part V (Old-Age Benefit). Claims are decided by the communal authorities subject to appeal to the competent county governor, and then to the Minister of Social Affairs.

Part IX (Invalidity Benefit). Claims for invalidity benefit are decided by the Invalidity Insurance Court on which the persons protected are represented. As from 1 August 1957 there exists a higher authority to which appeals may be made against decisions of the Invalidity Insurance Court. Decisions concerning the amount of pension are made by the communal authorities subject to appeal to the competent county governor, and then to the Minister of Social Affairs.

Article 71. The resources of the schemes relating to the ratified Parts of the Convention are the following :

Part II (Medical Care). The sickness insurance contribution is not fixed in proportion to the income of the insured persons. It amounts on an average to 75 crowns a year per member. Both husband and wife are insured in their own right, whereas children are covered by their parents' insurance. The State covers about one-quarter of the expenditure of the sick funds. Taking into account also the cost of running hospitals which are owned by the central and local governments, the result is that only about 25 per cent. of the cost of health services is met through contributions, the rest being covered by the general taxes.

Part IV (Unemployment Benefit). The member's contribution is not fixed in proportion to the income, but to some extent in relation to the risk of unemployment. The members' contributions, which amount on an average to 2 per cent. of the annual wages, cover about 36 per cent. of the cost of unemployment benefit, the rest being covered by the State and the employers.

Part V (Old-Age Benefit). The total cost is covered by general taxation.

Part IX (Invalidity Benefit). The insured persons pay a small contribution amounting to 21.60 crowns a year ; the employer also pays a contribution, but the far greater part of the cost is met by the State through general taxation.

The cost of the benefits provided under the ratified Parts, for the period 1 April 1954 to 31 March 1955, was as follows :

Parts to which ratification relates	Total resources (A)	Insurance contributions borne by the protected persons (B)
	(In 000's crowns)	
II. Medical care (figures include sickness insurance and similar public assistance benefits, public health and hospital services, care of the mentally defective and dental care). . . .	789,072	202,291
IV. Unemployment benefit (including employment services)	238,971	106,745
V. Old-age benefit (pensions only)	605,248	—
IX. Invalidity benefit (pensions only)	152,837	13,986
Total	1,786,128	323,022

The insurance contributions borne by the protected persons (B) therefore represent 18 per cent. of the total resources (A).

No actuarial studies are made for old-age and invalidity pensions. The part of the cost which is not met by the contributions is covered out of public funds. As regards sickness and unemployment insurance the competent authorities exercise a certain supervision of the liquidity of the funds and may advise the funds to take the necessary steps for increasing their income if required.

Article 72. The sick funds and the unemployment funds are private societies run by the members and subject to a certain supervision by the public authorities.

The old-age pension scheme, which is non-contributory, is administered by the local authorities.

As regards invalidity benefits, the report states that the persons protected are represented on the Invalidity Insurance Court.

Israel (First Report).

PART V. OLD-AGE BENEFIT; PART VI. EMPLOYMENT INJURY BENEFIT; PART VIII. MATERNITY BENEFIT; PART X. SURVIVORS' BENEFIT

National Insurance Law of 18 November 1953 (L.S. 1953—Isr. 3), as amended by National Insurance Law, Amendment No. 1 (*Official Gazette*, 6 July 1955), National Insurance Law, Amendment No. 2, (*Official Gazette*, 18 Apr. 1957), and National Insurance Law, Amendment No. 3 (*Official Gazette*, 9 Aug. 1957).

National Insurance (Collection of Contributions) Regulations, 1954; National Insurance Regulations (Fixing the Number of Employees of a Self-Employed Person), 1954; National Insurance (Voluntary Old-Age and Survivors' Insurance) Regulations, 1954; National Insurance (Employment Injuries Insurance) Regulations, 1954.

Article 2 of the Convention. The ratification of Israel relates to Part V: Old-Age Benefit; Part VI: Employment Injury Benefit; and Part X: Survivors' Benefit.

PART V. OLD-AGE BENEFIT

The law provides for payment of an old-age pension at the age of 65 in the case of a man and 60 for a woman if they cease to work. Retirement is permitted not earlier than at the age of 62 years for a man and 57 for a woman if the individual has been engaged in "exhausting" work as defined by regulations. For persons who continue to work the age giving right to a pension is 70 for a man and 65 for a woman, in which case the pension is increased by 5 per cent. for each year of postponement.

Article 27. The scheme covers all persons over 18 years of age except those who were over 67 on the date the National Insurance Law was enacted and those who first became residents of Israel after the Law was enacted and on the date of becoming residents were over 60 years of age in the case of men and over 55 in the case of women. In addition, the Law permits voluntary insurance by housewives, women receiving a widow's pension, prisoners sentenced for two years or more, soldiers in the regular army and persons in the diplomatic service of a foreign power. According to the report all soldiers have been insured and 11,000 housewives have availed themselves of the right to be insured.

The report states that the number of persons paying contributions is 560,000 out of a total population of 1,014,000 in the age groups 18 to 60 in the case of women, and 18 to 65 in the case of men.

Article 28. Recourse is had to the provisions of Article 66 for calculation of the old-age benefit. The current benefits paid to a pensioner are as follows :

Beneficiary	Current benefits £
Single (without dependants)	38.70
With 1 dependant	58.05
With 2 dependants	73.53
With 3 or more dependants	87.72

The report states that the wage of an adult unskilled labourer is £180, this figure being based on current reports submitted by employers on the total wages of the workers concerned and the contributions which are based on wages.

Article 29. The qualifying period is five years of insurance but for a transitional period is reduced to three years for men who were over 60 (women over 55) when the Law was adopted. The basic benefit is increased by 2 per cent. for each year of insurance in excess of ten, this being limited to 50 per cent. of the basic benefit. Non-payment of contributions by an employer does not deprive the employee of his pension rights.

Article 30. The old-age pension is granted throughout the contingency and cannot be suspended except in circumstances provided in section 67 of the Law. Under that section, pensions are not payable to an individual imprisoned for a term of three months or more but in such cases the pension is payable to his dependants. A pension is not payable where a person is abroad for more than six months

(unless he is abroad with the approval of the Institute) but in such cases the pension may be paid to his dependants.

PART VI. EMPLOYMENT INJURY

Article 32. The contingency covered includes accidents arising out of and in the course of employment, as well as industrial diseases as regards some of which there is a presumption of an occupational character. The minimum degree of loss of earning capacity giving rise to benefits is 5 per cent. (Fifth Schedule, paragraph 1).

A widow's right to a pension is not conditional on her being incapable of self-support; however, a childless widow under 40 years of age is entitled to a pension instead of a lump-sum payment only so long as she is incapable of self-support.

Article 33. The persons insured (section 16 of the Law) include all employees as well as persons undergoing vocational training or vocational rehabilitation (as approved by regulation), members of organisations for first aid or for the prevention of damage to persons or property approved for the purposes of this section by the Minister of Labour, persons employed under the Emergency (Mobilisation of Manpower) Regulations, and prisoners or individuals detained in an establishment under the Juvenile Offenders Ordinance who are employed in work other than the ordinary services of the prison or place of detention.

Article 34. Medical benefits include hospitalisation, medicaments, repair and replacement of orthopaedic and therapeutical appliances and transportation to and from the place where medical care is provided, or travel expenses.

No recourse has been had to paragraph 3 of this Article.

The beneficiary is not required to share in the cost of medical care. All medical benefits are granted through specially approved medical bodies, primarily sick funds, at the cost of the National Insurance Institute.

Article 35. The National Insurance Institute has arranged for co-operation between the sick funds administering medical care and medical rehabilitation services; special officers of the Institute supervise vocational rehabilitation activities so as to facilitate the return of handicapped persons to work.

Article 36. The benefits are calculated in accordance with the requirements of Article 65 of the Convention. An injured worker receives 75 per cent. of his "regular wages", which are defined as wages received during the three months prior to the occurrence of the accident, divided by 90. The maximum monthly wage used as the basis for the calculation of weekly benefits is I£250 per month. Full wages are payable by the employer for the day on which the injury took place. Benefits do not take account of age or family status and are payable for a maximum of 26 weeks. A two-day waiting period is provided, but payment is made for these days if the incapacity lasts for at least 12 days.

Partial (Permanent) Disability (Fifth Schedule, paragraphs 1 and 4). If the degree

of permanent disability is between 5 and 25 per cent., a lump-sum grant is awarded as follows: weekly injury benefit $\times 3 \times$ degree of disability.

If degree of disability is above 25 per cent. a pension is awarded as follows: daily injury benefit $\times 30 \times$ degree of disability.

Dependants' Benefit (Sixth Schedule, paragraphs 5 and 6). The monthly pension of a widow (with dependants) is as follows:

	Percentage of full pension
Widow (with children) for herself	60
Widow with 1 dependant	80
Widow with 2 dependants	90
Widow with 3 or more dependants	100

Partial (Temporary) Incapacity (Fifth Schedule, paragraph 4). The benefit payable is a monthly payment of the same proportion of a full (100 per cent.) pension as the percentage of his incapacity bears to 100.

Conversion to Lump Sum. Periodical payments may be converted into a lump sum, as follows:

- (a) if the degree of invalidity is between 25 and 50 per cent., if requested by the insured person and the Institute considers that the condition and economic future of the invalid warrant the conversion (Fifth Schedule, paragraph 2);
- (b) if the degree of invalidity is 50 per cent. or more, only if the insured has, in the opinion of the Institute, a fixed income sufficient for his livelihood or well-founded prospects of such an income, and the insured person consents (Fifth Schedule, paragraph 6).

Before conversion the Institute makes inquiries and investigations to assure itself that this will be to the advantage of the insured.

The report states that for the purposes of benefit calculation the average wages of the "skilled manual male employee" are I£180 per month, or I£540 for three months.

Article 37. All employees employed in Israel at the time of the accident (or disease) are entitled to the benefits stipulated in Articles 34 and 36.

The widow and children (and certain other relatives) of an insured person employed in Israel at the time of the accident (or disease) are entitled to the benefits without any conditions as to permanent residence.

Article 38. The benefits are granted throughout the contingency.

See also above, Articles 36 and 30.

PART X. SURVIVORS' BENEFITS

Articles 59 and 60. A childless widow under 40 is presumed to be capable of self-support unless she can show proof to the contrary to the Institute (Second Schedule, paragraph 5). If ineligible for a pension she will qualify for a lump-sum grant equal to one year's pension (Second Schedule, paragraph 4).

No recourse is had to paragraph 2 of Article 60.

Article 61. Widows and orphans of all residents above 18 years of age are protected under section 3 of the Law; to be eligible a childless widow must have been married to the deceased for at least one year. (Other exclusions are mentioned under Article 27 above.) The right to a survivor's pension is not affected by the recipient's income.

Article 62. "Current benefits" are provided for in the Second and Eighth Schedules, as follows:

<i>Widow without children (or widow of any age if not self-supporting):</i>	<i>Monthly pension in £</i>
Age 40-44.	19.35
45-49.	29.03
50 and over.	38.70

<i>Widow with children:</i>	
With 1 child	58.05
With 2 children	73.53
With 3 or more children	87.72

<i>Orphans (where the widow is not entitled to a pension for the children):</i>	
1 child	38.70
2 children.	58.05
3 children.	73.53
4 or more children.	87.72

Article 63. A qualifying period of one year is required under section 11 of the Law. Pensions may be increased by 2 per cent. for every year of insurance coverage above ten, up to a maximum of 50 per cent. (Second Schedule, paragraph 12). The pension is further increased by a dependant's allowance (Second Schedule, paragraph 6) as shown in the tabulation under Article 62.

Article 64. Benefits are granted throughout the contingency except under the conditions specified in Article 69 of the Convention. In addition a widow loses her pension upon remarriage; in such cases, however, a higher rate of pension is payable to the surviving orphans.

Norway.

PART II. MEDICAL CARE; PART III. SICKNESS BENEFIT

Act No. 2 of 2 March 1956 respecting sickness insurance (*L.S.* 1956—Nor. 1).
Act No. 5 of 15 March 1957 to amend the above Act.

PART IV. UNEMPLOYMENT BENEFIT

Act No. 16 of 29 June 1956 to amend Act No. 8 of 24 June 1938 respecting unemployment insurance.

PART V. OLD-AGE BENEFIT

Act No. 6 of 15 March 1957 to amend Act No. 10 of 16 July 1936 respecting old-age pensions.

PART VI. EMPLOYMENT INJURY BENEFIT

Act No. 4 of 21 June 1956 to amend Act No. 11 of 24 June 1931 respecting accident insurance for seamen.
Act No. 5 of 21 June 1956 to amend Act No. 6 of 24 June 1931 respecting accident insurance for industrial employees, etc.
Act No. 6 of 21 June 1956 to amend Act No. 1 of 10 December 1920 respecting accident insurance for fishermen.
Provisional Act of 8 June 1956 respecting additions to (1) Act of 10 December 1920 respecting accident insurance for fishermen; (2) Act of 24 June 1931 respecting accident insurance for industrial employees, etc.; and (3) Act of 24 June 1931 respecting accident insurance for seamen.

PART II. MEDICAL CARE

Article 9 of the Convention. In virtue of the new Sickness Insurance Act, which came into force on 2 July 1956, all persons domiciled in the country are covered compulsorily by the sickness insurance scheme. The total number of members of the sickness funds was 1,850,000, which is the same figure as the total number of employees, and therefore they are covered 100 per cent. The average number of family members per employed person was 0.85.

Article 10. In response to the observation made last year by the Committee of Experts respecting prenatal care the report states that the Act contains no provisions respecting medical care during pregnancy. The insurance funds only cover expenses of medical care during pregnancy in case of sickness or suspected sickness. Routine examinations during pregnancy are thus not included in the statutory benefits guaranteed by the funds. However, the National Insurance Institution, which is the supervisory authority of the insurance funds, recommended to them in a circular letter that five to six routine examinations for each pregnancy should be granted. The report states that the insurance funds have met this recommendation, and it is now common practice for them to refund the expenses for five or six examinations during each pregnancy, even if there is no sickness.

In reply to the observation made last year by the Committee of Experts with regard to whether the cost-sharing for medicines involved hardship to the protected persons, the report states that the deduction of the first 50 crowns of the cost of essential medicines does not apply when the treatment began while the patient was in hospital and must continue treatment after discharge. As a result there will be relatively few cases where the deduction of 50 crowns is applied. The insurance funds usually refund 75 per cent. of the cost of essential medicines, but full refund is made in the case of some specific diagnoses. If, however, cases arise where the protected person has difficulty in paying his share (the deduction of 50 crowns, or the 25 per cent. cost-sharing) the insurance fund may, pursuant to section 89 (3) of the Sickness Insurance Act (*cf.* section 5 of the Regulations and Rates for Grants towards Vital Drugs), meet the above-mentioned expenses from its reserve funds.

PART III. SICKNESS BENEFIT

Article 15. The total number of employees protected was 1,090,000, which is the same figure as the total number of employees, and therefore they are covered 100 per cent.

Article 16. The standard wage for a fitter and turner in the manufacture of machinery amounted to 28.16 crowns for a normal eight-hour day, according to the statistics for the first quarter of 1957 of the National Association of Mechanical Workshops. The daily rate of sickness allowance in class 5, in which the above worker belongs, was 10 crowns. The supplements in respect of a wife and two

children amounted to four crowns a day. The family allowance for the standard beneficiary was one crown a day. The total amount of sickness allowances and supplements for dependants, plus family allowances, amounted to 15 crowns a day, and the standard wage plus family allowances to 29.16 crowns. The percentage of benefits to standard wage was consequently 51.5.

PART IV. UNEMPLOYMENT BENEFIT

Article 21. The total number of employees protected was 742,000 on 31 December 1956 and the total number of employees was 1,090,000. The percentage of employees protected was consequently 68.1.

Article 22. The unemployment benefits, supplements for dependants, family allowances and standard wage are the same as for sickness benefit (see under Article 16 above), so the percentage of benefit to standard wage here is also 51.5.

PART V. OLD-AGE BENEFIT

Article 28. The minimum rate of old-age pension was 2,796 crowns a year for a married couple. The standard wage amounted to 7,728 crowns a year in the first quarter of 1957. The percentage of benefit to standard wage was consequently 36.2; (right to old-age pension is acquired after five years' residence in the Realm).

Changes in the benefit rates are made by the Storting and adjustments are made when there are considerable fluctuations in the cost-of-living index or wage levels. The last adjustment was made in the second quarter of 1956, when the minimum pension for a married couple was raised from 2,520 to 2,796 crowns a year.

Period under review	Cost-of-living index	Earnings in accordance with Article 66(4) (a)	Benefit for the standard beneficiary
A. First quarter, 1956	145	7,080	2,520
B. First quarter, 1957	151	7,728	2,796
C. A as a percentage of B . . .	96.0	91.6	90.1

Article 30. In response to the observation made last year regarding loss of rights to an old-age pension for persons sentenced to loss of civil rights under the Civilian Penal Code or the Military Penal Code, the report states that the provisions of the Act referred to in the observation were repealed by an Act of 22 March 1953 with effect from 1 July of the same year.

Furthermore, in reply to the observation made last year with reference to section 3 (b) of the Act, the report states that the provisions of the said section are not maintained in the new Act respecting old-age pensions of 6 July 1957, which comes into force on 1 January 1959.

PART VI. EMPLOYMENT INJURY BENEFIT

Article 33.

Number of employees protected (industrial workers, etc., seamen and fishermen)	572,000
Total number of employees	1,090,000
Percentage of employees protected	52.5

Article 36. Incapacity for work: see under Article 16 above.

Permanent incapacity for work: See under Article 16 with regard to the daily wage for the standard beneficiary.

	Crowns
Daily rate of benefit	15.12
Supplement in respect of wife and two children	4.20
Family allowances	1
Total amount of benefit, plus family allowances	20.32
Standard wage plus family allowances	29.16
Percentage of benefits to standard wage . .	69.7

The benefits were increased by 5 per cent. from 1 April 1956.

Period under review	Cost-of-living index	Earnings in accordance with Article 65 (9)	Benefits for the standard beneficiary in case of total loss of earning capacity likely to be permanent
A. First quarter, 1956	145	7,800	5,520
B. First quarter, 1957	151	8,448	5,796
C. A as a percentage of B . . .	96.0	92.3	95.2

Death of the breadwinner.

	Crowns
Widow's daily pension	10.08
Supplement in respect of two children	3.15
Family allowances (family allowances are granted also in respect of first child when one of the parents is dead)	2
Total amount of benefit in case of death, plus family allowances	15.23
Standard wage plus family allowances	29.16
Percentage of benefits to standard wage . .	52.2

Article 37. In response to the observation made last year by the Committee of Experts the report states that the benefits stipulated in Articles 34 and 36 of the Convention are due to all employees protected by accident insurance.

The benefits laid down in Article 36 of the Convention are due to all widows and children of employees protected by accident insurance. Persons entitled to compensation who were residing outside the Realm at the time of the accident forfeit the right to compensation (cf. section 27 (3) of the Act respecting accident insurance for industrial employees, etc.). The Act provides authority for exceptions to be made from this provision (cf. section 27 (4) of the Act and the corresponding paragraphs of the other Accident Insurance Acts), and the report states that the provisions in section 27 (3) have not been applied during the last ten years. The present provisions will not be amended until a new Act respecting employment injury insurance has been introduced (probably from 1 January 1959). It has been decided to use the provisions of section 24 (4) and other relevant sections until that time.

PART VII. FAMILY BENEFIT

Article 42. As from 1 April 1956 the rate of benefit was raised from 240 to 300 crowns per child and per annum.

Article 44.

	Crowns
Annual wage of an ordinary unskilled labourer (first quarter of 1957) . . .	7,728
Expenditure on family allowances for the financial year 1956-57	150,000,000
Total number of children under 16 years of age on 31 December 1956	950,000

By multiplying 1.5 per cent. of the wage of an ordinary unskilled labourer by the total number of children an amount of 110 million crowns is obtained.

PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

Article 68. Aliens who are resident in Norway have the same rights and liabilities as Norwegian nationals. This applies to the whole scope of social legislation.

PART XIII. COMMON PROVISIONS

Article 70. All the social insurance schemes are administered by the public authorities; every scheme grants the right of appeal to insured persons. Each of the Acts contains regulations concerning disputes and the bodies to which appeals should be made. For the accident insurance schemes the Storting has set up a special appeal board composed of employers' and workers' representatives and medical and legal experts.

Article 71. Under the Sickness Insurance Scheme (Parts II and III), the members' contributions are graduated by earnings or income; in addition to the member's contribution the employer pays 60 per cent., the local authorities 22 per cent. and the State 20 per cent. of the member's contribution. The local authorities pay the sickness insurance contributions of old-age pensioners according to the income class in which the local pension rates fall.

In the unemployment insurance scheme (Part IV) the members pay 50 per cent. and the employers 50 per cent. of the contribution. The State also makes grants from the Unemployment Reserve Fund.

The old-age pension scheme (Part V) is financed entirely by taxes.

In the accident insurance scheme (Part VI) the whole contribution is paid by the employers. The State makes grants to the accident insurance scheme for fishermen. The accident insurance schemes are established separately.

Parts to which ratification applies	Resources allocated to the protection of employees, etc. (A)	Insurance contributions borne by the protected persons (B)
	(In millions of crowns)	
II	435	248
III	115	57
IV	82	28
V	329 ¹	—
Total . . .	961	333

¹ Excluding municipal supplementary pensions, which amounted to 65 million crowns.

The insurance contributions borne by the protected persons (B) therefore represent 35 per cent. of the resources allocated to the protection of employees, etc. (A).

All the social security schemes are guaranteed by the State.

Technical insurance research and prognoses concerning the financial status of the social insurance schemes are undertaken and published every year in connection with the passing of the budget.

Article 72. Representatives of protected persons do not participate in the direction or ordinary administration of the social insurance schemes.

Sweden.

PART VI. EMPLOYMENT INJURY BENEFIT

Act No. 627 of 21 December 1956 to amend section 69 of Act No. 1 of 3 January 1947 respecting public sickness insurance (L.S. 1947—Swe. 1).

Royal Order No. 493 of 5 October 1956 exempting nationals of Morocco and Tunisia from certain provisions in Act No. 243 of 14 May 1954 respecting insurance against occupational injuries (L.S. 1954—Swe. 1).

Royal Order No. 54 of 15 March 1957 exempting nationals of the Dominican Republic from certain provisions in Act No. 243 of 14 May 1954 respecting insurance against occupational injuries (L.S. 1954—Swe. 1).

PART IV. UNEMPLOYMENT BENEFIT

Article 21 of the Convention. In response to the observation made last year by the Committee of Experts the report supplies the following statistical data :

Number of members of the unemployment funds at the end of June 1956	1,250,000
Total number of employees (according to sickness insurance statistics for 1955)	2,480,000
Percentage of employees covered	50.4

In connection with the observation made last year that the Swedish unemployment insurance is voluntary and that consequently the Government should show in its report, 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", the report states that the annual earnings of a skilled worker in the engineering industry, for the period under review, was 12,760 crowns according to the statistics of the Swedish Engineering Industry Association. The report states further that, as no statistics are prepared on the income distribution of insured persons, it is not possible to indicate exactly the number of insured persons whose earnings do not exceed those of the skilled manual male employee. However, the income statistics prepared on the basis of taxation data show that 82 per cent. of all employees had an annual income of less than 12,000 crowns in 1955. Corresponding information is not yet available for the year 1956. As the affiliation to unemployment insurance is relatively greater under this income limit than under the higher income bracket, the percentage of insured persons whose earnings do not exceed those of the skilled manual male employee would exceed substantially the above percentage of employees earning

less than 12,000 crowns of the total number of employees.

Article 22. In response to the observation made last year by the Committee of Experts, which requested the Government to supply appropriate statistics showing that every person earning the same wage as the standard beneficiary receives the benefits defined in Article 66 of the Convention, the report gives the following information :

The wages of an adult male labourer in the engineering industry during the period under review was 40.08 crowns a day (including vacation pay and compensation for public holidays) according to the statistics of the Swedish Engineering Industry Association. The average family benefits per day in respect of two children amount to 2.90 crowns. In accordance with Article 66 the minimum amount of benefit for a person in receipt of the same wages as the standard beneficiary amounts to 19.34 crowns (0.45×42.98). From this amount has been deducted family supplements amounting to five crowns a day in respect of a wife and two children, family benefits amounting to 2.90 crowns a day on an average in respect of two children, and taxes amounting to 3.17 crowns a day. As taxes are paid on the wages but not on daily unemployment allowances, family supplements and family benefits, the report states that it would be more correct to take into account the amount of taxes which would have been payable on the benefits if they were taxable. The minimum amount of daily unemployment allowance would thus be 8.27 crowns a day. The report states further that the number of persons who were insured for lower amounts of daily allowances than 8.27 crowns constituted about 1.5 per cent. of all insured persons at the end of 1956. The persons insured for such lower daily allowances were mainly persons with lower wages than the standard wage, apprentices, young persons under 18 or 19 years of age, married women and part-time workers. The report gives a list of the categories of such members of the various unemployment funds. The total number of such members was 19,429, of which 1,628 were married women in the Agricultural Worker's Unemployment Fund and the rest were young workers, apprentices, part-time workers or persons with very low wages.

Article 24. In response to the observation made last year by the Committee of Experts respecting the provisions in the Swedish legislation permitting a longer waiting period than six days, the report states that a new Royal Order (No. 629 of 14 December 1956) respecting recognised unemployment funds, which is to supersede the previous legislation, came into force on 1 September 1957. Section 28 of the new Order provides for a waiting period of six days during a period of 21 days. In the preparatory work for the new Order particular reference was made to the provisions of the Convention that a longer waiting period than seven days should normally not be allowed. The Order further provides that, if there are particular reasons, an unemployment fund may prescribe a longer waiting period. The report states that after 1 September 1957 only one

unemployment fund with 517 members (the Commercial Travellers' Unemployment Fund) has a longer waiting period than the six days prescribed by the Act, namely 12 days.

PART VI. EMPLOYMENT INJURY BENEFIT

Article 34. In response to the observation made last year by the Committee of Experts respecting the participation of beneficiaries in the cost of medical care and pharmaceutical supplies in the period of 90 days during which the employment injury insurance scheme is co-ordinated with the sickness insurance scheme, the report gives the following information : the objective of the said co-ordination has been to simplify the administration, to speed up payments and to prevent abuses. The employees are compensated in two ways : on the one hand, sickness insurance benefits are payable in respect of all morbid conditions, and, on the other, the maximum amounts in the sickness benefit scale are increased, which in relation to the average level of earnings of the employed persons has resulted in substantial higher benefits than before the co-ordination. This means that the majority of the insured persons are easily able to pay the relatively small part of the cost of medical care and pharmaceutical supplies which they have to pay. The experience of the system has proved to be favourable and no complaints of importance have so far been received. Until the sickness and employment injury insurance schemes have been consolidated, it is not possible to take measures to provide additional benefits during the co-ordination period. Some such measures may be adopted in a few years' time.

Article 36. In response to the observation made last year by the Committee of Experts, by which the Government was requested to supply information on the reasons for the choice of a skilled worker in the engineering industry as the typical skilled worker for the purpose of proving compliance with the present Article of the Convention, the report gives the following information :

The typical male worker, selected in accordance with paragraph 6 (b) of Article 65 of the Convention, is a skilled worker in the engineering industry, because this industrial branch occupies a predominant place in Sweden's industrial production and the number of workers employed in this branch is higher than in any other branch of industry within manufacturing, which is the major group of economic activity occupying the highest number of workers. The report gives a table showing the distribution of male employees enumerated by the 1950 population census by economic activity according to the International Standard Industrial Classification of All Economic Activities. This table shows that of the 704,000 male employees in "manufacturing" 168,000 belonged to the groups 35 and 36 of the classification (Manufacture of metal products, except machinery and transport equipment ; Manufacture of machinery except electrical machinery).

In response to the observation made last year respecting review of employment injury benefits

following substantial changes in the general level of earnings where these result from substantial changes in the cost of living, and by which observation certain statistical information was requested regularly, the report states that no index showing the trend in wages or earnings 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 worker's hourly earnings during the second quarter (May) of 1956 and second quarter (May) of 1957. The cost-of-living data refer to a consumer price index without direct taxes in July 1956 and June 1957.

	Cost-of-living index	Index of earnings
A. Beginning of period . . .	139.1	100.0
B. End of period	144.6	105.6
C. A as a percentage of B	96.2	94.7

The rate of periodical payments did not change during the period under review.

PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

Article 68. Referring to the observation made last year by the Committee of Experts the report states that the Labour Market Board has not so far made use of the powers thus conferred upon it to fix individual restrictions on the right of foreigners to belong to an employment fund or to receive benefits from such a fund.

PART XIII. COMMON PROVISIONS

Article 77. In response to the observation made last year by the Committee of Experts the report states that seamen and sea fishermen are not excluded from the legislation relating to the ratified parts of the Convention, neither are they excluded from the number of persons taken into account in calculations relating to the scope of protection in conformity with the ratified Parts of the Convention.

United Kingdom (First Report).

PART II. MEDICAL CARE

National Health Service Act of 6 November 1946 (L.S. 1946—U.K. 5) (9 and 10 Geo. 6, Ch. 81), as amended by the National Health Service (Amendment) Act of 16 December 1949 (12, 13 and 14 Geo. 6, Ch. 93), the National Health Service Act of 10 May 1951 (L.S. 1951—U.K. 2) (14 and 15 Geo. 6, Ch. 31) and the National Health Service Act of 22 May 1952 (15 and 16 Geo. 6 and 1 Eliz. 2, Ch. 25). Corresponding enactments for Scotland and Northern Ireland.

PART III. SICKNESS BENEFIT; PART IV. UNEMPLOYMENT BENEFIT; PART V. OLD-AGE BENEFIT; PART X. SURVIVORS' BENEFIT

National Insurance Act of 1 August 1946 (L.S. 1946—U.K. 3) (9 and 10 Geo. 6, Ch. 67), as amended by the National Insurance Act of 22 June 1951 (14 and 15 Geo. 6, Ch. 34), the Family Allowances and National Insurance Act of 26 June 1952 (15 and 16 Geo. 6 and 1 Eliz. 2, Ch. 29), the National Insurance Act of 22 December 1954 (3 Eliz. 2, Ch. 1), the National Insurance Act of 6 May 1955 (3 and 4 Eliz. 2, Ch. 29), the National Insurance Act of 5 July 1956 (4 and 5 Eliz. 2, Ch. 47) and the Family Allowances and National Insurance Act of 5 July 1956 (4 and 5 Eliz. 2, Ch. 50). Corresponding enactments for Northern Ireland.

PART VII. FAMILY BENEFIT

Family Allowances Act of 15 June 1945 (L.S. 1945—U.K. 3) (8 and 9 Geo. 6, Ch. 41), as amended by the Family Allowances and National Insurance Act of 26 June 1952 (15 and 16 Geo. 6, and 1 Eliz. 2, Ch. 29) and the Family Allowances and National Insurance Act of 5 July 1956 (4 and 5 Eliz. 2, Ch. 50).

National Health Service Act of 6 November 1946 (L.S. 1946—U.K. 5).

Corresponding enactments for Northern Ireland.

Article 2 of the Convention. The ratification of the United Kingdom relates to Part II, Medical Care; Part III, Sickness Benefit; Part IV, Unemployment Benefit; Part V, Old-Age Benefit; Part VII, Family Benefit; and Part X, Survivors' Benefit.

PART II. MEDICAL CARE

Article 9 of the Convention. Recourse is had to paragraph (c) of this Article. The provision of medical care in the United Kingdom is made under three separate Health Service Schemes, one for each of the legislative areas, England and Wales, Scotland and Northern Ireland. In essence the schemes are identical and cover the whole of the resident population in each area. In principle, therefore, the percentage of the resident population protected, including, of course, the dependent wives and children, is 100. The report shows that on 1 July 1956 approximately 49.97 million persons, or 97.6 per cent. of the total population were in fact included on the lists of doctors giving general medical services.

Article 10. All the benefits listed under paragraph 1 of the Article are included in each of the schemes, and the report sets out the various services provided under them in considerable detail. Small charges are made in certain cases, mainly in respect of drugs and dressings and the provision of certain appliances. Medical care directly relating to pregnancy and confinement and their consequences does not involve any cost-sharing.

The Ministry of Health, for England and Wales, and the corresponding Departments for Scotland and Northern Ireland, have a general responsibility for publicity designed to promote the proper use of the Health Services, and it is stated in the report that there is no reason to think that the general population is not aware of the range of services available to them.

Article 11. There is no qualifying period for entitlement to the benefits provided under the several Health Services.

Article 12. The benefits are granted without any limit of duration. So far as Article 69 (a) is concerned the benefits are provided only within the United Kingdom. The remaining paragraphs of that Article are not applicable in the case of the Health Services.

PART III. SICKNESS BENEFIT

Article 14. Sickness benefit is payable in respect of periods of incapacity for work by reason of some specific disease or bodily or mental disablement.

Article 15. Recourse is had to paragraph (b). All persons in the United Kingdom between

school-leaving age and pensionable age who are gainfully occupied, whether as employees or persons working on their own account, are protected, with the exception of a few categories.

Total number of economically active persons protected by the schemes	21,471,000
Total number of all residents in the United Kingdom	51,209,000
Percentage of residents covered	42

Article 16.

	From 27.4.55 to 4.3.56	From 5.3.56 to 26.5.57	From 27.5.57 to 30.6.57
Standard wage ¹	133s. 6d.	143s. 0d.	152s. 0d.
Family allow- ance ²	8s. 0d.	8s. 0d.	8s. 0d.
Total	141s. 6d.	151s. 0d.	160s. 0d.
Benefit and fam- ily allowance	88s. 0d.	88s. 0d.	88s. 0d.
Percentage. . .	62.2	58.3	55.0
Weekly rate of benefit for sin- gle women and insured mar- ried women not living with or maintained by their hus- bands.	40s.	40s.	40s.
Percentage of the standard wage	30.0	28.0	26.3

¹ Weighted average of adult male engineering labourer's weekly wage. The median weekly wage rates of all the various "wage rate areas" were respectively 132s. 10d., 142s. 4d. and 151s. 4d.
² Payable weekly in respect of the second child (see below, Part VII).

Article 17. The qualifying period for entitlement to sickness benefit is 26 weeks since entry into insurance. In addition, the insured person must have paid at least 26 weekly contributions as a gainfully occupied person, and the normal rate of benefit is only payable if at least 50 such contributions were paid or credited in the relevant contribution year; reduced rates of benefit are payable where less than 50 but not less than 26 contributions were paid or credited in that year.

Article 18. Subject to the qualifying period the insured persons are entitled to receive benefit for 52 weeks. There is no limit of duration when 156 contributions have been paid.

Benefit is payable from the fourth day of incapacity for work, but payment is made for the first three days if the incapacity continues for at least two weeks.

Periods of incapacity for work separated by not more than 13 weeks are treated as continuous.

PART IV. UNEMPLOYMENT BENEFIT

Article 20. Unemployment benefit is payable under the National Insurance Schemes of Great Britain and Northern Ireland in respect of periods when the insured person is unemployed and is capable of and available for work as an employed person, and is not in receipt of wages or of compensation for loss of remuneration.

Article 21. Recourse is had to paragraph (a). All persons in the United Kingdom between school-leaving age and pensionable age who are gainfully occupied in employment under a

contract of service are protected, with the exception of a few categories.

Total number of employed persons pro- tected	20,021,000
Total number of employed persons in the United Kingdom	22,173,000
Percentage of employees protected . . .	90

Article 22. See under Article 16; unemployment benefits are equal to sickness benefits.

Article 23. See under Article 17; the qualifying period is the same.

In Northern Ireland there is a further condition that the claimant must have been resident in the United Kingdom for a certain period.

Article 24. Benefit is payable for a maximum period of 30 weeks; this period may be further extended where the claimant has a good record of employment.

For the waiting period and the interruptions of short duration, see under Article 18.

In the case of seasonal workers certain additional conditions are laid down for the receipt of unemployment benefit during their off seasons.

PART V. OLD-AGE BENEFIT

Article 26. Provision is made for the payment of pensions from the minimum age of 65 for men and 60 for women, subject to the beneficiaries having retired from regular employment or having reached age 70 in the case of men or 65 in the case of women.

For a male pensioner under age 70 or a female pensioner under age 65 the retirement pension is subject to reduction on account of earnings.

Until 29 July 1956 the reduction was equal to the amount earned in excess of 40s. a week. On 30 July 1956 the earnings limit was increased to 50s. a week, and from that date the reduction has been equal to one-half the amount of the earnings between 51s. and 70s. a week, and the full amount of the earnings in excess of 70s. a week.

Article 27. Recourse is had to paragraph (b).

All persons in the United Kingdom between school-leaving age and pensionable age, whether economically active or not, are protected, with only minor exceptions.

Total number of economically active persons protected	21,471,000
Total number of residents in the United Kingdom.	51,209,000
Percentage of residents protected . . .	42

Article 28. For the standard weekly wage see under Article 16.

	To 4.3.56	To 26.5.57	To 30.6.57
Weekly rate of retire- ment pension for a man and his wife. . .	65s.	65s.	65s.
Percentage of benefit to the standard wage . .	48.7	45.5	42.8
Weekly rate of retire- ment pension for a woman on her own insurance	40s.	40s.	40s.
Percentage of benefit to the standard wage increased by family allowances.	30.0	28.0	26.3

The rates of benefit under the National Insurance Schemes have to be reviewed, in accordance with the law, at least once in five years to take account of any changes affecting the expenditure of insured persons necessary for the preservation of health and working capacity.

The rates were, in fact, increased on three occasions between July 1948 and 30 June 1957.

Article 29. Recourse is had to paragraphs 1 (b), 2 (b) and 5.

The qualifying period is ten years of insurance for persons who were within ten years of the minimum pensionable age at the date when the schemes started and were not insured under the pension schemes in force before that date.

In all cases, the insured person must have paid at least 156 weekly contributions since his entry into insurance and, in order to receive benefit at the normal rate, he must have paid or had credited at least 50 contributions a year on average taken over the whole period of his insurance; proportionately reduced rates of pension are payable where the average annual number of contributions is less than 50, but not less than 13.

Article 30. Payment of pension continues throughout life.

PART VII. FAMILY BENEFIT

Article 40. Under the Family Allowances Schemes of Great Britain and Northern Ireland, allowances are payable for the benefit of families which include two or more children below normal school-leaving age (15 in Great Britain and, in Northern Ireland, 14 until 31 March 1957 and 15 thereafter) or undergoing thereafter full-time instruction in a school, or in certain circumstances at home, or a course of apprenticeship, during a period up to 31 July following the child's 16th birthday (until 31 July 1956) or during a period up to the age of 18 (from 1 August 1956). Also from 1 August 1956 children who, on reaching the normal school-leaving age, are physically or mentally unable to go to school or to work are counted as still in the family until their 16th birthday.

The report sets out particulars of benefit in kind which are also provided for the maintenance of families in the United Kingdom by way of domestic help and certain welfare foods.

Article 41. In regard to National Assistance, reference is made to paragraph (c).

All residents are in fact covered by the Family Allowances Scheme. In the case of family allowances and certain items of food, there is no condition as to means.

Article 42. Recourse is had to paragraph (c).

Under the Family Allowances Schemes the benefit until 1 October 1956 was paid at the rate of 8s. a week for each child other than the first below the age limit, but as from 2 October 1956 the rate of benefit for the third and each subsequent child has been increased to 10s. a week.

In addition school meals, milk and other foods, and domestic help are provided, as well as housing at reduced rents, and clothing and holidays for children at a low cost.

Article 43. Family allowances are provided out of general taxation and not under a contributory scheme. They are granted to British subjects born in the United Kingdom who have been present in the United Kingdom for at least 26 weeks out of the previous 12 months. Other British subjects and non-nationals have to satisfy special conditions (see below under Article 68).

Article 44. Recourse is had to paragraph (b).

For the standard weekly wage see under Article 16.

Total number of children of all residents : 11.85 million.
Total amount of cash benefits granted : £116 million.
per annum

Percentage calculated in accordance with paragraph (b) : 2.7 to 4.3.56 ; 2.6 to 26.5.57 ; 2.5 to 30.6.57.

Article 45. Payment of family allowances stops when there are no longer two children under the specified age laid down in the scheme.

Family allowances are suspended while both the payees are absent from the United Kingdom unless the absence is regarded under the Family Allowances Act and Regulations as temporary.

PART X. SURVIVORS' BENEFIT

Article 60. Provision is made for the payment of benefits to widows, including provision for dependent children, and to the guardians of children both of whose parents are dead.

In the case of widow's benefit, payment after the first 13 weeks of widowhood is conditional upon the widow either having a child under the age limit for family allowances (see under Article 40) or, where she has no such child, on her having reached the age of 50 and having been married for at least ten years (three years, from 21 August 1956) when her husband died, or, where the husband died before 7 January 1957, being incapable of self-support by reason of infirmity, and likely to remain so for a prolonged period. In those cases where the husband died on or after 7 January 1957 and the widow, although incapable of self-support by reason of infirmity, is not entitled to further widow's benefit, or in any other case where the widow ceases to be entitled to widow's benefit, she is enabled to qualify immediately, where appropriate, for sickness or unemployment benefit payable at the same rate as widow's benefit. Special provision is made for the continuation of widow's benefit for certain widows who are over the age of 40 (50 from 4 February 1957) on the date at which they cease to have any child under the specified age limit.

Widow's benefit, other than any part which relates to a child, is subject to reduction on account of earnings; until 29 July 1956 the reduction was equal to the amount earned in excess of 60s. a week, where the widow has a dependent child, or in excess of 40s. a week in other cases. From 30 July 1956 the latter earnings limit was increased to 50s.; and, if the earnings exceeded 60s. or 50s. as the case may be, the reduction of pension is equal to one-half of the next 30s. of earnings, and the full amount of any further earnings beyond that figure.

An allowance to the guardian of an orphan child is not dependent on the guardian being

incapable of self-support, or on his or her earnings.

Article 61. See under Article 27.

Article 62. For details regarding the standard weekly wage and family allowances see under Article 16.

Normal weekly rate of widow's benefit for the standard beneficiary (including family allowances)	63s. until 20.8.56	73s. from 21.8.56
Percentage of standard weekly wage. . . .	44.5 until 4.3.56 41.7 from 5.3.56 to 20.8.56	48.3 from 21.8.56 to 26.5.57 45.6 from 27.5.57 to 30.6.57
Weekly rate of benefit for a childless widow Percentage of benefit to the standard weekly wage (excluding family allowances)	40s. 30 to 4.3.56 28 from 5.3.56 to 26.5.57 26.3 from 27.5.57 to 30.6.57	

During the first 13 weeks of widowhood benefit is payable at 15s. a week higher than the normal. Thus, for a widow with two children, the rate together with family allowances payable during the period covered by the report was 78s. a week up to 20 August 1956, and 88s. a week from 21 August 1956, while for a childless widow it was 55s. a week throughout the whole period.

As regards the review of benefit rates see under Article 28 above, last paragraph.

Article 63. Recourse is had to paragraphs 1(b), 2(b) and 5.

The deceased husband must have paid at least 156 weekly contributions since his entry into insurance. The normal rate of benefit is only payable if the deceased husband has paid or had credited at least 50 contributions a year on average taken over the whole period of his insurance; proportionately reduced rates of benefit are payable where the average annual number of contributions is less than 50, but not less than 13.

A childless widow over the age of 60, whose marriage took place when she was over that age and who was not then a pensioner, is entitled to a pension only if the marriage has lasted for three years.

The only insurance condition required to be satisfied in order to give title to a guardian's allowance is that at least one of the child's parents should have been an insured person.

Article 64. Benefit continues throughout the contingency.

PART XI. STANDARDS TO BE COMPLIED WITH BY PERIODICAL PAYMENTS

Recourse has been had throughout in relation to cash benefits to Article 66, paragraph 4(a), and the resultant percentages are set out below together with the percentages laid down in the Schedule to Part XI.

Part	Contingency	Percentage in schedule	United Kingdom percentages			
			To 4.3.56	From 5.3.56 to 20.8.56	From 21.8.56 to 26.5.57	From 27.5.57 to 30.6.57
III	Sickness . . .	45	62.2	58.3		55.0
IV	Unemployment	45	62.2	58.3		55.0
V	Old-age. . . .	40	48.7	45.5		42.8
X	Survivors. . .	40	44.5	41.7	48.3	45.6

PART XII. EQUALITY OF TREATMENT OF NON-NATIONAL RESIDENTS

Article 68. Residents who are not nationals have the same rights as national residents.

Special residence conditions are, however, applied in the case of family allowances, which are paid wholly out of public funds. British subjects born abroad and British-protected persons must have lived in the United Kingdom for a total of, in Great Britain, 52 weeks out of the two years, and in Northern Ireland, 104 weeks out of the three years immediately preceding the date from which they would otherwise be entitled to family allowances. Non-nationals must have lived in the United Kingdom for a total of 156 weeks out of the four years immediately preceding their claim.

Under the National Insurance Schemes no distinction is made between nationals and non-nationals, and the latter accordingly automatically have the same rights as the former.

PART XIII. COMMON PROVISIONS

Article 69. Recourse is had to most of the paragraphs of this Article as follows :

(a) Medical Care and Family Benefit are provided only within the United Kingdom. Under the National Insurance Schemes there is a general disqualification against the payment of benefit to or in respect of any person for any period when that person is absent from the United Kingdom; but this provision has been considerably modified by regulations, as a result of which the disqualification is removed in the case of old-age benefit and survivors' benefit, and to a limited extent in the case of sickness benefit.

(b) In general, sickness, old-age and widows' benefits are reduced after the first eight weeks of free in-patient treatment in a hospital maintained by state funds. A further reduction is made if such treatment continues for more than another 44 weeks unless the beneficiary can be treated as having a dependant, but where this latter reduction is made, part of the benefit withheld during the second year in hospital is paid to the beneficiary on discharge from hospital.

Under the National Insurance Schemes there is a general disqualification for the receipt of benefit by or in respect of any person who is undergoing penal servitude, imprisonment or detention in legal custody, but this does not apply if the charge against the person is withdrawn or if the person is discharged by the

magistrates or (not being a state mental patient) is acquitted.

(c) A benefit of the National Insurance Schemes payable to or in respect of any person may be reduced or withheld altogether if any other benefit under the schemes, or pension or allowance out of public funds, is payable to or in respect of that person, or of his wife or her husband. The detailed rules governing this provision are set out in statutory regulations made under the schemes.

(d) Benefit obtained by means of a fraudulent claim may be recovered by deduction from any other benefit payable under the schemes, but the right to future benefit is not forfeited by reason of the fraud.

(e) Recourse is not had to this paragraph.

(f) A person may be disqualified for receiving, for a period of up to six weeks : (i) sickness benefit, if the incapacity (other than venereal disease or pregnancy in certain cases) has been caused by his or her own misconduct; or (ii) unemployment benefit, if he was dismissed from his employment for (industrial) misconduct.

(g) A person may be disqualified for receiving sickness benefit, for a period of up to six weeks if he fails without good cause to attend for or submit himself to medical or other treatment (other than vaccination, inoculation or major surgical operation); or if he fails without good cause to attend for or submit himself to medical or other examination, or to comply with certain rules of behaviour during sickness.

(h) A person may be disqualified for receiving unemployment benefit, for a period of up to six weeks, if he refuses or neglects to apply for suitable employment brought to his notice, or if he leaves his employment without good cause.

(i) Unemployment benefit is not payable to a man if, in defined circumstances, his unemployment results from a stoppage of work due to a trade dispute at his place of employment and the disqualification continues for as long as the stoppage of work lasts.

(j) Widows' benefit is not payable for any period during which the widow is cohabiting with a man as his wife.

Article 70. Paragraph 1 of this Article is applied and, in regard to Medical Care, recourse is had to paragraph 2.

The administration of the Health Service Schemes is entrusted to the Minister of Health, for England and Wales, the Secretary of State, for Scotland, and the Ministry of Health and Local Government, for Northern Ireland. The arrangements made for dealing with complaints vary according to the circumstances and are set out in detail in the report.

Under the National Insurance Schemes claims for sickness, unemployment, old-age and survivors' benefits are decided by insurance officers, or, on a reference by an insurance officer, by a local tribunal, consisting of one person representing employed persons, one representing employers or insured persons other than employed persons, and a legal chairman.

The claimant has a right of appeal to the local tribunal against an insurance officer's decision, and there is a further right of appeal from the tribunal's decision to the National Insurance Commissioner, in Great Britain, or the Umpire, in Northern Ireland, who are appointed by the Crown. The decision of the Commissioner or Umpire is final.

Questions relating to the satisfaction of contribution conditions for benefit are, however, reserved to the Minister of Pensions and National Insurance for Great Britain or the Ministry of Labour and National Insurance for Northern Ireland. There is a right of appeal against the decisions of the Minister or Ministry to the High Court but only on a question of law.

Under the Family Allowances Schemes the decision as to title to allowances is vested in the Minister of Pensions and National Insurance for Great Britain or the Ministry of Labour and National Insurance for Northern Ireland.

There is a right of appeal against these decisions, in Great Britain, to a Referee, who is a barrister or solicitor entirely independent of the Ministry of Pensions and National Insurance, and in Northern Ireland, to the Umpire. The decision of the Referee or Umpire is final.

Article 71. The cost of medical care (Part II) exclusive of charges is borne mainly (over 90 per cent.) out of public funds, the Exchequer or local taxation, the balance being derived from contributions paid together with National Insurance contributions by employers and insured persons.

The cost of family allowances (Part VII) is borne wholly out of public funds.

The cost of National Insurance benefits (Parts III, IV, V and X) is borne partly out of contributions paid by employers in respect of their employees and by insured persons, and partly by the Exchequer. The contributions paid by insured persons during the year ended 30 June 1957 represented 41 per cent. of the amount of the benefits paid in that year (for the year ended 30 June 1956 the percentage was 42). The report states that it is not possible to give separate figures relating to the contributions and benefits of employed persons.

The various government departments administering the schemes are responsible to their respective parliaments, and furnish reports to them on the operation of the schemes each year.

In addition, in accordance with the statutes governing the National Insurance Schemes, the Government Actuary is required to review their operation and to report on them to the Treasury for Great Britain and the Ministry of Finance for Northern Ireland. At five-yearly intervals he reports in particular as to the financial position of the National Insurance Funds and the adequacy or otherwise of the contributions to support the benefits of the schemes.

Thereafter the Minister of Pensions and National Insurance for Great Britain and the Ministry of Labour and National Insurance for Northern Ireland are required to review the rates of benefits in relation to the circumstances at the time of insured persons, including in particular the expenditure necessary to preserve health and working capacity.

As stated in the report the rates of benefits and contributions have been increased three times since the National Insurance Schemes came into force in July 1948.

Article 72. This provision does not apply to the United Kingdom.

PART XIV. MISCELLANEOUS PROVISIONS

Article 77. The schemes apply to seamen and fishermen.

No recourse is had to paragraph 2 of this Article.

Yugoslavia.

PART IV. UNEMPLOYMENT BENEFIT

Article 21 of the Convention. With reference to the observations made by the Committee of Experts the Government states that persons who are temporarily unemployed are eligible for benefit under the Decree of 29 March 1952 respecting wage and salary earners who are temporarily without employment, and also under the Social Insurance Act of 21 January 1950, and draws the conclusion that the number of persons covered by the unemployment insurance scheme is the same as the number of gainfully employed insured persons.

There are no statistics such as have been requested by the Committee of Experts regarding the number of insured persons whose income exceeds 5,000 dinars per month per person living in the same household, or regarding persons whose income tax liability exceeds 250 dinars per annum per person living in the same household.

According to the report the application of section 9 (6) of the Decree does not limit to any considerable extent the number of beneficiaries under the insurance scheme. A comprehensive survey covering about 10,000 unemployed persons not only in industrial but also in administrative and agricultural centres was organised in June 1955. The survey showed that only 2.9 per cent. of unemployed persons were precluded from receiving benefit by the provisions of section 9 (6).

The report emphasises that at the time when the survey was carried out, in 1955, this provision of the Act applied to persons whose income exceeded 2,000 dinars per month per person living in the same household, whereas at the present day this limitation applies only to persons whose income exceeds 500 dinars per annum per person living in the same household or persons whose income tax liability exceeds 2,500 dinars per annum per person living in the same household. Moreover, this limitation arises out of a desire to prevent abuses, since cash unemployment benefits are fairly high (they are fixed as a percentage of wages, to which are added the children's allowances as well as fare concessions).

The report contains statistics of the total benefits paid under the unemployment insurance scheme, as well as of the various categories of persons classified according to their tax brackets, and therefore according to the proportion of

earnings to which unemployment benefit corresponds.

PART VI. EMPLOYMENT INJURY BENEFIT

Article 33. The Committee of Experts had asked the Government to state the number of workers employed in the occupations listed in the Ordinance of 25 November 1946 as being insured against the occupational diseases therein specified.

The Government states that it has no information regarding the number of persons employed in such occupations. As regards protection in the event of an occupational accident, however, all wage earners are covered.

PART XI. STANDARDS TO BE COMPLIED WITH BY PERIODICAL PAYMENTS

Article 65. As regards sickness benefit (Part III, Article 16 (1)), unemployment benefit (Part IV, Article 22 (1)), employment injury benefit (Part VI, Article 36) and maternity benefit (Part VIII, Article 50), the report states, in reply to the Committee's question, that such benefits are based exclusively on the insured persons' previous wages or earnings, and that there is no limit.

As regards old-age pensions the Government states that as a rule they are fixed according to the beneficiary's grade and length of service. The basic pension for each class, which is fixed in accordance with "an average welfare criterion", corresponds to the maximum basic wage for that class, unless the worker's wage over the last three years was 20 per cent. higher than the pension for his class, in which case he is classified in the next higher class.

However, an Old-Age Pensions Bill provides for a new classification based on the average wages of each insured person over the last three years of employment.

Survivors' pensions are fixed as percentages of the basic amount for the calculation of the old-age or invalidity pension.

PART XIII. COMMON PROVISIONS

Article 69. In reply to the observation of the Committee of Experts concerning Article 69 (a) and (b) of the Convention the Government states that, under the Criminal Code and the Social Insurance Act (section 83), the loss of pension rights can occur only in the event of a death sentence or of loss of nationality. In the Government's opinion Article 69 (a) or (b), which is based on considerations of a different character, does not apply to these provisions.

As regards these paragraphs the Yugoslav legislation does not take advantage of paragraph (b) of Article 69 but it does provide for the suspension referred to in paragraph (a), that is if the insured person goes to reside temporarily outside the country.

The payment of the pensions of alien workers who leave the country is not suspended if there is reciprocity between Yugoslavia and the country of residence or nationality.

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

Uruguay.

With reference to one of the observations of the Committee of Experts relating to the scope of maternity protection, the Government states that the expression “any private establishment or business” is “generic and in practice the national law covers all women who work in any private activity, whether or not in industrial or public service occupations”.

Yugoslavia (First Report).

- Decree of 4 April 1949 respecting the protection of wage-earning or salaried women who are pregnant or nursing their children, as amended (L.S. 1949—Yug. 4, and 1952—Yug. 7). (*Službeni List*, Nos. 88/49 and 35/52.)
- Act respecting social insurance of 21 January 1950 (L.S. 1950—Yug. 1). (*Službeni List*, No. 10/50.)
- Decree of 29 December 1954 respecting the application of the above Act (*Službeni List*, No. 54/55).
- Decree of 5 March 1952 to prohibit the employment of women and young persons on certain types of work (L.S. 1952—Yug. 2). (*Službeni List*, No. 11/52.)
- Act of 24 November 1954 respecting health insurance for wage and salary earners (L.S. 1954—Yug. 2). (*Službeni List*, No. 51/54.)

Article 1 of the Convention. The compulsory health insurance scheme covers all wage earners and salaried employees.

Article 2. No distinction is made on the basis of age, nationality, race, creed or marital status.

Article 3. Every woman who is a wage earner or a salaried employee is entitled to 90 days' leave in the event of pregnancy or childbirth; 45 of these days may be taken

before confinement and must be taken at least 21 days before and 45 days after it.

The decree on this subject does not provide for special leave for women in case of illness arising out of pregnancy or confinement. However, this contingency is covered by the health insurance scheme.

Article 4. All insured women workers enjoy, without requirement of a qualifying period of work, the right to benefit in cash during the whole of the approved period of maternity leave, i.e. for 90 days. The decree stipulates the wages and allowances which are payable; these vary with the duration of insured employment and are calculated as a percentage of the average earnings and allowances for full-time employment over the last three months (100 per cent. for persons employed continuously for more than six consecutive months or an aggregate of 12 months in the course of the two years immediately preceding confinement, but less for persons with shorter periods of service). In addition, insured women workers receive special material assistance, in cash or in kind, for the provision of the layette.

Adequate medical care, with free choice of doctor, is assured.

Benefits and assistance are granted freely; no contributions are required from insured persons. The financial resources of the scheme are provided out of the sickness funds administered by the social insurance funds.

Article 5. Nursing mothers are entitled to work breaks for this purpose (in general, every three hours) for six months after confinement or in approved cases for up to the end of eight months. A nursing mother suffers no reduction in pay for the time spent nursing her child: she receives a special allowance to make up the time lost.

Article 6. No pregnant woman or nursing mother may be dismissed.

* * *

The report from Cuba refers to the information previously supplied.

104. Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955

This Convention came into force on 7 June 1958

Countries	Date of registration of ratification
Cuba	15. 8. 1957
Dominican Republic	10. 2. 1958
New Zealand	28. 6. 1956
Syria	7. 6. 1957

New Zealand (Voluntary Report).

In the non-metropolitan territories for which New Zealand is internationally responsible, as in New Zealand itself, no act or default is punishable unless it is expressly made punishable by an Act of Parliament or other enactment for the time being in force. In none of these

non-metropolitan territories is there any longer in force any enactment which makes it an offence to break a contract of employment; thus no penal sanctions can be lawfully imposed for breach of contract on any indigenous

worker or other person. If any employer should attempt to impose such a sanction that employer would be guilty of the offence of assault or of some other criminal offence for which he would be liable to severe punishment.

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, Burma, Canada, Ceylon, Chile, China, Egypt, Finland, France, Federal Republic of Germany, Greece, Haiti, Iceland, India, Indonesia, Ireland, Israel, Italy, Japan, Luxembourg, Mexico, New Zealand, Norway, Pakistan, Philippines, Sweden, Switzerland, Tunisia, Turkey, Union of South Africa, United Kingdom, United States, 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 of the central undertakings.

The Government of *Bulgaria* states that copies of its reports have been communicated to the Central Council of Trade Unions.

The Government of the *Byelorussian S.S.R.* states that copies of its reports have been communicated to the Byelorussian Council of Trade Unions and to the directors of various undertakings.

The Government of *Czechoslovakia* states that copies of its reports have been communicated to the Central Council of Trade Unions.

The Government of *Ecuador* states that copies of its reports have been communicated to four workers' organisations.

The Government of *Hungary* states that copies of its reports have been communicated

to the National Confederation of Free Trade Unions of Hungary.

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 *Poland* states that copies of its reports have been communicated to the Central Council of Trade Unions.

The Government of *El Salvador* states that copies of its reports have been communicated to the Asociación Cafetalera de El Salvador, the Compañía Salvadoreña del Café and the Cooperativa Azucarera Salvadoreña.

The Government of *Spain* states that copies of its reports have been communicated to the chiefs of the social and economic sections of the *Sindicatos*.

The Government of the *Ukrainian S.S.R.* states that copies of its reports have been communicated to the Ukrainian Council of Trade Unions and to the directors of a number of undertakings.

The Government of the *U.S.S.R.* states that copies of its reports have been communicated to the All-Union Central Council of Trade Unions and to the directors of various undertakings.

The Government of *Yugoslavia* states that copies of its reports have been communicated to the Central Council of the Confederation of Yugoslav Trade Unions and to the competent economic agencies.

APPLICATION OF CONVENTIONS IN NON-METROPOLITAN TERRITORIES

(ARTICLES 22 AND 35 OF THE CONSTITUTION)

1. Hours of Work (Industry) Convention, 1919

This Convention came into force on 13 June 1921

Belgium. Ratification : 6 September 1926.
Decision reserved : Belgian Congo and Ruanda-Urundi.

*France.*¹ Ratification : 2 June 1927.
No declaration.

*Italy.*¹ 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.

¹ Conditional ratification.

The following reports merely reproduce or refer to the information previously supplied :

New Zealand (Cook Islands and Niue, Tokelau Islands, Western Samoa).

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.
Not applicable : Faroe Islands, 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.

Spain. Ratification : 4 July 1923.
No declaration.

Union of South Africa. Ratification : 20 February 1924.
Not applicable : South-West Africa.

United Kingdom. Ratification : 14 July 1921.
Applicable *ipso jure* without modification¹ : Guernsey, Jersey and Isle of Man.

No declaration : all other non-metropolitan territories.

¹ 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.

France.

Algeria.

Order of 16 March 1957 to establish Advisory Departmental Manpower Committees.

See under Convention No. 88.

French Equatorial Africa.

Order of 9 January 1957 to prescribe the location of the Chad Manpower Office and to fix its territorial scope.

The only statistics available concern the vacancies and job applications which are satisfied.

The foregoing Order was issued to set up a manpower office for the Chad territory.

Guadeloupe.

As a result of the cyclone of 11 August 1956 which devastated part of Guadeloupe, schemes have been started to give work to the unemployed in the Basse-Terre area. These schemes are being financed by means of a credit of 27½ million francs.

Madagascar.

Order of 31 May 1955, to set up in the Office of the High Commissioner and in the provincial capitals committees to study the careers and the vocational guidance of certificated staff, as amended by an Order of 18 February 1957.

The Committee to study the careers and the vocational guidance of certificated staff, set up

under the above Orders, is responsible for working out a programme to ensure that students will find employment and that competent staff will be recruited for the various occupations; the Committee is also responsible for ascertaining the territory's current need for certificated staff as well as future employment trends as affected by changes in working methods, and for collecting unsuccessful applications for employment by certificated staff and checking them with notified vacancies.

There is no non-fee-charging private employment agency and no scheme of unemployment allowances.

St. Pierre and Miquelon.

Order of 4 February 1957 to regulate schemes for giving work to the unemployed and defining the conditions for employment thereon.

The Inspector of Labour and Social Legislation attends the meetings of the board of the Manpower Office, which is under an obligation to hear his comments before voting on any item on the agenda.

Netherlands.

Surinam.

Article 2 of the Convention. In accordance with the provisions of this Article the Government intends to establish more bureaux for the placement of workers. A start has already been made by setting up such a bureau in one of the districts.

There are no private employment agencies.

Article 3. There is no unemployment insurance system. The operation of the various placement bureaux is entrusted to the Department of Social Affairs and Immigration.

United Kingdom.

Barbados.

Employment Exchanges Act, 1955.

This Act permits the setting up of employment exchanges.

Cyprus.

Social Insurance Law, 1956.

Social Insurance (Reciprocal Agreement with the United Kingdom) Order, 1957.

Emergency Powers (Suspension of the Operation of Port Workers) (Regulation of Employment) Laws (1952-1954) Regulations, 1956.

Under section 49 of the Social Insurance Law the above-mentioned reciprocal agreement with the United Kingdom was entered into. It provides for the equality of treatment of national and foreign workers as regards unemployment insurance.

Gibraltar.

Control of Employment Ordinance (Cap. 163, Laws of Gibraltar).

A free public employment exchange is established in accordance with sections 3 and 4 of the above-mentioned Ordinance as part of the Department of Labour and Social Security.

Hong Kong.

A surplus of labour is particularly evident in the semi-skilled and unskilled categories, owing principally to the influx of refugees from Mainland China; in general, employers have no need to depart from the traditional methods of engaging workers through personal introduction. However, the question of establishing an employment exchange service on an experimental basis is being discussed between the Labour Department and employers' organisations.

Singapore.

There is no compulsory registration of unemployed persons, and it is therefore not possible to provide statistics on the subject. Employers, however, make twice-yearly returns of the number of industrial workers in their employ.

Legislation for the introduction of the Seamen's Registry Board has been approved by the Legislature and it should not be long before this new tripartite Board will take over the functions of the Seamen's Registration Bureau.

* * *

The following reports supply information on the practical effect given to the Convention or on minor changes in its application:

Denmark (Faroe Islands), *France* (Algeria, French Equatorial Africa, French Somaliland, Guadeloupe, Madagascar, New Caledonia, Réunion, St. Pierre and Miquelon), *United Kingdom* (Antigua, Barbados, Bermuda, British Guiana, Cyprus, Fiji, Gambia, Gibraltar, Guernsey, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, Northern Rhodesia, St. Helena, Sierra Leone, Singapore, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar).

The following reports merely reproduce or refer to the information previously supplied:

Denmark (Greenland), *France* (Cameroons, Comoro Islands, French Polynesia, French West Africa, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles, New Guinea), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Bahamas, Basutoland, Bechuanaland, British Honduras, British Somaliland, Brunei, Dominica, Falkland Islands, Gilbert and Ellice Islands, Grenada, North Borneo, Nyasaland, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Sarawak, Solomon Islands, Southern Rhodesia, Swaziland).

3. Maternity Protection Convention, 1919¹

This Convention came into force on 13 June 1921

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 modification²: Fiji, Nigeria, Singapore, Solomon Islands, Southern Rhodesia.
No declaration: Guernsey, Jersey and Isle of Man.
Decision reserved³: all other non-metropolitan territories.

¹ This Convention was revised in 1952 by Convention No. 103.

² Unratified Convention. These declarations were included in the ratification of Convention No. 83 and will only become effective when that Convention comes into force.

France.

French Equatorial Africa.

Orders to issue rules for family allowance funds, as follows: for the Middle Congo, dated 6 July 1956 (*Journal officiel A.E.F.*, 1 Aug. 1956); for Gaboon, 22 August 1956 (*Journal officiel A.E.F.*, 12 Oct. 1956); for Ubanghi Shari, 21 July 1956 (*Journal officiel A.E.F.*, 10 Aug. 1956); for Chad, 22 August 1956 (*Journal officiel A.E.F.*, 12 Oct. 1956).

The above Orders regulate the grant and payment, by the family allowance funds, of the allowance (equal to half wages) due to a woman whose contract of employment is suspended by reason of pregnancy.

French West Africa.

In reply to a query by a trade union regarding the interpretation of the law the Ministry of Overseas France has stated that, subject to

a ruling by the appropriate court, if a woman stops work less than eight weeks before her confinement, the employer is not required to allow her more than six weeks' leave after the birth of the child.

St. Pierre and Miquelon.

Replying to the observations made by the Committee of Experts in 1957 the report provides the following information:

The employer is not entitled to dismiss a woman while absent owing to maternity, nor at such time that the period of notice would terminate during this absence. The mention of notice of dismissal in connection with the calculation of the maternity allowance serves only to determine the period during which a woman who qualified for dismissal compensation—supposing she could be dismissed—would be entitled to receive from her employer an allowance equal to the difference between her wages and the daily allowance paid by the sickness insurance fund.

* * *

The following reports supply information on the practical effect given to the Convention or on minor changes in its application:

France (New Caledonia, St. Pierre and Miquelon, Togoland).

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

France (Algeria, Cameroons, Comoro Islands, French Polynesia, French Somaliland, Guadeloupe, Madagascar, Réunion), *Italy* (Trust Territory of Somaliland).

4. Night Work (Women) Convention, 1919¹

This Convention came into force on 13 June 1921

*Belgium.*² Ratification: 12 July 1924.
Applicable without modification: Belgian Congo and Ruanda-Urundi.

*France.*² Ratification: 14 May 1925.
Applicable without modification: all non-metropolitan territories.

Italy. Ratification: 10 April 1923.
Applicable with modification: Trust Territory of Somaliland.

*Netherlands.*² 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.*² Ratification: 1 November 1921.
No declaration.

*United Kingdom.*² Ratification: 14 July 1921.
Applicable *ipso jure* without modification³: Guernsey, Jersey and Isle of Man.

No declaration: all other non-metropolitan territories.

¹ This Convention has been revised twice—in 1934 and in 1948. See under Conventions Nos. 41 and 89.

² Ratification denounced.

³ See footnote 1 to Convention No. 2.

France.

French Equatorial Africa.

For the Government's reply to the observation made by the Committee of Experts in 1957 see *Report of the Committee*, p. 685.

* * *

The following report supplies information on the practical effect given to the Convention :

France (Algeria).

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

France (Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland).

5. Minimum Age (Industry) Convention, 1919 ¹

This Convention came into force on 13 June 1921

Belgium. Ratification : 12 July 1924.
Decision reserved : Belgian Congo and Ruanda-Urundi.

Denmark. Ratification : 4 January 1923.
Applicable without modification : Faroe Islands.
Applicable with modification : Greenland.

France. Ratification : 29 April 1939.
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 ² : Guernsey, Jersey and Isle of Man.
No declaration : all other non-metropolitan territories.

¹ This Convention was revised in 1937. See Convention No. 59.

² See footnote 1 to Convention No. 2.

France.

Cameroons.

In reply to the observations made by the Committee of Experts in 1957 the Government states that rapid progress is being made which permits the shortcomings of the civil register to be made good.

French Equatorial Africa.

In reply to the observation made last year by the Committee of Experts the Government states that the provisions under the local regulations authorising the employment of children between 12 and 14 years of age on light work apply only to non-industrial employment.

French Somaliland.

Heads of industrial establishments are not required to keep a register but the engagement of any child must be notified to the manpower office. The notification is accompanied by an extract from the child's birth certificate (or magistrate's order replacing this) and a medical certificate of good health and physical aptitude for the job.

St. Pierre and Miquelon.

Local Order No. 368 of 19 July 1956 to amend
Local Order No. 446 of 14 August 1954.

As a result of the amending Local Order of 19 July 1956 exceptions to the prohibition of the employment of children under 14 years of age may now be authorised for girls of at least 13 years of age for light work on packaging operations in the frozen fish industry.

Netherlands.

Surinam.

Article 2 of the Convention. As a result of the school-leaving age being fixed at 12 years children under this age are prohibited from being employed during school hours in an industrial undertaking or in any branch thereof.

Since local legislation permits the male inhabitants of Surinam of Asian origin to marry at the age of 15 and female inhabitants of Asian origin at the age of 13, practical difficulties arise in prohibiting such young persons from earning their living at an early age by working in industrial undertakings.

United Kingdom.

Kenya.

Employment of Children Rules, 1956.
Employment of Juveniles (General Revocation) Rules, 1956.

The above Rules (*a*) require employers to obtain permits in respect of children under 16 years of age employed in any circumstances in a municipality or township ; and (*b*) require permits and parental consent for employment of children anywhere when such employment involves residence away from the parents.

Tanganyika.

Employment Ordinance, 1955.

The Convention is applied by Part VII of the Ordinance.

* * *

The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (Algeria, Réunion), *United Kingdom* (Antigua, British Guiana, Hong Kong, Kenya, Malta, Tanganyika, Trinidad and Tobago, Uganda).

The following reports merely reproduce or refer to the information previously supplied :

Denmark (Faroe Islands, Greenland), *France* (Comoro Islands, French Polynesia, French

West Africa, Guadeloupe, Madagascar, New Caledonia, Togoland), *Netherlands* (Netherlands Antilles, New Guinea), *United Kingdom* (Aden, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice

Islands, Grenada, Guernsey, Jersey, Isle of Man, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Zanzibar).

6. Night Work of Young Persons (Industry) Convention, 1919 ¹

This Convention came into force on 13 June 1921

Belgium. Ratification: 12 July 1924.
Decision reserved: Belgian Congo and Ruanda-Urundi.

Denmark. Ratification: 4 January 1923.
Applicable without modification: Faroe Islands, Greenland.

France. Ratification: 25 August 1925.
Applicable without modification: all non-metropolitan territories.

Italy. Ratification: 10 April 1923.
Applicable with modification: Trust Territory of Somaliland.

*Netherlands.*² 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.*³ Ratification: 14 July 1921.
Applicable *ipso jure* without modification⁴: Guernsey, Jersey and Isle of Man.

No declaration: all other non-metropolitan territories.

¹ This Convention was revised in 1948. See Convention No. 90.

² Ratification denounced.

³ See footnote 1 to Convention No. 2.

Denmark.

Faroe Islands.

Legislation concerning the night work of young persons in the Faroe Islands is still in preparation.

Greenland.

By letters of 16 November 1955 the Ministry for Greenland has instructed the Governor of Greenland and the Royal Greenland Trade Department to see that the provisions of the Convention are observed in the institutions coming under the Ministry and in the undertakings run by the Trade Department.

France.

Comoro Islands.

In reply to the observations made by the Committee of Experts the Government states that there is no industrial undertaking employing continuous processes in the Comoro Islands and that the only oil and soap factory, which works until 10 p.m. during the harvesting season for copra and croton seed does not employ young persons under the age of 18 years.

French Equatorial Africa.

In reply to the observations made last year by the Committee of Experts the Government states that in practice the Labour Inspector

has not had to intervene in order to allow exceptions to the prohibition on night work, that the exceptions allowed by the Convention are not used and that in any event permission would only be given in accordance with the standards laid down by the Convention.

French Polynesia.

In reply to the observations made last year by the Committee of Experts the Government states that the exception allowed under Article 2 of the Convention does not apply because of the fact that none of the industries listed in paragraphs (a) to (e) of this Article exist in the territory. The only industries working by night are the power station and the bakeries; these do not employ young persons under the age of 18 years.

French Somaliland.

In response to the observation of the Committee the Government states that the local regulations permit the following exceptions to the prohibition of night work for young persons of 16 years of age and over: (a) in industries in which the work has to do with materials subject to rapid deterioration, temporary exemptions may be authorised, merely by notice, in order to prevent accidents or to repair damage caused by accidents; and (b) in all undertakings with continuous operations exceptions for indispensable work may be authorised by special permission of the Labour Inspector. No such exceptions have been made during the period under review.

French West Africa.

For the Government's reply to the observation made by the Committee of Experts in 1957 see *Report of the Committee*, p. 685.

Madagascar.

With reference to the observation of the Committee of Experts in 1957 the Government states that the exceptions permitted under the local regulations in the case of indispensable work in continuously operating undertakings are authorised only within the limits prescribed by Article 2, paragraph 2, of the Convention and that hardly any such undertakings exist in the territory.

New Caledonia.

In reply to the observations made by the Committee of Experts in 1957 the Government states that the local regulation (the Decree of 2 March 1939), which preceded the Overseas

Labour Code of 15 December 1952, was repealed by the Code.

Section 89 of the final version of the Collective Industrial Agreement of 17 June 1957 states that young persons between the ages of 16 and 18 years may not be employed on night work apart from the exceptions specifically allowed by international Conventions.

The minimum rest period of 11 consecutive hours for children laid down in section 114 of the Overseas Labour Code is binding and no exceptions are allowed.

St. Pierre and Miquelon.

In reply to the observations of the Committee of Experts the Government states that the exceptions authorised under the local regulations for continuously operating undertakings are within the limits prescribed by Article 2, paragraph 2, of the Convention. The Government also states that the exceptions authorised in respect of industries handling raw materials subject to rapid deterioration are made in practice only in cases of *force majeure* which could not be foreseen and which are not periodic in character, as prescribed by Article 4 of the Convention.

Togoland.

In reply to the observations made by the Committee of Experts in 1957 the Government states that the exceptions allowed under section 10 of Order No. 884-55/ITLS of 28 October 1955 hardly apply to Togoland, where the only continuous process plant is the Lomé power station, which employs no young persons under the age of 21 years.

The Government adds that if permission for night work were to be sought for cases other than those laid down in Article 2 of the Convention it would be refused.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (Algeria, Madagascar, St. Pierre and Miquelon).

The following reports merely reproduce or refer to the information previously supplied :

France (Cameroons, Guadeloupe, Réunion), *Italy* (Trust Territory of Somaliland).

7. Minimum Age (Sea) Convention, 1920¹

This Convention came into force on 27 September 1921

Australia. Ratification : 28 June 1935.
Not applicable : all non-metropolitan territories.

Belgium. Ratification : 2 February 1925.
Decision reserved : Belgian Congo and Ruanda-Urundi.

Denmark. Ratification : 12 May 1924.
Applicable without modification : Faroe Islands.
Applicable with modification : Greenland.

Italy. Ratification : 14 July 1932.
Applicable with modification : Trust Territory of Somaliland.

Japan. Ratification : 7 June 1924.
Not applicable : Pacific Islands (League of Nations mandate).

*Netherlands.*² Ratification : 26 March 1925.
No declaration.

Spain. Ratification : 20 June 1924.
No declaration.

United Kingdom. Ratification : 14 July 1921.
Applicable *ipso jure* without modification³ : Guernsey, Jersey and Isle of Man.
No declaration : all other non-metropolitan territories.

¹ This Convention was revised in 1936. See Convention No. 58.
² Ratification denounced.
³ See footnote 1 to Convention No. 2.

Australia.

New Guinea.

Minimum Age (Sea) Ordinance, 1957.

The above Ordinance came into force on 22 August 1957.

Article 1 of the Convention. The definition of "ship" is, to all intents and purposes, the same

as "vessel" in the Convention. However, in addition to ships of war, it excepts canoes and vessels ordinarily propelled by oars only.

Article 2. Persons under the age of 15 years are not ordinarily employed on ships, but in certain cases a person not under 14 years of age may be so employed or work, subject to the permission of the Director of Education. Ships where only members of the same family are employed are specifically excluded.

Article 3. Approved training ships are also excluded.

Article 4. A person in charge of a ship shall keep a register of all persons employed on his ship under the age of 16 years.

Papua.

See under *New Guinea*.

Denmark.

Greenland.

Temporary Regulations of 22 February 1956 on the employment of children at sea and on seamen's certificates.

The above-mentioned regulations prohibit the employment of children below 15 years of age on board vessels.

United Kingdom.

Kenya.

See under Convention No. 5.

Tanganyika.

Employment Ordinance of 1955.

Section 2 of the above Ordinance defines a "ship" as any vessel or boat, of any nature whatsoever, engaged in navigation, whether publicly or privately owned, but does not include a ship of war.

Employment of a child under the apparent age of 15 years in any ship is prohibited, except in ships mentioned under section 89 (1) of the Ordinance.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

United Kingdom (Gibraltar, North Borneo, Trinidad and Tobago).

The following reports merely reproduce or refer to the information previously supplied :

Australia (Nauru, Norfolk Island), *Denmark* (Faroe Islands), *Italy* (Trust Territory of Somaliland), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Sierra Leone, Singapore, Solomon Islands, Uganda, Zanzibar).

8. Unemployment Indemnity (Shipwreck) Convention, 1920

This Convention came into force on 16 March 1923

Australia. Ratification : 28 June 1935.

Applicable without modification : New Guinea, Papua.

Not applicable : Nauru, Norfolk Island.

Belgium. Ratification : 2 February 1925.

Decision reserved : Belgian Congo and Ruanda-Urundi.

Denmark. Ratification : 15 February 1938.

Applicable without modification : Faroe Islands.

Not applicable : Greenland.

France. Ratification : 21 March 1929.

No declaration.

Italy. Ratification : 8 September 1924.

No declaration.

Netherlands. Ratification : 15 December 1937.

Applicable without modification : Netherlands Antilles.

No declaration : New Guinea and Surinam.

Spain. Ratification : 20 June 1924.

No declaration.

United Kingdom. Ratification : 12 March 1926.

Applicable *ipso jure* without modification¹ : Guernsey, Jersey and Isle of Man.

No declaration : all other non-metropolitan territories.

¹ See footnote 1 to Convention No. 2.

*Netherlands.**Netherlands Antilles (First Report).*

Commercial Code of Curaçao.

Civil Code of Curaçao.

Section 552 of the Commercial Code corresponds to the Convention. Its provisions cover total loss, damage so substantial that, commercially speaking, it would not be worth while repairing it, and damage that can be and is subsequently repaired but hampers the completion of the voyage as a commercial venture.

The indemnity is paid for the duration of the voyage up to a maximum of two months. It is based solely on the seaman's cash wages.

The legislation is enforced by the Labour Office of the Department of Social and Economic Affairs and by the Port Police.

The unemployment indemnity constitutes a preferred debt (section 1175 (4) of the Civil Code).

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (French Equatorial Africa), *United Kingdom* (Gibraltar, Hong Kong, North Borneo, Sarawak, Solomon Islands).

The following reports merely reproduce or refer to the information previously supplied :

Australia (Nauru, New Guinea, Norfolk Island, Papua), *Denmark* (Faroe Islands, Greenland), *France* (Cameroons, Comoro Islands, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (New Guinea, Surinam), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Guernsey, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sierra Leone, Singapore, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar).

9. Placing of Seamen Convention, 1920

This Convention came into force on 23 November 1921

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.
Applicable without modification : Netherlands Antilles.
Decision reserved : Surinam.
No declaration : New Guinea.

New Zealand. Ratification : 29 March 1938.
No declaration.

Spain. Ratification : 23 February 1931.
No declaration.

*Netherlands.**Netherlands Antilles (First Report).*

Commercial Code of Curaçao (sections 556ff.).

The definition of "seaman" conforms to that of the Convention. The placing of seamen is effected by shipowners in the presence of an official. The committees provided for in Article 5 have not been set up, the need for them having so far not been felt. The contract of engagement must be made in writing and the official must satisfy himself that the seaman understands it and that it has the approval of both parties (section 558 of the Code). No data are available concerning Article 8 of the Convention. Sections 558ff. of the Code apply also to officers. No statistical data are yet available.

The above provisions are enforced by the Port Police.

Surinam.

Article 2 of the Convention. Placement bureaux established by the Government are not operated on a profit basis and no fees are charged for placement work. These bureaux are under the supervision of the Department of Social Affairs and Immigration.

Article 3. There are no private placement bureaux for seamen.

Article 4. In view of the very limited number of seamen that can be placed the need for any further employment offices for seamen has not been felt.

Article 6. The agreement concluded between the parties covers fully their respective rights and obligations.

Article 7. Sections 556 to 560 of the Commercial Code apply the provisions of this Article.

Article 10. No statistical data are available concerning the placement of seamen.

* * *

The following report supplies information on the practical effect given to the Convention :

France (St. Pierre and Miquelon).

The following reports merely reproduce or refer to the information previously supplied :

Australia (Nauru, New Guinea, Norfolk Island, Papua), *Denmark* (Faroe Islands, Greenland), *France* (Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, Togoland), *Italy* (Trust Territory of Somaliland), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa).

10. Minimum Age (Agriculture) Convention, 1921

This Convention came into force on 31 August 1923

Australia. Ratification : 24 December 1957.
No declaration.

Belgium. Ratification : 13 June 1928.
Decision reserved : Belgian Congo and Ruanda-Urundi.

France. Ratification : 7 June 1951.
Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion.
No declaration : all other non-metropolitan territories.

Italy. Ratification : 8 September 1924.
Applicable with modification : Trust Territory of Somaliland.

Japan. Ratification : 19 December 1923.
Not applicable : Pacific Islands (League of Nations mandate).

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.

*France.**Comoro Islands.*

Overseas Labour Code (L.S. 1952—Fr. 5), sections 118 and 119.

Order of 23 February 1955.

The age of admission of children to employment is lowered from 14 to 12 in the case of light seasonal work, although this exception may not be allowed if it is likely to interfere with school attendance requirements. In the districts where children normally attend school the minimum age of admission to employment is still 14 years unless special permission is granted by the Inspector of Labour and Social Legislation, who may withdraw his consent at any time.

The Inspector is responsible for ensuring that the provisions of the Convention are applied.

Children between the ages of 12 and 14 years are often employed on farms to do various light jobs, but in such cases they are not expected to work a fixed number of hours or to perform a specified amount of work.

*Netherlands.**Netherlands Antilles (First Report).*

Ordinance of 22 August 1952 respecting hours of work, child labour and employment of women and young persons (L.S. 1952—Neth. Ant. 1) (*Publicatieblad* No. 93-1952), as amended by Ordinance of 12 March 1954 (*Publicatieblad* No. 25-1954).

Articles 1 to 3 of the Convention. Section 15 of the above Ordinance prohibits any form of

employment for children under 14 years of age, with the exception of work in or for the family in which the child is being brought up, and in educational institutions provided that the work has an educational character and is not in the first place directed towards financial gains.

The above provisions have not been established with a view specifically to Convention No. 10, agriculture being of minor importance in the Netherlands Antilles.

The supervision of compliance is entrusted to the Labour Inspectorate. No offences have been reported in the field since the entry into force of the Ordinance of 1952.

Surinam.

See under Convention No. 5.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (Comoro Islands, French Somaliland, Togoland).

The following reports merely reproduce or refer to the information previously supplied :

France (Algeria, Cameroons, French Equatorial Africa, French Polynesia, French West Africa, Guadeloupe, Madagascar, New Caledonia, Réunion, St. Pierre and Miquelon), *Italy* (Trust Territory of Somaliland), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa).

11. Right of Association (Agriculture) Convention, 1921

This Convention came into force on 11 May 1923

Australia. Ratification : 24 December 1957.
No declaration.

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 and Surinam.
No declaration : New Guinea.

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 modification¹ : Guernsey, Jersey and Isle of Man.
No declaration : all other non-metropolitan territories.

*France.**Guadeloupe.*

A collective labour agreement covering industrial and agricultural wage earners employed by the sugar factories and the plantations producing for them was signed by the trade unions affiliated to the General Confederation of Labour and the French Confederation of Christian Trade Unions on 17 November 1956. A codicil to this agreement was signed on 10 January 1957. The number of agricultural workers covered by these agreements is between 20,000 and 25,000.

*Netherlands.**Surinam (First Report).*

Constitution of Surinam.

The right of association has been laid down in the Constitution of Surinam as a constitutional right. No distinction in this respect is made between workers in agriculture and workers in industry.

¹ See footnote 1 to Convention No. 2.

*United Kingdom.**Grenada.*

Trade Union and Trade Disputes Ordinance No. 20 of 1951.
 Trade Union Rules, 1952 (S.R. and O. No. 8 of 1952).
 Trade Union and Trade Disputes (Amendment) Ordinance No. 17 of 1956.

The trade union laws protecting the right of association and combination apply to agricultural and industrial workers alike.

Every trade union must be registered with the Registrar within three months of its formation.

Yearly audited accounts must be submitted to the Registrar.

St. Lucia.

Trade Unions and Trade Disputes (Amendment) Ordinance No. 30 of 1956.

The above Ordinance requires that the Governor must approve the persons selected to audit the accounts of trade unions.

Tanganyika.

Trade Union Ordinance, 1956.
 Trade Union (Amendment) Ordinance, 1957.

The provisions of the Convention are contained in the above-mentioned legislation.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (Cameroons, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon), *Netherlands* (New Guinea), *United Kingdom* (Antigua, Bermuda, Hong Kong, Tanganyika, Uganda, Zanzibar).

The following reports merely reproduce or refer to the information previously supplied :

Denmark (Faroe Islands, Greenland), *France*, (Algeria, Comoro Islands, French Equatorial Africa, French Polynesia, Réunion, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Bahamas, Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Guernsey, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Vincent, Sarawak, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Trinidad and Tobago).

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 : Trust Territory of Somaliland.

Netherlands. Ratification : 20 August 1926.
 Applicable without modification : Netherlands Antilles.
 No declaration : all other non-metropolitan territories.

New Zealand. Ratification : 29 March 1938.
 No declaration.

Spain. Ratification : 1 October 1931.
 No declaration.

United Kingdom. Ratification : 6 August 1923.
 Applicable *ipso jure* without modification¹ : Guernsey, Jersey and Isle of Man.
 No declaration : all other non-metropolitan territories.

¹ See footnote 1 to Convention No. 2.

*France.**Comoro Islands.*

A decree was issued recently making it compulsory for employers to insure their workers

against employment injuries and occupational diseases. The detailed regulations are now being drafted and a final decision on them will be taken by the Territorial Assembly before 1 October 1958.

French Equatorial Africa.

See under Convention No. 17.

New Caledonia.

See under Convention No. 19.

*United Kingdom.**Antigua.*

Workmen's Compensation Ordinance No. 24 of 1956.

The Ordinance does not differentiate between agricultural and other workers.

Brunei.

Workmen's Compensation Enactment of 1957.

From the definition of "workman" in section 2 of the above Enactment it follows that agricultural workers are covered by the law providing for compensation in respect of injuries arising out of their employment.

Montserrat.

Workmen's Compensation Ordinance of 1956 (Montserrat No. 5 of 1957).

The Ordinance does not differentiate between agricultural and other workers.

St. Christopher-Nevis-Anguilla.

Workmen's Compensation Ordinance No. 21 of 1955.

The definition of the term "workman" is given in the Ordinance: it does not differentiate between agricultural and other workers.

Application of the above-mentioned legislation is entrusted to the Labour Commissioner and the courts.

The legislation has only been in force from the beginning of the period under review; from all available information to date, however, there appears to be a high degree of compliance with the law.

Sarawak.

Workmen's Compensation Ordinance of 1956.

The above Ordinance came into force on 1 January 1957.

The effect of section 2 of this Ordinance, which defines the meaning of "workman", is to extend to all agricultural workers the law governing the payment to workers of compensation for injury by accident arising out of and in the course of employment.

Tanganyika.

See under Convention No. 17.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application:

France (French Polynesia, French West Africa), *United Kingdom* (Antigua, Bermuda, British Guiana, British Honduras, Brunei, Cyprus, Gilbert and Ellice Islands, Kenya, Malta, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, St. Christopher-Nevis-Anguilla, Sarawak, Singapore, Solomon Islands, Southern Rhodesia, Tanganyika, Zanzibar).

The following reports merely reproduce or refer to the information previously supplied:

Denmark (Faroe Islands, Greenland), *France* (Algeria, Cameroons, French Somaliland, Guadeloupe, Madagascar, Réunion, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles, Surinam), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Bahamas, Barbados, Basutoland, Bechuanaland, British Somaliland, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Grenada, Guernsey, Hong Kong, Jersey, Isle of Man, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sierra Leone, Swaziland, Trinidad and Tobago, Uganda).

13. White Lead (Painting) Convention, 1921

This Convention came into force on 31 August 1923

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.
Applicable without modification: Surinam.
No declaration: Netherlands Antilles and New Guinea.

Spain. Ratification: 20 June 1924.
No declaration.

*France.**French Equatorial Africa.*

Order No. 718 IGT/IS of 15 February 1957 of the General Government of French Equatorial Africa to regulate the use of white lead in cases where this substance may still be employed.

The foregoing Order was issued after consultation with the Federal Advisory Labour Department. The exceptions allowed in Article 2 of the Convention have not arisen in practice.

Madagascar.

Order No. 2121/IGT of 24 September 1956 to regulate the use of white lead or any lead compound in cases where such use is still permitted.

St. Pierre and Miquelon.

Order No. 339 of 6 June 1957 to regulate the use of white lead in cases where this substance may still be employed.

In accordance with Articles 5, 6 and 7 of the Convention, the Order of 6 June 1957 regulates the use of white lead, lead sulphate and all other products containing these pigments for industrial painting purposes in which their use is still allowed. However, no industrial painting concern using these products at present exists in St. Pierre and Miquelon.

Togoland.

In its reply to the observations of the Committee of Experts the Government states that, owing to the changes in the new status of the autonomous Republic of Togoland, it was not possible to issue by 30 June 1957 the order to which reference is made in previous reports. However, this measure is still on the agenda of the advisory committee concerned.

*Netherlands.**Surinam* (Voluntary Report).

Decision No. 4483 of 19 October 1949 to implement Occupational Safety and Health Regulation No. 4 (*Gouvernementsblad van Suriname*, 1949, No. 128).

The above decision regulates the use of white lead in painting.

Article 1 of the Convention. It is forbidden to use white lead, lead sulphate or products containing these pigments for painting inside buildings or ships. This ban does not apply to white pigments which in dry form contain not more than 2 per cent. of lead. The authorities may on request allow the use of lead pigments for painting inside workshops, factories or railway stations should this be necessary.

White lead is very seldom employed in Surinam.

Article 2. The use of white lead and lead sulphate is allowed for artistic painting or fine lining.

Article 3. As women and young persons under 18 years of age are not employed as industrial painters in Surinam the Government considers that special regulations dealing with them are not necessary for the time being.

Article 5. In establishments where painting is carried out, white lead, lead sulphate or products containing one of these pigments may only be used if they are mixed with oil or a pastelike substance.

Washing facilities together with soap, nail brushes and towels must be provided for the workers. Working clothes and headgear, together with masks and breathing apparatus to

prevent the inhalation of dangerous fumes or dust, must also be supplied.

In establishments where substances containing lead are employed, manufactured or handled, all workers who are assigned to this type of job for the first time are given instruction in the health precautions they must take. In addition, a copy of the instructions must be posted up prominently in a place where all the workers can see it.

Article 6. The provisions of the Convention are applied under the Regulations of 19 October 1949 which were issued in pursuance of Industrial Safety Decree No. 142 of 1947.

The officials of the Labour Inspectorate and Safety Service are responsible for seeing that the decree on industrial safety and its detailed regulations are duly enforced. The Safety Service is responsible to the Ministry of Social Affairs and Immigration.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (French Equatorial Africa, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland).

The following reports merely reproduce or refer to the information previously supplied :

France (Algeria, Cameroons, Comoro Islands, French Polynesia, Guadeloupe, Réunion), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles, New Guinea).

14. Weekly Rest (Industry) Convention, 1921

This Convention came into force on 19 June 1923

Belgium. Ratification : 19 July 1926.
Applicable without modification : Belgian Congo and Ruanda-Urundi.

Denmark. Ratification : 30 August 1935.
Applicable without modification : Faroe Islands and Greenland.

France. Ratification : 3 September 1926.
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.*¹

Decision reserved : Aden, Barbados, Bermuda, North Borneo, Brunei, Cyprus, Fiji, Gibraltar, Gilbert and Ellice Islands, British Guiana, British Honduras, Hong Kong, Jamaica, 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.

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

*Denmark.**Faroe Islands.*

The Government appends to its report the text of Order No. 441 of 21 November 1923, requested by the Committee of Experts, which contains provisions relating to Sunday rest and the exceptions which may be authorised in given circumstances.

Greenland.

For the Government's reply to a request for information made by the Committee of Experts see *Report of the Committee*, p. 685.

*France.**Algeria.*

Order of 14 October 1955 to amend the Decree of 14 August 1907.

Decision of the Algerian Assembly No. 56-004 to extend to Algeria Act No. 54-1294 of 29 December 1954 as confirmed by Decree No. 56-135 of 24 January 1956.

French Equatorial Africa.

General Order No. 255/IGT/LS of 23 January 1954 to fix methods of application of the 40-hour week in air transport undertakings (*Journal officiel A.E.F.*, 1 Feb. 1954).

General Order No. 257/IGT/LS of 23 January 1954 to fix methods of application of the 40-hour week in water transport undertakings (*Journal officiel A.E.F.*, 1 Feb. 1954).

General Order No. 258/IGT/LS of 23 January 1954 to fix hours of work in the railways of French Equatorial Africa (*Journal officiel A.E.F.*, 1 Feb. 1954).

The above legislation has been referred to by the Government in response to an observation of the Committee of Experts in 1957.

Order No. 255 applies to the non-flying staff of airways undertakings in the territories of Middle Congo, Ubanghi Shari and Chad. Section 3 of the Order requires the granting of weekly rest in accordance with one of four methods of applying the 40-hour week, whereby the rest period may be either Sunday or a working day or 1½ days taken during the week.

Order No. 257 applies to the operating personnel of all waterways undertakings, public and private, in the three territories. The granting of one day of weekly rest for workers on board results from the distribution of the weekly hours of work permitted by the Order. For weekly rest not granted during port calls a worker has the right to compensatory days of rest at the end of voyage or added to his annual holidays.

Order No. 258 applies to the railways of French Equatorial Africa and contains detailed weekly rest provisions for both administrative and train operating staffs. In both cases the weekly rest must include at least one complete day of 24 hours in each calendar week, and there are provisions for equivalent compensatory rest within prescribed periods in cases of postponed weekly rest.

Madagascar.

Order No. 1658/IGT of 25 July 1956 concerning hours of work in sugar factories, refineries and distilleries (*Journal officiel*, 11 Aug. 1956).

Togoland.

Order No. 940-54/ITLS of 14 October 1954 (*Journal officiel*, 1 Nov. 1954).

In response to a request for information made by the Committee of Experts in 1957 the Government advises that there are no water or air transport undertakings in Togoland. As regards railways, the report refers to the above-mentioned Order which determines the conditions of application of the collective agreement as regards certain railway workers.

*New Zealand.**Cook Islands.*

In response to the observations of the Committee of Experts in 1957 the Government advises that only wharf labour is subject to the partial exceptions permitted under the agreement with the workers' union. The total number of workers involved, which varies, is on an average 267, and about 100 work at any one time on the wharf. If the time of arrival of a vessel necessitates the weekend loading of the fruit cargo, this work may be carried on after midnight on Saturday in urgent cases; it is reported to have taken place once during the past 12 months. The Government points out that since ships are in port for only two or three days once a month, it is neither necessary nor practicable to provide for the granting of a compensatory weekly rest period.

Western Samoa.

In reply to the observations of the Committee of Experts in 1957 the Government advises that the Shopping Hours Ordinance of 1931 permits restaurant keepers and vendors of motor accessories, oils and fuel, etc., to open their establishments on Sundays and that compensatory rest periods are granted to all employees affected. Public service employees work a 35, 40 or 44-hour week, and overtime work on Sunday is subject to special permit by the Public Service Commissioner and then only in cases of essential services or emergency. Radio and fire service employees work by rota and must be granted one day of rest in every seven days. Sunday work in connection with ships is only called for in special circumstances and then it is mainly performed by workers whose religious day of rest is Saturday.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application:

France (Algeria, Madagascar), *New Zealand* (Cook Islands and Niue, West Samoa).

The following reports merely reproduce or refer to the information previously supplied:

France (Cameroons, Comoro Islands, French Polynesia, French Somaliland, French West Africa, Guadeloupe, New Caledonia, Réunion, St. Pierre and Miquelon), *Italy* (Trust Territory of Somaliland).

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

This Convention came into force on 20 November 1922

Australia. Ratification : 28 June 1935.
Not applicable : all non-metropolitan territories.

Belgium. Ratification : 19 July 1926.
Decision reserved : Belgian Congo and Ruanda-Urundi.

Denmark. Ratification : 12 May 1924.
Applicable without modification : Faroe Islands and Greenland.

France. Ratification : 16 January 1928.
No declaration.

Italy. Ratification : 8 September 1924.
Applicable with modification : Trust Territory of Somaliland.

Japan. Ratification : 4 December 1930.
Not applicable : Pacific Islands (League of Nations mandate).

Netherlands. Ratification : 17 June 1931.
Decision reserved : Surinam.
No declaration : Netherlands Antilles and New Guinea.

Spain. Ratification : 20 June 1924.
No declaration.

United Kingdom. Ratification : 8 March 1926.
Applicable *ipso jure* without modification¹ : Guernsey, Jersey and Isle of Man.
Not applicable² : Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland.¹
Decision reserved² : Bahamas, Barbados, Brunei, Falkland Islands, Gilbert and Ellice Islands, British Honduras, Leeward Islands.
No declaration : British Somaliland.
Applicable with modification² : Fiji, Nyasaland, Solomon Islands.
Applicable without modification² : all other non-metropolitan territories.

¹ See footnote 1 to Convention No. 2.

² The declarations on the application of this Convention were included in the ratification of Convention No. 83 and will become effective when this Convention comes into force.

France.

French West Africa.

The Convention could be declared applicable without any difficulty.

Netherlands.

Surinam.

See under Convention No. 5.

United Kingdom.

Tanganyika.

Employment Ordinance of 1955.

Section 90 (1) of the above Ordinance prohibits the employment of persons under the apparent age of 15 years in any ship as a trimmer or stoker.

See also under Convention No. 17.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

United Kingdom (Bermuda, Gibraltar, North Borneo).

The following reports merely reproduce or refer to the information previously supplied :

Australia (Nauru, New Guinea, Norfolk Island, Papua), *Denmark* (Faroe Islands, Greenland), *France* (Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles, New Guinea), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Sierra Leone, Singapore, Solomon Islands, Trinidad and Tobago, Uganda, Zanzibar).

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

This Convention came into force on 20 November 1922

Australia. Ratification : 28 June 1935.
Not applicable : all non-metropolitan territories.

Belgium. Ratification : 19 July 1926.
Decision reserved : Belgian Congo and Ruanda-Urundi.

Denmark. Ratification : 23 April 1938.
Applicable without modification : Faroe Islands and Greenland.

France. Ratification : 22 March 1928.
No declaration.

Italy. Ratification : 8 September 1924.
Applicable without modification : Trust Territory of Somaliland.

Japan. Ratification : 7 June 1924.
Not applicable : Pacific Islands (League of Nations mandate).

Netherlands. Ratification : 9 March 1928.
No declaration.

Spain. Ratification : 20 June 1924.
No declaration.

United Kingdom. Ratification : 8 March 1926.
Applicable *ipso jure* without modification¹ : Guernsey, Jersey and Isle of Man.

Not applicable² : Basutoland, Bechuanaland, Northern Rhodesia, Southern Rhodesia, Swaziland.

Decision reserved² : Bahamas, Barbados, Brunei, Falkland Islands, Gilbert and Ellice Islands, British Guiana, British Honduras, Nyasaland, Leeward Islands.

No declaration : British Somaliland.

Applicable with modification² : Fiji, Kenya.

Applicable without modification² : all other non-metropolitan territories.

¹ See footnote 1 to Convention No. 2.

² See footnote 2 to Convention No. 15.

Denmark.

Greenland.

For the Government's reply to the observations made by the Committee of Experts in 1955 and 1956 see *Report of the Committee*, p. 686.

Netherlands.

Surinam.

The Government considers that in the light of the stage of development of the country it would not be practicable to require employers, particularly the many small-scale employers, to submit their workers to a medical examination before they enter employment.

United Kingdom.

Tanganyika.

Employment Ordinance of 1955.

Article 2 of the Convention. Section 91(1) of the Ordinance prohibits the employment of a young person in any ship unless he is in possession of a certificate signed by a medical officer to the effect that he is fit for the work.

Article 3. Subsections (2) and (3) of section 91 of the Ordinance give effect to this Article.

See also under Convention No. 7.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (French Equatorial Africa), *United Kingdom* (Bermuda, Gibraltar, North Borneo, Tanganyika).

The following reports merely reproduce or refer to the information previously supplied :

Australia (Nauru, New Guinea, Norfolk Island, Papua), *Denmark* (Faroe Islands), *France* (Cameroons, Comoro Islands, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles, New Guinea), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Sierra Leone, Singapore, Solomon Islands, Trinidad and Tobago, Uganda, Zanzibar).

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.*¹
Applicable without modification : Trust Territory of Somaliland.

Netherlands. Ratification : 13 September 1927.
Applicable without modification : Netherlands Antilles.

No declaration : New Guinea and Surinam.

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 modification² : Guernsey, Jersey and Isle of Man.
Applicable without modification³ : Kenya, Mauritius, Northern Rhodesia, Tanganyika.

Decision reserved³ : Bermuda, Brunei, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Sarawak, Seychelles, Solomon Islands, Zanzibar.

No declaration : British Somaliland.

Applicable with modification³ : all other non-metropolitan territories.

France.

Algeria.

Order of April 1956.
Order of 18 April 1957.

The Order of 18 April 1957 introduced a new minimum wage of 358,873 francs in respect of accidents occurring as from 14 March 1957; established a new base sum of 717,746 francs for the calculation of pensions; established a new benefit amounting to at least 260,000 francs for compulsory assistance from another person; and introduced a revalorisation coefficient of 1.12, effective 1 March 1957, in respect of accidents that occurred in 1955. Free medical care, pharmaceutical products and hospital treatment are granted to persons injured in occupational accidents until their wounds heal, or, in the event of a relapse, for three years from the time of the court decision under which the pension is paid. Provision for free appliances is also made by the court when the benefit is granted.

French Equatorial Africa.

Decree of 24 February 1957, as amended by the Decree of 23 July 1957, concerning compensation and prevention in respect of employment injuries and occupational diseases in the Overseas Territories (*Journal officiel A.E.F.*, 1 Sep. 1957, p. 1148).

General Order of 7 August 1957 to promulgate the Decree of 24 February 1957.

¹ Unratified Convention. Italy forwarded a declaration accepting, in the name of the Trust Territory of Somaliland, the application of this Convention.

² See footnote 1 to Convention No. 2.

³ See footnote 2 to Convention No. 15.

The foregoing Decrees are due to enter into force one year after their publication in the *Journal officiel* of the Federation.

Comoro Islands.

See under Convention No. 12.

New Caledonia.

See under Convention No. 19.

Netherlands.

Surinam.

Industrial Accident Regulation of 1948.

Article 1 of the Convention. Employers are required to pay compensation to workers in their employment who suffer personal injury as a result of industrial accident. "Worker" is defined as any person in the paid employment of an employer in his undertaking, or in an undertaking which is under the obligation to grant social benefits or in the paid employment of the Government of Surinam, the Netherlands Government or the civil or military authorities of foreign countries.

Article 2. The regulation applies to articulated apprentices and trainees who do not receive wages. Homeworkers are not covered, with the exception of those dealing with dangerous substances. The parents, wife and children of the employer living in his home who perform work exclusively on his account are also excluded.

Article 4. The term "undertaking" is restricted to undertakings under an obligation to grant social benefits; subject to this, all undertakings are covered except those in the field of agriculture, livestock farming, horticulture and forestry. These latter are not, however, excluded in respect of work similar to the activities of undertakings under an obligation to grant social benefits.

Article 5. Compensation in respect of total or partial incapacity is paid directly to the injured workman. Where an accident results in the worker's death compensation is paid to his wife, children and parents, but, in respect of the last named, this would be the case only where the deceased person contributed to their maintenance. Subject to certain conditions and on the request of the person concerned or his employer, compensation may take the form of a lump-sum payment.

Article 6. Accident compensation is paid at the same time and place as is customary for the payment of wages to the persons entitled to the payments or their duly authorised agents. Compensation is payable by the employer.

Article 8. In cases of permanent incapacity either the employer or the worker may, within three years, apply for revision on the ground that the degree of incapacity to work has changed or has not been correctly assessed.

Article 9. Injured workers are entitled to medical and nursing aid, medical appliances and transport until the worker's incapacity for work has terminated.

Article 11. Accident compensation is included among priority debts in the event of bankruptcy of the employer.

United Kingdom.

Antigua.

Workmen's Compensation Ordinance No. 24 of 1956.

Article 1 of the Convention. Sections 8 and 9 of the Ordinance prescribe the amount of compensation to which a workman or his dependants is entitled.

Article 2. The term "workman" is defined in section 2 of the Ordinance.

Article 4. The provisions of the Ordinance apply also to agricultural workers.

Article 5. Compensation in case of accidents resulting in permanent incapacity is payable in a lump sum to or for the benefit of the workers or in case of accident resulting in death to or for the benefit of the dependants. Section 14 of the Ordinance provides that compensation where death or permanent incapacity has resulted from the injury shall be paid into court for distribution to the persons entitled or for their benefit.

Article 6. An employer is liable to pay compensation if injury to a workman results in total or partial incapacity for a period exceeding three days.

Article 7. An insured workman requiring constant assistance from another person is entitled to additional compensation under section 9 of the Ordinance.

Article 8. Under section 12 of the Ordinance weekly or half-monthly payments, payable either under an agreement between the parties or under an order of a court, may be reviewed by a court on application of the employer or the workman.

Article 9. Section 6 provides that an employer shall be liable to pay for any medical treatment and travelling expenses in consequence of injury sustained by a workman in the course of his employment.

Article 10. Under section 10 the employer is liable to supply artificial limbs and other appliances to a workman whose injury is the result of an accident arising out of and in the course of employment.

Article 11. An employer's liability to a workman shall be transferred to an insurer in the event of bankruptcy or insolvency. Compensation has priority over other debts.

Annual returns of compensation for insurance and their amounts are required under section 48 from employers or insurance companies.

Brunei.

Workmen's Compensation Enactment of 1957.

Article 2 of the Convention. The above Enactment applies to all "workmen" as defined by section 2, with the exclusions specified therein.

Article 5. In the case of an accident or industrial disease resulting in permanent incapacity or death, compensation is not payable in the form of a pension but in a lump sum. Compensation payable in case of death or to a woman or minor is to be deposited with the Commissioner, who has full discretionary powers to deal with such a sum for the benefit of the person concerned.

Article 6. Compensation is payable by the employer for injury to a workman except for the first four days of disablement if it does not last longer than 14 days.

Article 7. Where an injury to a workman results in permanent total disablement of such a nature that the constant help of another person is required additional compensation is paid.

Article 8. All accidents must be reported to the Commissioner. 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, which he may refuse in certain cases.

Article 9. An injured workman is entitled to medical treatment and medicines at the expense of the employer.

Article 10. An injured workman is entitled to receive free of charge artificial limbs and surgical appliances.

Article 11. Payment of compensation is given priority over the payment of all other debts in the event of the bankruptcy of the employer or insurer.

Montserrat.

Workmen's Compensation Ordinance of 1956 (Montserrat, No. 5 of 1957).

Article 1 of the Convention. Sections 8 to 11 of the Ordinance prescribe the amount of compensation to which a workman or his dependants is entitled.

Article 2. "Workman" is defined in section 2 of the Ordinance.

Article 3. Special provision is made for police officers and their dependants incapacitated by injury sustained in the execution of their duties.

Article 5. Compensation in case of accident resulting in permanent incapacity is payable in a lump sum to or for the benefit of the workman, or, in case of accident resulting in death, to or for the benefit of the dependants.

Section 14 of the Ordinance provides that compensation where death or permanent incapacity has resulted from the injury shall be paid into court for distribution to the persons entitled or for their benefit.

Article 6. An employer is liable to pay compensation if injury to a workman results in total or partial incapacity for a period exceeding three days.

Article 7. An injured workman requiring the constant assistance of another person is entitled to additional compensation under section 9 of the Ordinance.

Article 8. Under sections 12 and 13 of the Ordinance weekly or half-monthly payments, payable either under an agreement between the parties or under an order of a court, may be reviewed by a court on application of the employer or the workman.

Article 9. Provision is made in sections 18 and 19 to ensure that a workman who has notified his employer of an accident or who is receiving payments under the Ordinance from his employer will submit to the examination of a medical practitioner chosen and paid by the employer.

Article 10. Under section 10 of the Ordinance the employer is liable to supply artificial limbs and other appliances to a workman whose injury is the result of an accident arising out of and in the course of employment.

Article 11. An employer's liability to a workman shall be transferred to an insurer in the event of bankruptcy or insolvency. Compensation has priority over other debts.

Annual returns of compensations for injuries and their amount are required from employers or insurance companies.

Nigeria.

Workmen's Compensation (Amendment) Ordinance No. 14 of 1956.

Workmen's Compensation (Amendment) Ordinance No. 25 of 1957.

Article 2 of the Convention. The limit of remuneration fixed in order to determine the sphere of application to non-manual workers has been raised by Ordinance No. 25.

Article 3. "Tributers" were made eligible for compensation by Ordinance No. 14.

Article 9. The employer shall defray travelling expenses incurred by workmen in the course of receiving medical treatment.

Under section 14 of the principal Ordinance fatal accidents must be reported to a Labour Officer by the employers concerned.

The amending Ordinance provides for the raising of the lump-sum compensation payable for fatal accidents and for permanent total incapacity, as well as for the increase of the rate of periodical payments in respect of temporary incapacity.

The second schedule was revised to raise the percentage of disability for various injuries.

Northern Rhodesia.

Workmen's Compensation (Amendment) Ordinance No. 7 of 1956.

Workmen's Compensation (Amendment) (No. 2) Ordinance No. 45 of 1956.

Section 6 of Ordinance No. 7 revises the special provision for the payment of compensation when an employer has failed to insure his workmen as required under section 90 of the Ordinance.

The Workmen's Compensation Ordinance No. 45 does not preclude a workman from claiming damages under common law.

St. Christopher-Nevis-Anguilla.

Workmen's Compensation Ordinance No. 24 of 1956.

The definition of the term "workman" is given in section 2 of the Ordinance; certain categories of workers are excluded.

Article 3 of the Convention. Certain classes of workers though not excluded from the general provisions may be compensated under a special and more favourable scheme.

Article 5. Compensation payable in the case of death may be paid in a lump sum, as a pension, or otherwise dealt with for the benefit of dependants in any manner prescribed by the court.

Compensation payable in the case of permanent incapacity may be paid in a lump sum direct to the insured worker or into the court, in which case it may be dealt with as compensation payable on death.

The court is the competent authority to decide on the manner of payment.

Article 6. Compensation is payable as from the eighth day of incapacity.

Article 7. Where a medical practitioner is of the opinion that the constant help of another person is required additional compensation is provided.

Article 9. The employer must pay the reasonable cost of medical examination and treatment including the travelling expenses; no time limit is set for the duration of medical treatment.

Article 10. Section 11 of the Ordinance provides that, where the provision of artificial limbs would improve the earning capacity of an injured worker, the employer shall supply such artificial appliances. The compensation payable shall be reduced in proportion to the improvement of the worker's earning capacity.

Sarawak.

Workmen's Compensation Ordinance of 1956.

Article 2 of the Convention. Compensation at statutory rates is payable by the employer if in any employment personal injury by accident arising out of and in the course of the employment is caused to a workman.

The term "workman" is defined in section 2 of the Ordinance, and exceptions are enumerated therein.

Articles 4 and 5. Compensation for permanent incapacity is payable in a lump sum. Compensation payable in case of death or to a woman or minor is paid in a lump sum by deposit with the Commissioner. Payments for death or permanent incapacity are made direct to the Commissioner, who has full discretionary powers to deal with such a lump sum for the benefit of the person for whom it is paid.

Article 6. The employer shall not be liable to pay compensation in respect of the first four days of a period of disablement unless such a disablement lasts at least 14 days.

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; he may refuse to record it if he is dissatisfied with the amount of the compensation or because an agreement has been obtained by fraud or undue influence.

Any half-monthly payment recorded by the Commissioner or under the award of a court of law may be reviewed by the Commissioner on application.

Article 9. An injured workman is entitled to medical examination and treatment free of charge to himself. In addition he is entitled to surgical and recuperative treatment in approved or special hospitals at the charge of the employer.

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.

Article 11. Payment of compensation is given priority over the payment of all other debts in the event of bankruptcy of the employer or insurer.

An employer must report the occurrence of any accident on his premises which results in the death or disablement of any person.

Southern Rhodesia.

Article 6 of the Convention. Compensation is paid from the day following the accident. It is paid by the employer, upon whom there is a legal obligation to insure himself to the full extent of his potential liability under the Act.

Article 7. Where the injury in respect of which compensation is payable causes permanent disablement of such a nature that the workman is unable to perform the essential actions of life without the constant help of another person, the employer may be ordered to pay an allowance towards the cost of such help.

Tanganyika.

Workmen's Compensation (Amendment) Ordinance of 1957.

Workmen's Compensation (Amendment) (Commencement) Order of 1957.

The maximum compensation payable to dependants of deceased workmen has been increased by the above Ordinance to 24,000 shillings and that payable for permanent total or partial incapacity to 34,000 shillings.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application:

France (Algeria, Cameroons, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, St. Pierre and Miquelon), *Netherlands* (New Guinea, Surinam), *United Kingdom* (Antigua, Barbados, Bechuanaland, Bermuda, British Guiana, British Honduras, Brunei, Cyprus, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, Sarawak, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Tanganyika, Uganda, Zanzibar).

The following reports merely reproduce or refer to the information previously supplied:

France (Guadeloupe, Réunion, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Bahamas, Basutoland, British Somaliland, Dominica, Falkland Islands, Guernsey, Nyasaland, St. Vincent, Swaziland, Trinidad and Tobago).

18. Workmen's Compensation (Occupational Diseases) Convention, 1925¹

This Convention came into force on 1 April 1927

Belgium. Ratification: 3 October 1927.
Applicable without modification: Belgian Congo and Ruanda-Urundi.

Denmark. Ratification: 18 June 1934.
Applicable without modification: Faroe Islands.
Not applicable: Greenland.

France. Ratification: 13 August 1931.
No declaration.

Italy. Ratification: 22 January 1934.
Decision reserved: Trust Territory of Somaliland.

Japan. Ratification: 8 October 1928.
Not applicable: Pacific Islands (League of Nations mandate).

Netherlands.² 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.² Ratification: 6 October 1926.
Applicable *ipso jure* without modification³: Guernsey, Jersey and Isle of Man.
No declaration: all other non-metropolitan territories.

¹ This Convention was revised in 1934. See Convention No. 42.

² Ratification denounced.

³ See footnote 1 to Convention No. 2.

France.

Comoro Islands.

See under Convention No. 12.

French Equatorial Africa.

See under Convention No. 17.

Guadeloupe.

Decree of 19 December 1956 (came into force on 1 January 1957).

This decree lays down the principle that the amendments made to the Social Security Scheme in France itself by the Decree of 20 May 1955 are also applicable to the Overseas Départements, subject to certain modifications made necessary by local conditions.

For example, sickness benefit is henceforth payable for an indefinite period, at least as regards benefits in kind, as long as the recipient fulfils the original conditions of entitlement. Formerly this type of benefit could only be granted for six months in respect of each illness, and insurance against protracted sickness was non-existent in the Overseas Départements.

The decree states that in the event of such protracted sickness or of absence from work or continuous treatment lasting for more than six months, the sick person must undergo a special medical examination by the doctor treating him and by the medical adviser to the Social Security Scheme.

The following are considered to be protracted illnesses: tuberculosis, mental sickness, cancerous growths, poliomyelitis and leprosy.

In order to be entitled to benefits in kind under the Sickness Insurance Scheme and to maternity and funeral benefit, the insured

person must prove that he or she has been in wage-earning employment or the equivalent for not less than 50 days during the six months preceding either the date on which the treatment was given for which repayment is requested, or the date of the first medical diagnosis of pregnancy, or the date of death, or failing these, for not less than 130 days during the 12 months preceding that date. A member must also prove, in the event of maternity, that she has been a member of the scheme for ten months by the presumed date of confinement.

In order to become entitled to cash benefit under the Sickness Insurance Scheme during the first six months of absence from work, a member must comply with the conditions stated in the previous paragraph. When absence from work continues uninterruptedly for longer than six months the insured person, in order to become entitled to cash benefit under the Sickness Insurance Scheme, must have been a member for at least 12 months by the date on which he stopped work and must prove that he was engaged in wage-earning employment or the equivalent for 180 days at least during these 12 months.

The decree stipulates that under the Invalidity Insurance Scheme a person must have been a member for at least 12 months at the time when he left work before becoming incapacitated, or when his invalidity was medically diagnosed as being due to premature physical exhaustion, and he must also prove that he was engaged in wage-earning employment or the equivalent for at least 180 days during these 12 months.

It likewise stipulates that the disqualification specified in section 253 of the Social Security Code (stating that entitlement to sickness insurance, maternity and funeral benefit expires one month after the date on which the insured person ceased to fulfil the conditions of membership of the compulsory Insurance Scheme) does not apply to insured persons in the Overseas Départements unless they are engaged in non-wage-earning employment.

Lastly, the waiting period in the Overseas Départements is reduced from nine days to seven.

New Caledonia.

See under Convention No. 42.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application:

France (French Polynesia, French West Africa).

The following reports merely reproduce or refer to the information previously supplied:

Denmark (Faroe Islands, Greenland), France (Algeria, Cameroons, French Somaliland, Madagascar, Réunion, St. Pierre and Miquelon, Togoland), Italy (Trust Territory of Somaliland).

19. Equality of Treatment (Accident Compensation) Convention, 1925

This Convention came into force on 8 September 1926

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 : Trust Territory of Somaliland.

Japan. Ratification : 8 October 1928.
Not applicable : Pacific Islands (League of Nations mandate).

Netherlands. Ratification : 13 September 1927.
Applicable without modification : Surinam.
No declaration : Netherlands Antilles, New Guinea.

Portugal. Ratification : 27 March 1929.
Decision reserved : all non-metropolitan territories.

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 modification¹ : Guernsey, Jersey and Isle of Man.

No declaration : British Somaliland.
Decision reserved² : Bermuda, Brunei, Gibraltar, Gilbert and Ellice Islands, Sarawak, Seychelles, Solomon Islands.

Applicable with modification² : North Borneo, Nyasaland.

Applicable without modification² : all other non-metropolitan territories.

¹ See footnote 1 to Convention No. 2.

² See footnote 2 to Convention No. 15.

Denmark.

Greenland.

Pursuant to the observation made in 1956 the report states that the committee mentioned in the report for 1955-56, to examine the question of introducing an industrial injuries insurance scheme for persons employed by the few private undertakings having their headquarters in Greenland, has now been nominated.

France.

Comoro Islands.

See under Convention No. 12.

French Equatorial Africa.

See under Convention No. 17.

Guadeloupe.

See under Convention No. 18.

New Caledonia.

The current regulations governing compensation for employment injuries are due to be completely recast within a year as a result of the issue of Decrees on 24 February and 23 July 1957, which lay down the general principles governing compensation and prevention in respect of employment injuries and occupational diseases.

United Kingdom.

Antigua.

See under Conventions Nos. 12 and 17.

Malta.

Article 2 of the Convention. An agreement was entered into between the United Kingdom Government and the Government of Malta providing for reciprocity in matters of insurance by the National Insurance (Reciprocal Agreement with the United Kingdom) Order, 1956.

St. Christopher-Nevis-Anguilla.

Workmen's Compensation Ordinance No. 21 of 1955.

Article 1 of the Convention. The term "workman" covers foreign workers who are not excluded by any provisions of any law. Section 19 provides that there is no discrimination between national and foreign workers.

Articles 3 and 4. See under Conventions Nos. 17 and 42.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (Algeria, French Polynesia, French West Africa, St. Pierre and Miquelon), *Italy* (Trust Territory of Somaliland), *Netherlands* (New Guinea), *United Kingdom* (Antigua, Bermuda, Gibraltar, Gilbert and Ellice Islands, Hong Kong, Isle of Man, Mauritius, Nigeria, St. Christopher-Nevis-Anguilla, Tanganyika, Uganda, Zanzibar).

The following reports merely reproduce or refer to the information previously supplied :

Denmark (Faroe Islands), *France* (Cameroons, French Somaliland, Madagascar, Réunion, Togoland), *Netherlands* (Netherlands Antilles, Surinam), *United Kingdom* (Aden, Bahamas, Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Grenada, Guernsey, Jersey, Kenya, Montserrat, North Borneo, Northern Rhodesia, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sarawak, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Trinidad and Tobago).

21. Inspection of Emigrants Convention, 1926

This Convention came into force on 29 December 1927

Australia. Ratification : 18 April 1931.
No declaration.

Belgium. Ratification : 15 February 1928.
Decision reserved : Belgian Congo and Ruanda-Urundi.

Denmark. Ratification : 18 May 1955.
No declaration.

*France.*¹ 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.*¹ Ratification : 16 September 1927.
Applicable *ipso jure* without modification² : Guernsey, Jersey and Isle of Man.

No declaration : all other non-metropolitan territories.

¹ Conditional ratification.

² See footnote 1 to Convention No. 2.

The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

Denmark (Greenland), *Netherlands* (Surinam).

The following reports merely reproduce or refer to the information previously supplied :

Australia (Nauru, New Guinea, Norfolk Island, Papua), *Denmark* (Faroe Islands), *Netherlands* (Netherlands Antilles), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa).

22. Seamen's Articles of Agreement Convention, 1926

This Convention came into force on 4 April 1928

Australia. Ratification : 1 April 1935.
Not applicable : all non-metropolitan territories.

Belgium. Ratification : 3 October 1927.
Decision reserved : Belgian Congo and Ruanda-Urundi.

France. Ratification : 4 April 1928.
No declaration.

Italy. Ratification : 10 October 1929.
Applicable without modification : Trust Territory of Somaliland.

Netherlands. Ratification : 15 December 1937.
Applicable without modification : Netherlands Antilles.
No declaration : New Guinea and Surinam.

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 modification¹ : Guernsey, Jersey and Isle of Man.
No declaration : all other non-metropolitan territories.

ments may be for a definite period or for a voyage, and can be terminated in accordance with Article 9 of the Convention. As regards Article 10 (*d*), seamen are entitled to claim discharge in any port after 18 months' service.

The grounds on which the contract may be terminated immediately by a shipowner or by a seaman are specified respectively in sections 537 and 538 of the Commercial Code.

The legislation is enforced, abroad, by consuls and, within the territory, by the Port Police and the Shipping Inspectorate.

United Kingdom.

Hong Kong.

The master of every foreign ship whose flag is not represented by a consular officer resident in the colony is required to enter into an agreement, drawn up in the prescribed manner, with every seaman he carries to sea.

* * *

The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (St. Pierre and Miquelon), *United Kingdom* (Bermuda, Fiji, Gibraltar, Hong Kong, Kenya, North Borneo, Sarawak, Sierra Leone).

The following reports merely reproduce or refer to the information previously supplied :

Australia (Nauru, New Guinea, Norfolk Island, Papua), *France* (Cameroons, Comoro Islands, French Equatorial Africa, French Poly-

¹ See footnote 1 to Convention No. 2.

Netherlands.

Netherlands Antilles (First Report).

Commercial Code of Curaçao (Chapter IV, sections 490 ff.).

The definitions in the Commercial Code are in conformity with the Convention (Articles 1 and 2). Seamen are engaged in the presence of an official who must satisfy himself that they understand the agreement. The agreement must not contain anything contrary to law. Agree-

nesia, French Somaliland, French West Africa, Madagascar, New Caledonia, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (New Guinea, Surinam), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus,

Dominica, Falkland Islands, Gambia, Gilbert and Ellice Islands, Grenada, Guernsey, Jersey, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar).

23. Repatriation of Seamen Convention, 1926

This Convention came into force on 16 April 1928

Belgium. Ratification : 3 October 1927.
Decision reserved : Belgian Congo and Ruanda-Urundi.

France. Ratification : 4 March 1929.
No declaration.

Italy. Ratification : 10 October 1929.
Applicable without modification : Trust Territory of Somaliland.

Netherlands. Ratification : 5 May 1948.
Applicable without modification : Netherlands Antilles.
Decision reserved : Surinam.
No declaration : New Guinea.

Spain. Ratification : 23 February 1931.
No declaration.

Netherlands.

Netherlands Antilles (First Report).

Commercial Code of Curaçao (sections 544 ff.).

The scope of the legislation is not limited geographically (Article 2 (*d*) of the Convention). A foreign seaman is entitled to be repatriated

either to the port of engagement or to the nearest port in his own country (Article 3). The legislation is enforced, as regards nationals, by the civil authorities, and as regards foreigners by the Port Police and consuls abroad.

Surinam.

The Commercial Code provides for the repatriation of seamen.

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The following report supplies information on the practical effect given to the Convention :

France (St. Pierre and Miquelon).

The following reports merely reproduce or refer to the information previously supplied :

France (Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (New Guinea).

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 modification¹ : Guernsey, Jersey and Isle of Man.
No declaration : all other non-metropolitan territories.

¹ See footnote 1 to Convention No. 2.

France.

Algeria.

Decree of 28 September 1956.

The scope of Decision No. 49-045 of the Algerian Assembly, to introduce a sickness insurance scheme, was extended under the above-mentioned Decree "to all French nationals or aliens, of either sex, who reside in Algeria and are employed or working in any capacity and in any place of work for one or more employers, irrespective of the amount and the nature of their remuneration and of the form, nature and validity of their contracts".

Comoro Islands.

The Order fixing the share of the administration of the territory in the cost of sickness benefits is due to be issued shortly; in the meantime the employer has borne the full cost in every case.

Guadeloupe.

See under Convention No. 18.

United Kingdom.

Cyprus.

Social Insurance Law of 1956.

Article 2 of the Convention. Compulsory sickness insurance covers all workmen employed in Cyprus under any contract of service or apprenticeship. Exceptions are listed in the report.

Article 3. The qualifying period, contribution conditions, the maximum entitlement for benefit and instances in which benefit may be withheld are indicated in detail in the report.

Articles 4 and 5. The Law does not provide for medical or pharmaceutical benefits in respect of self-governing institutions administering sickness insurance.

Article 6. The insurance scheme is administered by a statutorily appointed Chief Insurance Officer who, as a matter of practice, is an officer of the Department of Labour. The insurance fund is administered separately from public funds.

There is a Social Insurance Advisory Board on which employers and workers are equally represented, assisting in connection with the administration of the Law.

Article 7. The Law provides for equal contributions by the employee, the employer and the colony.

Article 9. Where a claim to benefit has been

disallowed the claimant has the right of appeal to a local tribunal.

Jersey.

Insular Insurance (Residence and Persons Abroad) (Amendment No. 2) (Jersey) Order, 1957 (R. and O. No. 3782).

Insular Insurance (Contributions) (Amendment No. 5) (Jersey) Order, 1956 (R. and O. No. 3716).

Insular Insurance (Contributions) (Amendment No. 6) (Jersey) Order, 1957 (R. and O. No. 3783).

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (Algeria, French Guiana, Martinique, St. Pierre and Miquelon), *United Kingdom* (Bermuda, Cyprus, Gibraltar, Guernsey, Hong Kong, Malta, Isle of Man, Singapore).

The following reports merely reproduce or refer to the information previously supplied :

France (Cameroons, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, Réunion, Togoland), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, British Somaliland, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Kenya, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Sierra Leone, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar).

25. Sickness Insurance (Agriculture) Convention, 1927

This Convention came into force on 15 July 1928

Spain. Ratification : 29 September 1932.
No declaration.

United Kingdom. Ratification : 20 February 1931.
Applicable *ipso jure* without modification¹ : Guernsey, Jersey and Isle of Man.
No declaration : all other non-metropolitan territories.

¹ See footnote 1 to Convention No. 2.

United Kingdom.

Cyprus.

See under Convention No. 24.

Jersey.

See under Convention No. 24.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

United Kingdom (Bermuda, Cyprus, Guernsey, Malta, Isle of Man).

The following reports merely reproduce or refer to the information previously supplied :

United Kingdom (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, British Somaliland, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar).

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 modification¹ : Guernsey, Jersey and Isle of Man.

No declaration : all other non-metropolitan territories.

¹ See footnote 1 to Convention No. 2.

France.

Algeria.

Act No. 57-716 of 26 June 1957 to provide for economic and financial reforms.

The above-mentioned legislation, which amends the Act of 18 July 1952, specifies how the guaranteed general minimum wage rate is to vary in accordance with the cost of living. It lays down that the index to be taken into consideration when altering the Algerian minimum wage is to be calculated by the General Statistical Service of Algeria.

Netherlands.

Netherlands Antilles.

Decree to fix minimum wages for shop workers (*Publicatieblad*, 1957, No. 2).

United Kingdom.

British Guiana.

Wages Councils Ordinance of 1956.

Article 1 of the Convention. The Governor may by Order establish a Wages Council to perform in relation to groups of workers and their employers the functions specified in the Ordinance if he is satisfied that no adequate machinery exists for the effective regulation of remuneration of such workers and that the establishment of a Council is expedient.

Article 2. The Governor may, if he thinks fit, refer to a Commission of Inquiry appointed by him the question whether a Wages Council should be established with respect to a particular group of workers and their employers. The Wages Council and Commission of Inquiry shall include an equal number of representatives of employers and workers.

Article 3. The Wages Councils Ordinance prohibits an employer from paying remuneration less than the statutory minimum remuneration.

Article 4. The provisions of this Article are fully applied in the colony and the enforcement of the legislation is entrusted to the Commissioner of Labour. Inspections are made and complaints investigated by inspectors of labour, who bring to the notice of employers and workers the existence of prescribed wages and conditions of employment.

Penalties are prescribed for breaches of the Ordinance. A worker who has been paid less than the statutory minimum remuneration shall be entitled to recover the amount by which he has been underpaid at any time during the two years immediately preceding the time at which the complaint was made.

Fiji.

Ordinance No. 9 of 1957.

This Ordinance provides for the establishment of wages councils.

Guernsey.

The States of Guernsey concur in the assessment of the extent of application of the Convention in Guernsey made by the Committee of Experts in 1956.

Article 3, paragraph 3, of the Convention. The States Labour and Welfare Committee proposes recommending an amendment to the Industrial Disputes and Conditions of Employment Law, 1947, to require the prior endorsement by the Industrial Disputes Officer of any agreement for abatement of fixed wage rates.

Article 4. The Committee proposes to arrange for a copy of any award or collective agreement to be posted up in the Labour Office and for publishing the terms of all future awards or agreements in the local papers, which have island-wide coverage.

Article 5. The Committee are considering a report to the States on the measures necessary to implement this Article. In the absence of legislation, reliable statistics are not available.

Kenya.

Regulation of Wages and Conditions of Employment (Amendment) Ordinance No. 34 of 1956.

Wage increases for several categories of workers were made by Orders under the Regulation of Wages and Conditions of Employment Ordinance, 1951.

The working of the Wages Council machinery has improved since 1955-56.

The main provisions of the new Ordinance are as follows: (a) an Order establishing a Wages Council may come into force before being tabled in the Legislature, but the Legislature has overriding powers to annul it; (b) the Minister for Labour may make Wages Regulation Orders in accordance with the proposals submitted by a Wages Council, without having to refer to the Governor in Council of Ministers; (c) the Minister may, with the approval of the Governor, amend proposals submitted to him by the Wages Advisory Board and make a Wages Regulation Order incorporating such amendment; (d) the Governor may intervene to make special Orders regulating minimum wages; (e) the number of members on the Wages Advisory Board has been increased; (f) the Governor regulates the numbers of members on Wages Councils, provided that employer and worker representation is equal.

The proceedings of Wages Councils are no longer regulated by separate rules for each Council but by a set of rules applicable to Councils in general.

The proceedings of the Wages Advisory Board are now also regulated by Rules.

Representations were made by the Kenya Federation of Labour to the Minister regarding the proposed reconstitution of Wages Councils and their powers. Two trade unions also made representations regarding the allocation of representative seats to the Nairobi area. The representations were preceded and followed by discussions between the trade union movement and the Government.

Malta.

Article 4 of the Convention. New Wage Regulation Orders concerning printing and publishing, construction and woodworking were made under Government Notices Nos. 348, 636 and 755 respectively.

Nigeria.

Wages Boards Ordinance, 1957.

Wage fixing by Orders in Council made under the existing Labour Code Ordinance shall be replaced by Orders made under the Wages Boards Ordinance.

Article 2 of the Convention. If the Minister of Labour is of the opinion that wages are unreasonably low or that no adequate machinery exists for the effective regulation of wages or other conditions of employment, he may (a) by Order establish a Wages Board, or (b) refer the question of establishing a Wages Board to a Commission of Inquiry.

Article 3. See under Article 2.

In addition to independent members, the Wages Board must include an equal number of workers' and employers' representatives.

Article 4. Section 15 of the Ordinance prohibits the payment of wages that are less than the minimum prescribed.

The enforcement of the law is entrusted to the Commissioner of Labour. For this purpose Labour Officers and Labour Inspectors have been appointed, who, in the course of their inspections, ensure that the prescribed rates are paid by employers.

Northern Rhodesia.

New rules came into effect for the operation of Wages Councils for Africans employed in the building industry, in hotels, clubs and restaurants, for African shop workers and for European shop workers.

St. Lucia.

Several Wages Regulation Orders are mentioned in the report.

Tanganyika.

Regulation of Wages and Terms of Employment (Amendment) Ordinance, 1957.

Regulation of Wages and Terms of Employment (Calculation of Basic Minimum Wages) Rules, 1957.

The first Minimum Wages Board has been established and an Order prescribing minimum wages for Dar es Salaam has been made.

Trinidad and Tobago.

Wages councils were established for the catering, laundering and baking trades.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application:

Australia (New Guinea, Norfolk Island, Papua), *France* (Algeria, Cameroons, French Equatorial Africa, French Polynesia, French Somaliland, Madagascar, New Caledonia, Réunion, Togoland), *United Kingdom* (Barbados, British Guiana, Grenada, Hong Kong, Kenya, Northern Rhodesia, St. Vincent, Sarawak, Sierra Leone, Southern Rhodesia, Tanganyika, Trinidad and Tobago, Uganda).

The following reports merely reproduce or refer to the information previously supplied:

Australia (Nauru), *France* (Comoro Islands, French West Africa, Guadeloupe, St. Pierre and Miquelon), *Italy* (Trust Territory of Somaliland), *Netherlands* (Surinam), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Antigua, Bahamas, Basutoland, Bechuanaland, Bermuda, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Jersey, Isle of Man, Mauritius, Montserrat, North Borneo, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, Singapore, Solomon Islands, Swaziland, Zanzibar).

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.*¹ Ratification: 18 January 1933.
Application without modification: Faroe Islands.
Not applicable: Greenland.

France. Ratification: 29 July 1935.
No declaration.

Italy. Ratification: 18 July 1933.
No declaration.

Japan. Ratification: 16 March 1931.
Applicable without modification: Pacific Islands (League of Nations mandate).

Netherlands. Ratification: 4 January 1933.
Applicable without modification: Surinam.
No declaration: Netherlands Antilles and New Guinea.

Portugal. Ratification: 1 March 1932.
Not applicable: all non-metropolitan territories.

Spain. Ratification: 29 August 1932.
No declaration.

*Union of South Africa.*¹ Ratification: 21 February 1933.
No declaration.

*United Kingdom.*²
No declaration: Guernsey, Jersey and Isle of Man.
Decision reserved: all other non-metropolitan territories.

¹ Conditional ratification.

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

Netherlands.

Surinam (First Report).

Safety Ordinance of 8 September 1947 (*Gouvernementsblad van Suriname*, 1947, No. 142).

Resolution No. 5702 of 10 November 1950 concerning Safety Regulation No. 5 (*Gouvernementsblad van Suriname*, 1950, No. 121).

It is stated in the report that the Convention has not yet been declared applicable to Surinam.¹

¹ By a Declaration made in accordance with article 35, paragraph 4, of the Constitution of the International Labour Organisation, which was registered

Article 1, paragraph 1, of the Convention.
Section 1 of Safety Regulation No. 5 requires the consignor of a package or object weighing at least 1,000 kilograms, which is to be transported by sea or inland waterways, to have its weight plainly and durably marked.

Paragraph 2. Section 2, paragraph 1, of Safety Regulation No. 5 allows an approximate weight to be marked in the following cases: (a) whenever the nature, composition and dimensions of the package or object make it difficult to determine the exact weight; (b) whenever the weight is subject to considerable variations due to climatic influences. In cases where an approximate weight is given paragraph 2 of section 2 of Safety Regulation No. 5 provides that this fact must be indicated in the shipping documents.

Paragraph 3. The reports states that the obligation for seeing that the relevant provisions are observed rests upon the officials of the Labour Inspectorate and of the Safety Service.

Paragraph 4. See under paragraph 1.

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The following report supplies information on the practical effect given to the Convention:

France (Réunion).

The following reports merely reproduce or refer to the information previously supplied:

Australia (Nauru, New Guinea, Norfolk Island, Papua), *France* (Algeria, Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Guadeloupe, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles, New Guinea).

by the Director-General of the I.L.O. on 5 August 1957, the Government of the Netherlands states that it accepts the obligations of Convention No. 27, without modification, on behalf of Surinam.

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 modification¹: all non-metropolitan territories.

Italy. Ratification: 18 June 1934.
Applicable without modification¹: Trust Territory of Somaliland.

Japan. Ratification: 21 November 1932.
Applicable without modification: Pacific Islands (League of Nations mandate).

Netherlands. Ratification: 31 March 1933.

Applicable without modification: Netherlands Antilles, New Guinea, Surinam.

New Zealand. Ratification: 29 March 1938.

Applicable without modification: all non-metropolitan territories.

Portugal. Ratification: 26 June 1956.

Applicable without modification¹: all non-metropolitan territories.

Spain. Ratification: 29 August 1932.

Applicable without modification¹: all non-metropolitan territories.

United Kingdom. Ratification: 3 June 1931.

Applicable *ipso jure* without modification²: Guernsey, Jersey and Isle of Man.

Applicable without modification: all other non-metropolitan territories.

¹ In conformity with Article 26 of the Convention the absence of a declaration is tantamount to a declaration of application without modification.

² See footnote 1 to Convention No. 2.

*France.**Guadeloupe.*

The report states that the Federation of Labour Unions of the Département of Guadeloupe has pointed out that the system of farming by which the tenant pays rent in kind (*colonat partiaire*), which is applied in Guadeloupe, restricts the liberty of the farmer.

The reply given was that this system was not as described by the Federation. The distinguishing features of the system are as follows.

The sugar manufacturers of Guadeloupe agree to farm out to applicants certain parts of the estates belonging to the sugar companies. The land is leased either by a written instrument or orally. The farmer undertakes to cultivate a certain area of sugar cane and to sell the cane to the factory to which the estate belongs. He also undertakes to work for a certain number of days at a normal wage on the land farmed directly by the factory.

It should be pointed out that as a rule the income which a farmer derives from the land he leases does not afford him an adequate livelihood. To make up the difference, therefore, it is in his interest to take on wage-earning employment for a certain number of days every year.

It may be added that article 11 of the model contract prescribed by the firm "Les Sucreries coloniales" for its share croppers in Guadeloupe provides that "it shall be prohibited to take on outside work on estates other than those belonging to the lessor so long as the latter has work for him". This cannot be regarded as restricting freedom of employment since there is nothing to prevent a worker from undertaking to give the lessor preference in the use of his free working hours in so far as the lessor can give him employment.

The only type of employment which the Supreme Court of Appeal has regarded as being prohibited because it constitutes a restriction on individual liberty is that which forbids the employee ever to put his services and his work to a particular use except for a specified employer or establishment (Cass. ci. 11 mai 1858, D.58.1.219).

Madagascar.

Order No. 348.APICG of 20 December 1956.

The above-mentioned Order revoked section 20 of the Order of 7 June 1950 to establish indigenous rural communities in Madagascar, which laid down penalties of from 1 to 15 days of imprisonment or a fine of from 12 to 1,200 francs, or both, for members of a rural community who abstain from fulfilling or neglect or refuse to fulfil obligations assigned to the community or the decisions taken by a majority of its members.

*Netherlands.**Netherlands Antilles.*

In reply to the observation made by the Committee of Experts in 1957 the Government states that there is no special legislation concerning forced labour in the Netherlands Antilles. Practices involving forced labour,

however, are prohibited under section 2 of the Civil Code of Curaçao. The text of section 2 is cited in the report.

Article 2, paragraph 2 (c), of the Convention. Labour performed as a penalty in the case of imprisonment following conviction of a penal offence is the only form of forced labour that can exist in the Netherlands Antilles. In such a case the work is done exclusively under the supervision of persons belonging to public services, and is done in workshops belonging to the prisons administration.

Article 25. The illegal exaction of forced or compulsory labour renders the offender liable to penalties under sections 185, 381 and 297 of the Penal Code of Curaçao. Since no case of forced or compulsory labour has occurred these sections have never been applied.

Surinam.

In reply to the observation made by the Committee of Experts in 1957 the Government supplies the following information.

Article 2, paragraph 2 (c), of the Convention. Forced or compulsory labour may be imposed only on persons who have been convicted by a court of law. In such a case the labour is performed under the supervision of persons belonging to the government services. Convicts are not hired to or placed at the disposal of private individuals, companies or associations.

Article 25. The illegal exaction of forced or compulsory labour is a penal offence, in accordance with Article 25 of the Convention.

*United Kingdom.**British Honduras.*

In reply to the observation made by the Committee of Experts in 1956 the Government states that the legislation to apply the Convention has been included among proposals for a comprehensive revision of the labour laws now in progress.

Fiji.

In reply to the observation made by the Committee of Experts in 1956 the Government states that the suggestion of the Committee of Experts regarding the repeal of the provision of personal services for chiefs has been examined. These services form part of the Fijian social system, which is based on reciprocal rights and duties between chiefs and people. Their abolition would represent the beginning of the abolition of the Fijian social system. The Fijians' local government through the Fijian administration is based on the social system, amended and changed as is considered wise from time to time in the light of changing social conditions in the colony.

Sierra Leone.

Prohibition of Forced Labour Ordinance No. 33 of 1956 (L.S. 1956—S.L.1).

The above-mentioned Ordinance repealed the Forced Labour Ordinance (Cap. 82 of the Laws of Sierra Leone, 1946 Edition) and section 10 of the Public Health (Protectorate) Ordinance (Cap. 191 of the said Edition of the Laws).

Article 1 of the Convention. Effect is given to the requirements of this Article by section 3 of Ordinance No. 33 of 1956 which prohibits the use of forced labour in all its forms.

Article 2. Effect is given to this Article by section 2 of the above Ordinance No. 33 of 1956.

Article 3. The "competent authority" is the Governor in Council who is empowered by section 6 of the above Ordinance to make Rules for the carrying into effect of any of the provisions or purposes of the Ordinance.

Articles 4 and 5. These are covered by section 3 of the Ordinance.

Article 6. This is covered by section 4 of the Ordinance.

Articles 7 to 21 and 23 to 25. The use of forced labour in all its forms is prohibited by section 3 of the Ordinance. The question of workmen's compensation to persons from whom forced or compulsory labour is exacted does not therefore arise.

Tanganyika.

Employment Ordinance, 1955 (L.S. 1955—Tan. 1).
Employment (Amendment) Ordinance, 1956.
Employment (Forced Labour) Regulations, 1957.
Employment (Care and Welfare) Regulations, 1957.

Article 1 of the Convention. The question of the complete abolition of forced or compulsory labour is kept constantly under review; the provisions of the above-mentioned legislation impose severe restrictions on the use of forced labour and require that the prior consent of the Governor, delegated in certain limited cases to Provincial Commissioners, must be obtained before the exaction of forced labour may be undertaken.

Article 2. The definition of "forced labour" which is contained in section 121 of the principal Ordinance means "all work or service which is exacted from any person under the menace of any penalty for which the said person has not offered himself voluntarily". However, this definition does not include the forms of employment defined in Article 2, paragraph 2 (a) and (c) to (e), since such exceptions are prescribed in section 121 (a) to (d) of the principal Ordinance.

Article 3. Section 125 of the principal Ordinance prescribes that no person or authority may exercise any power to impose forced labour except with the prior consent of the Governor, and that in all cases the safeguards prescribed by Article 9 of the Convention must be observed.

Under the terms of section 126 of the principal Ordinance the Governor may delegate to Provincial Commissioners his authority for the imposition of forced labour; however, the exercise of such delegated powers is subject to certain additional limitations.

Articles 4 and 5. The provisions of these Articles are fully implemented by section 123 of the principal Ordinance, which provides that no forced labour shall be imposed or permitted for the benefit of private persons and that no concession granted to a private person shall involve any form of forced labour for the production or collection of products which such private person utilises or in which he trades.

Article 6. The provisions of this Article are fully implemented by section 124 of the principal Ordinance, which prescribes that any public officer who puts any constraint upon the population under his charge, or upon any individual members of such population, to work for any private individual, company or association shall commit an offence against this Ordinance and shall be liable on conviction to a fine not exceeding 2,000 shillings or to imprisonment for a term not exceeding one year, or to both fine and imprisonment.

Article 8. The provisions of this Article are fully applied through sections 125 and 126 of the principal Ordinance.

Article 9. The provisions of this Article are fully applied by sections 125 and 126 of the principal Ordinance (see under Article 3).

Article 10. The principles of this Article are accepted and are fully applied by sections 125 and 126 of the principal Ordinance.

Recourse to forced or compulsory labour exacted as a tax which was originally authorised under section 11 of the Native Tax Ordinance (No. 20 of 1934) was abolished by the Native Tax (Amendment) Ordinance No. 25 of 1951.

Article 11. The provisions of this Article are fully applied by Regulations 2 and 3 of the Employment (Forced Labour) Regulations, 1957.

Article 12. The provisions of this Article are fully applied by Regulation 4 (1) and (2) of the same Regulations.

Article 13. The provisions of this Article are given effect by Regulation 5 (1) and (2) of the same Regulations.

Articles 14 and 15. The provisions of these Articles are given effect by section 128 of the principal Ordinance in conjunction with Regulation 6 of the above-mentioned Regulations.

Article 16. The provisions of this Article are given effect by Regulation 7 of the above-mentioned Regulations. In practice it has not proved necessary to transfer persons from whom forced or compulsory labour has been exacted to districts where the food and climate differ considerably from those to which they have been accustomed.

Article 17. Regulation 4 of the above-mentioned Regulations provides that no person shall be called upon for forced labour of any kind for a period exceeding 60 days in any one period of 12 months. In addition, Regulation 7 requires that in cases where the transfer of employees to areas with different climatic conditions is effected, all measures relating to hygiene and accommodation specified in the Employment (Care and Welfare) Regulations, 1957, must be applied.

No specific provision exists for the payment of remittances but the necessary arrangements are made where this practice is considered desirable.

Paragraph 14, subparagraphs (3), (23), (25), (37), (38), (39), (40), (43), (44), (47), (48) and (49) of the Memorandum on the Recruitment, Employment and Care of Government Labour also give effect to the provisions of this Article.

Article 18. The provisions of this Article are implemented by Regulation 8 of the Employ-

ment (Forced Labour) Regulations which prescribes the conditions under which forced labour shall be employed for the transport of goods or persons. In conformity with the requirements of the Article for the reduction and eventual abolition of forced or compulsory labour, the Government has issued the directive which is recorded at paragraph 55 of the above-mentioned memorandum. During the period under review the exaction of forced labour has been confined to portage and there has been a substantial reduction in the numbers of persons from whom labour has been exacted as compared with the previous five years.

Article 19. Regulation 9 of the Employment (Forced Labour) Regulations provides that forced labour shall not be employed for purposes of cultivation except as a measure of precaution against famine or threat of famine, and the goods or produce so produced shall remain the property of the individual or the community so producing it.

No recourse has been had to compulsory cultivation during the period under review.

Article 21. The mines in the territory are all privately owned undertakings wherein the employment of compulsory or forced labour is prohibited by the provisions of section 123 (1) of the principal Ordinance. See also under Article 4 above.

Article 23. The requirements of this Article are fully implemented by the Employment (Forced Labour) Regulations, 1957, Regulation 10 of which provides that any person from whom forced or compulsory labour is exacted who is aggrieved by the conditions under which he is required to perform such labour may report the matter to a Labour Officer or Administrative Officer, who shall thereupon take such steps as may seem to him expedient to inquire into and, if necessary, to remedy the matter.

No such complaints were received during the period under review.

Article 24. The application of this Convention is effected by the Provincial Administration and the Labour Department, whose officers, by regular and frequent inspections of the places of employment, ensure the observance of its provisions.

Under paragraph 16 of the above-mentioned Memorandum and the proviso to section 121 of the Employment Ordinance, 1955, prior consultation must be undertaken with the people concerned, or, in the case of minor communal services, with the inhabitants of the place, town or village concerned, or their direct representatives in regard to the need

for such services; the requirements of the Convention are brought to the notice of the people affected by the normal administrative practice of regular meetings between the people and their Native Authorities and Elders.

Article 25. The penalty for the illegal exaction of forced or compulsory labour under section 256 of the Penal Code (Cap. 16) is imprisonment for a term not exceeding two years, or a fine, or both imprisonment and a fine (section 35 of the Code—General punishments for misdemeanours).

In addition to the foregoing, Regulation 13 of the Employment (Forced Labour) Regulations, 1957, provides for the imposition of a fine not exceeding 2,000 shillings and in a case of a third or subsequent offence, punishment not exceeding a fine of 2,000 shillings or imprisonment for a term not exceeding three months or both such fine and imprisonment.

Zanzibar.

The Defence Regulations, 1943, concerning the requisition of land and personal services (published by Government Notice No. 201 of 1943), under which orders could prescribe compulsory cultivation, were withdrawn on 23 May 1957 by General Notice No. 61.

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The following report supplies information on the practical effect given to the Convention:

France (Guadeloupe).

The following reports merely reproduce or refer to the information previously supplied:

Denmark (Faroe Islands, Greenland), *France* (Algeria, Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, New Caledonia, Réunion, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (New Guinea), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Jersey, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Trinidad and Tobago).

30. Hours of Work (Commerce and Offices) Convention, 1930

This Convention came into force on 29 August 1933

New Zealand. Ratification: 29 March 1938.
No declaration.

Spain. Ratification: 29 August 1932.
No declaration.

The following reports merely reproduce or refer to the information previously supplied:

New Zealand (Cook Islands and Niue, Tokelau Islands, Western Samoa).

32. Protection against Accidents (Dockers) Convention (Revised), 1932¹

This Convention came into force on 30 October 1934

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.

Spain. Ratification: 28 July 1934.
No declaration.

United Kingdom. Ratification: 10 January 1935.
Applicable *ipso jure* without modification²: Guernsey, Jersey and Isle of Man.

No declaration: all other non-metropolitan territories.

¹ This Convention revises the 1929 Convention.

² See footnote 1 to Convention No. 2.

France.

Algeria (First Report).

Decree No. 55-314 of 14 March 1955 to apply to ships the provisions of the Convention.

Any vessel engaged in commercial operations in a port of metropolitan France, Algeria or the Overseas Départements is covered by the provisions of the above-mentioned Decree.

Cameroons (First Report).

Order of 28 June 1954, as amended by an Order of 3 June 1955, to lay down health and safety measures to be taken in undertakings.

See under Convention No. 62.

The health and safety measures laid down by the texts cited above also cover the employment of dockers in ports.

During the period under review no court decisions have been given imposing penalties for contravention of statutory provisions.

There would be no difficulty in applying the Convention in the Cameroons.

Comoro Islands (First Report).

No action has been taken to implement this Convention.

French Equatorial Africa (First Report).

There is no special legislation implementing the provisions of the Convention.

Appropriate measures to ensure the safe transport of workers by water to a ship are not relevant.

No use has been made of the exceptions laid down under Article 5, paragraph 7, of the Convention.

There is no special provision designed to enforce the provisions of Article 6, paragraph 1, of the Convention since the workers go back to the quayside at mealtimes.

All vessels are given a thorough check by the inspectors of shipping every year in their

home port. In this detailed check special attention is given to the hoisting gear and ancillary equipment.

No exceptions are allowed to the maximum loads which may be lifted by the hoisting gear (Article 11, paragraph 8, of the Convention).

Article 15 of the Convention is not applicable.

No action has been taken to apply Article 17 of the Convention.

The courts have given no decisions on this subject and no observations have been received from the employers' and workers' organisations.

French Somaliland (First Report).

Overseas Labour Code of 15 December 1952 (L.S. 1952—Fr. 5), section 134.

Safety measures designed to prevent employment injuries which are liable to occur in dock work are due to be incorporated in an Order which will shortly be issued to apply the legislative provisions cited above.

At the present time a number of measures advocated by the Convention have already been taken in the port of Jibuti by the various wharfage and lighterage companies.

The Inspectorate of Labour and Social Legislation is responsible for ensuring that precautions against employment injuries are duly taken.

The courts have given no decisions regarding the application of the Convention and no observations have been received from the employers' and workers' organisations.

French West Africa (First Report).

A request was made to the Ministry of Overseas France in 1955 to promulgate the Decree of 14 March 1955 applying the provisions of the Convention to vessels operating commercially in the ports of metropolitan France, Algeria and the Overseas Départements.

These inspections could readily be carried out since vessels calling at ports in the Federation are regularly examined by the inspector of shipping or a qualified official acting on his behalf.

Madagascar (First Report).

Order No. 2187/IGT of 5 November 1954 to lay down the health and safety measures to be taken in undertakings.

There are no special provisions for the protection of dockers, who are covered by the general workmen's compensation provisions.

The Order cited above lays down the health and safety measures applying to workers in all occupational groups.

New Caledonia (First Report).

Overseas Labour Code of 15 December 1952 (L.S. 1952—Fr. 5).

Order No. 1845 of 7 December 1955 to determine general measures of safety and health in undertakings.

Act of 16 June 1933 and Decree of 1 September 1934 respecting safety in merchant shipping and the regulation of labour on merchant vessels rendered applicable to the territory by Decrees of 2 February and 22 August 1937.

The general provisions of the Convention are applied as regards both work on board ship and work on the docks.

St. Pierre and Miquelon (First Report).

Order of 8 April 1952.

The general provisions of the Overseas Labour Code dealing with health and safety conditions at places of work apply to dockers as well as to other workers.

The above Order regulates tests and checks of hoisting gear. It stipulates that its provisions apply to hoisting gear on vessels operating within the territory and also to hoisting gear on French or foreign vessels loading or unloading therein which cannot produce evidence that they have passed similar tests or checks either in France itself or in a foreign port.

Togoland (First Report).

Overseas Labour Code of 15 December 1952 (L.S. 1952—Fr. 5), Chapter VI.

No merchant vessel is operated from this territory. All the loading and unloading of ships is done from a wharf used by barges plying to and from vessels anchored in the roadstead beyond the sandbar.

This wharf is operated by the Togoland Railway Co.

The effectiveness of the safety precautions is shown by the relatively small number of employment injuries which have occurred in recent years, despite the fact that loading and unloading in the roadstead is considerably more dangerous than alongside the wharf.

The Inspectorate of Labour and Social Legislation and the Technical Department of the Togoland Railway Co. are responsible for ensuring that the provisions of the Convention are enforced.

The courts have given no decisions regarding matters of principle connected with the application of the Convention and no observations have been made by the workers' and employers' organisations.

United Kingdom.

Barbados.

Factories Act of 1956.

This Act, which at the time of the report had not been proclaimed, provides for the safety and welfare of workers employed in factories. The Governor may by Order apply the Act to docks; so far no such Order has been made.

Fiji.

Ordinance No. 13 of 1957.

This Ordinance provides for the regulation of the conditions of employment in factories and other places as regards the health, safety and welfare of persons employed therein, for the safety and inspection of certain plant and machinery, and for purposes incidental to, or connected with, the aforesaid matters.

Hong Kong.

Dangerous Goods Ordinance No. 38 of 1956.

Statistics regarding accidents are given in the annual report, together with a short analysis.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (Algeria, New Caledonia, Togoland), *United Kingdom* (British Guiana, Gibraltar, Guernsey, Hong Kong, Kenya, Tanganyika, Uganda).

The following reports merely reproduce or refer to the information previously supplied :

Italy (Trust Territory of Somaliland), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Antigua, Bahamas, Bermuda, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Gambia, Gilbert and Ellice Islands, Grenada, Jersey, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Sierra Leone, Singapore, Solomon Islands, Trinidad and Tobago, Zanzibar).

33. Minimum Age (Non-Industrial Employment) Convention, 1932 ¹

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.

Applicable without modification : Netherlands Antilles.

No declaration : New Guinea and Surinam.

Spain. Ratification : 22 June 1934.
No declaration.

¹ This Convention was revised in 1937.

France.

Cameroons.

The text of Decree No. 983 of 27 February 1954, for which the Committee of Experts asked in 1957, is appended to the report.

Comoro Islands.

For the Government's reply to the observation made by the Committee in 1957 see *Report of the Committee*, p. 687.

French Equatorial Africa.

In reply to the observations made in 1957 the Government provides the following information :

The regulations in force prohibit the employment, during school hours, of children under 15 years of age attending public or private educational establishments. It is also provided that the work of gathering and sorting, for which it is permissible to employ children over 12 years of age, must be such as to involve no risk to the child's health or safety.

Permits by the labour inspector to do light work are granted only on the conditions laid down in the Convention.

Togoland.

In reply to the observations made in 1957 the Government states that changes in the respective competence of the French authorities and those of the Autonomous Republic of Togoland have delayed issue of the draft order which was submitted to the Advisory Labour Committee on 21 August 1956.

*Netherlands.**Netherlands Antilles (First Report).*

State Ordinance (Registration of Workers) (*Publicatieblad*, 1945, No. 106).

Employment Ordinance of 22 August 1952 (*L.S.* 1952—Neth. Ant. 1). (*Publicatieblad*, 1952, No. 93), hereinafter referred to as the Ordinance, as amended by Ordinance of 12 March 1954 (*Publicatieblad*, 1954, No. 25).

Article 1 of the Convention. With the exception of seafaring employment, for which a minimum age has been fixed separately, and for work in or for the family in which the child is being brought up, the Ordinance applies to all undertakings and occupations.

Article 2. The Ordinance fixes the minimum age for admission to work at 14 years.

Articles 3 and 4. No necessity to create clauses permitting exemptions has been felt so that there are no detailed provisions for exceptions. Child labour does not exist.

Articles 5, 6 and 8. Section 16 (1) of the Ordinance provides for the making of detailed provisions concerning young persons, but up to now the need to do so has not been felt.

Article 7. Control is exercised by the Labour Inspectorate. The State Ordinance of 1945 provides that employed persons must have a workbook stating, *inter alia*, their date of birth. Employers must keep employment registers containing the same data as the workbook.

Surinam.

See under Convention No. 5.

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The following report supplies information on the practical effect given to the Convention :

France (Algeria).

The following reports merely reproduce or refer to the information previously supplied :

France (French Polynesia, French Somaliland, French West Africa, Guadeloupe, Madagascar, New Caledonia, Réunion, St. Pierre and Miquelon).

35. Old-Age Insurance (Industry, etc.) Convention, 1933

This Convention came into force on 18 July 1937

France. Ratification : 23 August 1939.
No declaration.

Italy. Ratification : 22 October 1947.
No declaration.

United Kingdom. Ratification : 18 July 1936.
Applicable *ipso jure* without modification¹ : Guernsey, Jersey and Isle of Man.
No declaration : all other non-metropolitan territories.

¹ See footnote 1 to Convention No. 2.

*France.**Guadeloupe.*

See under Convention No. 18.

Madagascar.

An interoccupational mutual workers' retirement fund, in the establishment of which employers' and workers' organisations took part, was set up on 31 August 1957. An initial

contribution of 1 per cent. of wages payable by employers and 1 per cent. payable by the workers was decided on, the object being to pay old-age assistance benefit to workers over the age of 60 who have spent 15 years in employment as from 1 January 1958. Employers are under no obligation to join, but it is compulsory for all employees of any employer who does join to become members of the fund.

*United Kingdom.**Cyprus.*

Social Insurance Law of 1956.

Article 2 of the Convention. Compulsory old-age insurance covers all workmen (with certain exceptions listed in the report) employed in Cyprus under any contract of service or apprenticeship.

Article 3. Compulsory insurance being introduced for the first time, categories of persons

"formerly in compulsory insurance" do not exist. However, the Law provides for voluntary insurance.

Article 4. Both men and women are entitled to pensions at the age of 65 years.

Article 5. The contribution conditions for an old-age pension are (a) that not less than 156 contributions have been paid by the insured person; and (b) that the yearly average of the contributions is not less than 50.

Article 6. Provided he has satisfied the contribution conditions an insured person who ceases to be liable to insurance retains indefinitely his rights in respect of the contributions credited to his account. If conditions have not been satisfied with regard to the last contribution year or yearly average, a person shall nevertheless be entitled to benefit at a reduced rate.

Article 7. The amount of benefit varies with the number of contributions credited.

Article 8. If any person has received benefit to which he was not entitled he shall repay the sum received.

Article 9. Equal contributions shall be paid by the employee, the employer and the colony. The weekly rates of contributions are stated in the report.

Article 10. See under Convention No. 24, Article 6.

Article 11. See under Convention No. 24, Article 9.

Article 12. There is equal treatment of foreign-employed and local labour.

Article 15. No non-contributory scheme exists.

Article 16. The age limit for an old-age pension is 65 years.

Article 17. No residence period is required.

Article 18. No upper limit of the annual value of means is prescribed.

Article 19. The pension is payable irrespective of private means.

Article 20. In case of dispute concerning the award of a pension or the right thereto the claimant may appeal to a local tribunal or to an umpire.

Article 21. Foreigners are entitled to a pension irrespective of their period of residence.

Article 22. Fraud is the main ground for forfeit or suspension. A person is temporarily not entitled to benefit during his absence from Cyprus and in some other instances.

Falkland Islands.

Old-Age Pensions (Amendment) Ordinance, 1956.

As a result of the above Ordinance pensions are now payable to pensioners residing overseas, irrespective of their country of residence.

Jersey.

See under Convention No. 24.

St. Lucia.

A Committee was set up to advise on the introduction of some form of social security; it has not yet reported.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application:

France (Algeria, French Guiana, Martinique, New Caledonia), *United Kingdom* (Cyprus, Gibraltar, Guernsey, Malta, Isle of Man).

The following reports merely reproduce or refer to the information previously supplied:

France (Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Réunion, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Dominica, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland; St. Christopher-Nevis-Anguilla, St. Helena, St. Vincent, Sarawak, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar).

36. Old-Age Insurance (Agriculture) 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 modification¹: Guernsey, Jersey and Isle of Man.
No declaration: all other non-metropolitan territories.

¹ See footnote 1 to Convention No. 2.

France.

Guadeloupe.

See under Convention No. 18.

United Kingdom.

Cyprus.

See under Convention No. 35.

Falkland Islands.

See under Convention No. 35.

Jersey.

See under Convention No. 24.

St. Lucia.

See under Convention No. 35.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (Algeria, French Guiana, Martinique, New Caledonia), *United Kingdom* (Cyprus, Guernsey, Malta, Isle of Man).

The following reports merely reproduce or refer to the information previously supplied :

France (Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, Réunion, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Dominica, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Vincent, Sarawak, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar).

37. Invalidity 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 modification¹ : Guernsey, Jersey and Isle of Man.
No declaration : all other non-metropolitan territories.

¹ See footnote 1 to Convention No. 2.

France.

Guadeloupe.

See under Convention No. 18.

United Kingdom.

Jersey.

See under Convention No. 24.

St. Lucia.

See under Convention No. 35.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (Algeria, French Guiana, French Polynesia, Martinique, New Caledonia), *United Kingdom* (Bermuda, Gibraltar, Guernsey, Isle of Man).

The following reports merely reproduce or refer to the information previously supplied :

France (Cameroons, Comoro Islands, French Equatorial Africa, French Somaliland, French West Africa, Madagascar, Réunion, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Malta, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Vincent, Sarawak, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar).

38. Invalidity Insurance (Agriculture) 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 modification¹ : Guernsey, Jersey and Isle of Man.
No declaration : all other non-metropolitan territories.

¹ See footnote 1 to Convention No. 2.

France.

Guadeloupe.

See under Convention No. 18.

United Kingdom.

Jersey.

See under Convention No. 24.

St. Lucia.

See under Convention No. 35.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (Algeria, French Guiana, French Polynesia, Martinique), *United Kingdom* (Bermuda, Guernsey, Isle of Man).

The following reports merely reproduce or refer to the information previously supplied :

France (Cameroons, Comoro Islands, French

Equatorial Africa, French Somaliland, French West Africa, Madagascar, New Caledonia, Réunion, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Malta, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Vincent, Sarawak, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar).

39. Survivors' Insurance (Industry, etc.) Convention, 1933

This Convention came into force on 8 November 1946

Italy. Ratification : 22 October 1952.
No declaration.

United Kingdom. Ratification : 18 July 1936.
Applicable *ipso jure* without modification¹ : Guernsey, Jersey and Isle of Man.
No declaration : all other non-metropolitan territories.

¹ See footnote 1 to Convention No. 2.

United Kingdom.

Cyprus.

Social Insurance Law of 1956.

Article 2 of the Convention. Survivors' insurance covers all workmen (with certain exceptions listed in the report) employed in Cyprus under any contract of service or apprenticeship.

Article 3. See under Convention No. 35, Article 3.

Article 4. A person who has the care of a child is entitled to orphan's benefit if (a) the parents of the child are dead, and (b) at least one of them was an insured person.

Contribution conditions for a widow's pension are stated in the report.

Article 5. See under Convention No. 35, Article 6.

Article 6. The only survivors covered are widows and children.

Article 7. A widow is normally entitled to a widow's pension. Qualifying conditions are indicated in the report.

Article 8. A child is covered by the orphan's benefit provided that both parents are dead and at least one of them was an insured person.

Article 9. Even if contribution conditions are not satisfied with regard to the last contribution year or yearly average, the insured

person shall nevertheless be entitled to benefit at a reduced rate.

Article 11. The main grounds for forfeit or suspension are fraud or misrepresentation.

Article 12. The Law provides for equal contributions by the employee, the employer and the colony.

Article 13. See under Convention No. 24, Article 6.

Article 14. See under Convention No. 24, Article 9.

Article 15. There is equal treatment of foreign-employed and local labour. If a person has been absent from Cyprus for less than six months arrears of a widow's or old-age pension shall be paid to him on his return.

Article 16. Exceptions are made by the reciprocal agreement with the United Kingdom (see under Convention No. 2).

Article 18. No non-contributory scheme exists.

Article 19. A widow's pension is fixed according to the number of dependants.

Article 20. There is no residence requirement.

Article 21. The right to a pension applies irrespective of the annual value of means.

Article 22. The pension is uniform irrespective of other means.

Article 23. See under Convention No. 24, Article 9.

Article 24. There is equal treatment of foreign-recruited and local labour ; no residence period is provided for.

Article 25. See under Convention No. 35, Article 22.

Jersey.

See under Convention No. 24.

St. Lucia.

See under Convention No. 35.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

United Kingdom (Cyprus, Gibraltar, Guernsey, Isle of Man).

The following reports merely reproduce or refer to the information previously supplied :

Italy (Trust Territory of Somaliland), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Malta, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Vincent, Sarawak, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar).

40. Survivors' Insurance (Agriculture) Convention, 1933

This Convention came into force on 29 September 1949

Italy. Ratification : 22 October 1952.
No declaration.

United Kingdom. Ratification : 18 July 1936.
Applicable *ipso jure* without modification ¹ : Guernsey, Jersey and Isle of Man.
No declaration : all other non-metropolitan territories.

¹ See footnote 1 to Convention No. 2.

United Kingdom.

Cyprus.

See under Convention No. 39.

Jersey.

See under Convention No. 24.

St. Lucia.

See under Convention No. 35.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

United Kingdom (Cyprus, Fiji, Guernsey, Isle of Man).

The following reports merely reproduce or refer to the information previously supplied :

Italy (Trust Territory of Somaliland), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Dominica, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Malta, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Vincent, Sarawak, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar).

41. Night Work (Women) Convention (Revised), 1934 ¹

This Convention came into force on 22 November 1936

*Belgium.*² Ratification : 4 August 1937.
No declaration.

*France.*² 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.*² Ratification : 29 March 1938.
No declaration.

*Union of South Africa.*² Ratification : 25 May 1935.
No declaration.

*United Kingdom.*² Ratification : 25 January 1937.
Applicable *ipso jure* without modification ² : Guernsey, Jersey and Isle of Man.
No declaration : all other non-metropolitan territories.

¹ This Convention, which revised the 1919 Convention, was itself revised in 1948. See Conventions Nos. 4 and 89.

² Ratification denounced.

³ See footnote 1 to Convention No. 2.

The following report refers to the information previously supplied :

Netherlands (Surinam).

42. Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934¹

This Convention came into force on 17 June 1936

Belgium. Ratification : 3 August 1949.
Applicable without modification : Belgian Congo and Ruanda-Urundi.

Denmark. Ratification : 22 June 1939.

Not applicable : Greenland.

No declaration : Faroe Islands.

France. Ratification : 17 May 1948.

Applicable without modification : French Guiana, Guadeloupe, Martinique, Réunion.

No declaration : all other non-metropolitan territories.

Italy. Ratification : 22 October 1952.

Applicable with modifications : Trust Territory of Somaliland.

Japan. Ratification : 6 June 1936.

No declaration : Pacific Islands (League of Nations mandate).

Netherlands. Ratification : 1 September 1939.

Applicable without modification : Netherlands Antilles, Surinam.

No declaration : New Guinea.

New Zealand. Ratification : 29 March 1938.

No declaration.

Union of South Africa. Ratification : 26 February 1952.

Applicable without modification : South-West Africa.

United Kingdom. Ratification : 29 April 1936.

Applicable *ipso jure* without modification² : Guernsey, Jersey and Isle of Man.

No declaration : all other non-metropolitan territories.

¹ This Convention revises the 1925 Convention. See Convention No. 18.

² See footnote 1 to Convention No. 2.

France.

Comoro Islands.

See under Convention No. 12.

New Caledonia.

The Decrees of 24 February and 23 July 1957, laying down general rules for the compensation and prevention of occupational accidents and diseases, will come into force a year later and will enable occupational diseases to be compensated in accordance with the principles of the Convention.

Netherlands.

Netherlands Antilles.

In reply to the query by the Committee in 1957 the report points out that new rules concerning industrial accidents are in preparation and that the schedule of occupational diseases will be modified.

Surinam.

The report states that the Industrial Accident Regulations place certain occupational diseases (a brief list of which is given) on the same footing as industrial injuries.

United Kingdom.

Antigua.

Workmen's Compensation Ordinance No. 24 of 1956.

Article 1 of the Convention. The above-mentioned legislation provides that if in any employment a workman suffers injury or accident arising out of and in the course of such employment his employer shall be liable to pay compensation.

Section 23 of the Ordinance provides that if a workman contracts any disease, as specified by Order of the Governor in Council, which is due to the nature of the employment and is followed by incapacity or the death of the workman, compensation shall be payable as if the disease was the personal injury by accident arising out of and in the course of employment.

Article 2. The diseases prescribed as "occupational diseases" to which the Ordinance applies are set out in the Schedule to Statutory Rules and Orders No. 4 of 1957.

See also under Convention No. 17.

Brunei.

See under Convention No. 17.

Hong Kong.

The Industrial Health Officer has been carrying out various comprehensive surveys of conditions in local industry which have provided indications of the prevalence of particular occupational diseases.

The question of making provision for compensation for occupational diseases under the Ordinance is being actively examined by the government departments concerned.

Montserrat.

Workmen's Compensation Ordinance of 1956 (Montserrat, No. 5 of 1957).

Section 23 of the Ordinance provides for compensation in respect of occupational diseases. The term "occupational diseases" (to be prescribed by Order of the Governor in Council) covers diseases contracted by workmen due to the nature of their employment. If incapacity or death of a workman results from an occupational disease compensation is payable as if the disease was a personal injury by accident arising out of and in the course of the employment.

See also under Convention No. 17.

Northern Rhodesia.

Silicosis (Amendment) Ordinance, 1956 (*Northern Rhodesia Government Gazette*, 4 May 1956).

Silicosis (Amendment) (No. 2) Ordinance, 1956 (*Northern Rhodesia Government Gazette*, 4 Jan. 1957).

The above-mentioned legislation removed restrictions on pensions which had previously been limited to a maximum of one month's earnings or £50.

St. Christopher-Nevis-Anguilla.

Workmen's Compensation Ordinance No. 21 of 1955.

The definition of "workman" is given in the Ordinance. If a workman suffers personal

injury by accident arising out of and in the course of employment his employer is liable for the payment of compensation in accordance with the provisions of the Ordinance

There is no discrimination between compensation for accidental injury and compensation for prescribed "occupational diseases". A list of these diseases is given in the report.

Sarawak.

Workmen's Compensation Ordinance of 1956.

Workers suffering from the "occupational diseases" listed in the Schedule to the Ordinance are entitled to the same benefits as workers injured by accident arising out of and in the course of employment.

See also under Convention No. 17.

Tanganyika.

See under Convention No. 17.

Zanzibar.

A Bill is at present before the Legislature which provides for workers' compensation, including, compensation for diseases due to the nature of a workman's employment.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application:

France (French Equatorial Africa, French Polynesia, French West Africa, Togoland), *United Kingdom* (Antigua, Brunei, Gibraltar, Kenya, Malta, Isle of Man, Montserrat, North Borneo, St. Christopher-Nevis-Anguilla, Sarawak, Singapore, Uganda).

The following reports merely reproduce or refer to the information previously supplied:

Denmark (Faroe Islands, Greenland), *France* (Algeria, Cameroons, French Guiana, French Somaliland, Guadeloupe, Madagascar, Martinique, Réunion, St. Pierre and Miquelon), *Italy* (Trust Territory of Somaliland), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Guernsey, Jersey, Mauritius, Nigeria, Nyasaland, St. Helena, St. Lucia, St. Vincent, Sierra Leone, Solomon Islands, Southern Rhodesia, Swaziland, Trinidad and Tobago).

43. Sheet-Glass Works Convention, 1934

This Convention came into force on 13 January 1938

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 modification¹: Guernsey, Jersey and Isle of Man.

No declaration: all other non-metropolitan territories.

French Polynesia, French Somaliland, French West Africa, Guadeloupe, Madagascar, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon, Togoland), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Malta, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Sierra Leone, Singapore, Solomon Islands, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar).

¹ See footnote 1 to Convention No. 2.

The following reports merely reproduce or refer to the information previously supplied:

France (Algeria, Cameroons, Comoro Islands, French Equatorial Africa, French Guiana,

44. Unemployment Provision Convention, 1934

This Convention came into force on 10 June 1938

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 modification¹: Guernsey, Jersey and Isle of Man.

No declaration: all other non-metropolitan territories.

France.

French Somaliland.

During the period under review it was possible to help the unemployed to a considerable extent by opening work sites, where about 700 of these persons were employed.

Madagascar.

See under Convention No. 2.

St. Pierre and Miquelon.

See under Convention No. 2.

¹ See footnote 1 to Convention No. 2.

*United Kingdom.**Cyprus.*

Social Insurance Law of 1956.

Article 1 of the Convention. The scheme in operation is a compulsory insurance scheme providing for equal contributions by the employee, the employer and the colony. Unemployment benefit at a fixed amount is paid in relation to contributions paid or credited in respect of the insured person's employment.

Article 2. The Law covers all workmen (with certain exceptions listed in the report) employed in Cyprus under any contract of service or apprenticeship.

Article 3. Benefit is paid for any day of incapacity or unemployment if on that day contribution conditions have been satisfied; a person shall not be entitled to this benefit for the first three days of any period of interruption of employment.

Article 4. The definition of a "day of employment" is given and further qualifications are mentioned in the report.

Article 5. No unemployment contribution is payable by persons under 18 or over 65, married women or widows entitled to a widow's pension.

Article 6. An insured person has the right to receive unemployment benefit provided that the required contributions have been paid by or credited to him.

Article 7. The extent to which a person shall be entitled to benefit, and the conditions under which he shall requalify if his right to benefit has been exhausted, are stated in the report.

Article 10. A person shall be disqualified from receiving unemployment benefit under conditions enumerated in detail in the report or if he receives compensation for the loss substantially equivalent to the usual remuneration.

Article 11. See under Article 7.

Article 12. Benefit is payable irrespective of the needs of the claimant.

Article 13. The Law provides for cash benefits only.

Article 14. The claims shall be submitted to

one of the Insurance Officers who may allow or disallow the claim or refer it to a local tribunal.

Article 15. During a person's absence from Cyprus he is disqualified from receiving unemployment benefit.

Article 16. Equality of treatment is guaranteed to foreign nationals of countries with which reciprocal agreements have been signed.

See also under Convention No. 24, Article 6.

Guernsey.

Recommendations as regards the introduction of an unemployment insurance scheme will be placed before the States when that body resumes consideration in April or May 1958 of proposals aimed at revising the Contributory Pensions Laws.

Isle of Man.

National Assistance (Isle of Man) Act of 1956.
National Assistance (Determination of Needs) Regulations of 1957.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application:

France (St. Pierre and Miquelon), *United Kingdom* (British Guiana, Cyprus, Gibraltar, Jersey, Malta, Northern Rhodesia, St. Helena).

The following reports merely reproduce or refer to the information previously supplied:

France (Algeria, Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French West Africa, Guadeloupe, New Caledonia, Réunion, Togoland), *Italy* (Trust Territory of Somaliland), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Honduras, British Somaliland, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Grenada, Hong Kong, Kenya, Mauritius, Montserrat, Nigeria, North Borneo, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Sierra Leone, Singapore, Southern Rhodesia, Swaziland, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar).

45. Underground Work (Women) Convention, 1935

This Convention came into force on 30 May 1937

Australia. Ratification: 7 October 1953.
Applicable without modification: New Guinea and Papua.

Not applicable: Nauru, Norfolk Island.

Belgium. Ratification: 4 August 1937.

Not applicable: Belgian Congo and Ruanda-Urundi.

France. Ratification: 25 January 1938.

No declaration.

Italy. Ratification: 22 October 1952.

Applicable without modification: Trust Territory of Somaliland.

Netherlands. Ratification: 20 February 1937.

Applicable without modification: Netherlands Antilles.

Decision reserved: Surinam.

No declaration: New Guinea.

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 modification¹: Guernsey, Jersey and Isle of Man.

Not applicable²: 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 reserved¹: Brunei, Gilbert and Ellice Islands, Jamaica, Malta, Sarawak.

No declaration: British Somaliland.

Applicable without modification²: all other non-metropolitan territories.

¹ See footnote 1 to Convention No. 2.

² See footnote 2 to Convention No. 15.

*United Kingdom.**Southern Rhodesia.*

Although women are not employed underground in any mine in Southern Rhodesia it is proposed, when a suitable opportunity occurs, to present a new General Employment Bill to the Legislative Assembly, in which will be incorporated the principles of Articles 2 and 3 of the Convention.

Tanganyika.

Employment Ordinance No. 47 of 1955 (*L.S.* 1955—Tan. 1).

Employment (Amendment) Ordinance No. 35 of 1956.

The provisions of the Convention are contained in the above-mentioned legislation.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

United Kingdom (Hong Kong, Kenya).

The following reports merely reproduce or refer to the information previously supplied :

Australia (Nauru, New Guinea, Norfolk Island, Papua), *France* (Algeria, Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Guadeloupe, Madagascar, New Caledonia, Réunion, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles, New Guinea, Surinam), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Jersey, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Sierra Leone, Singapore, Solomon Islands, Swaziland, Trinidad and Tobago, Uganda, Zanzibar).

48. Maintenance of Migrants' Pension Rights Convention, 1935

This Convention came into force on 10 August 1938

Italy. Ratification : 22 October 1952.

No declaration.

Netherlands. Ratification : 6 October 1938.

No declaration.

Spain. Ratification : 8 July 1937.

No declaration.

The following reports merely reproduce or refer to the information previously supplied :

Italy (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles, Surinam).

49. Reduction of Hours of Work (Glass-Bottle Works) Convention, 1935

This Convention came into force on 10 June 1938

France. Ratification : 25 January 1938.

No declaration.

New Zealand. Ratification : 29 March 1938.

No declaration.

The following reports merely reproduce or refer to the information previously supplied :

France (Algeria, Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Guadeloupe, Madagascar, New Caledonia, Réunion, St. Pierre and Miquelon, Togoland), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa).

50. Recruiting of Indigenous Workers Convention, 1936

This Convention came into force on 8 September 1939

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 modification¹: Guernsey, Jersey and Isle of Man.

Not applicable: Aden, Bermuda, Cyprus, Falkland Islands, Gibraltar, Malta, St. Helena, Zanzibar.

Applicable with modifications: Basutoland, Bechuanaland.

Applicable without modification: all other non-metropolitan territories.

¹ See footnote 1 to Convention No. 2.

United Kingdom.

Basutoland.

Basutoland Native Labour (Amendment) Proclamation No. 42 of 1957.

Remuneration which may be paid to any licensed labour recruiter in any case in which he receives remuneration calculated at a rate per head of workers recruited shall not exceed a maximum of £4 10s. for each worker recruited.

The advance which may be made to a recruited worker is increased from £2 to £4.

Brunei.

Article 13, paragraph 3, of the Convention. In reply to an observation by the Committee of Experts the Government states that regulations to fix the maximum remuneration for licensee's agents will be issued before the end of 1957.

Hong Kong.

In reply to observations by the Committee of Experts the Government states that legislation to give effect to the Convention is under consideration.

Kenya.

Employment of Women, Young Persons and Children (Amendment) Ordinance No. 12 of 1956.

Article 6 of the Convention. In reply to an observation made by the Committee of Experts the Government states that, following the amendment of section 20 and the repeal of section 34 of the Employment of Women, Young Persons and Children Ordinance by Ordinance No. 12 of 1956, there now exists an unqualified prohibition on the recruitment of children (i.e. under 16 years of age).

Northern Rhodesia.

In reply to observations by the Committee of Experts, the Government provides the following information:

Article 13, paragraph 2, of the Convention. All licences require the licensee to render returns in terms of Regulation 18 of the Employment of Natives Regulations, showing the districts in which recruiting has been done and the numbers recruited. Under section 11 of the Natives Registration Ordinance (Cap. 169), all employers must also keep records permitting identification of all African workers.

Article 13, paragraph 3. Government Notice No. 132 of 1951 prescribes a maximum sum of 2s. 6d. per head.

Article 16, paragraph 2. All workers recruited for work outside the territory are brought before an attesting officer in the district of recruitment. Workers within the territory are generally attested at the place of recruitment but, when distance makes this impracticable, they are attested at the place of employment.

Article 18, paragraph 3. In practice exemption from medical examination is not given except in accordance with the conditions stated in this paragraph or where there is no medical officer in the neighbourhood and a man is recruited for work in that neighbourhood.

Article 19, paragraph 3. This paragraph does not apply.

Paragraphs 2 and 4. These are strictly complied with by large organisations such as the Witwatersrand Native Labour Association. Private recruiters of necessity comply with subparagraph 2 (a) because of the provisions of the Road Traffic Ordinance. Camps are provided by the Government for the accommodation of migrant workers and these are used by recruiters. Medical arrangements are those normally available on the routes used.

The above statements apply equally to the families of recruits where these accompany recruits.

Details regarding recruitment are contained in the Departmental Report each year. Recruiting operations are under the continuous supervision of District Commissioners in those areas where they take place, while facilities provided by large organisations are regularly inspected by Labour Officers.

Singapore.

In reply to observations made by the Committee of Experts the Government states as follows:

Recruiting of workmen, professional or otherwise, has lapsed since about 1940. No applications for exemption under section 113 of the Labour Ordinance have been made.

Although recruitment of the kind mentioned in Article 3 of the Convention does not occur, the Government proposes to take measures to limit exemptions under section 113 of the Ordinance in accordance with this Article.

Public officers in government service are prohibited from taking part in recruiting opera-

tions. No special provision to this effect in the Labour Ordinance is therefore necessary.

Swaziland.

Swaziland African Labour (Further Amendment) Proclamation No. 87 of 1956.

Article 7, paragraph 1, of the Convention. This provision is now unconditionally covered by section 27 (1) of the above-mentioned Proclamation.

Article 13, paragraph 6 (b). This is now fully covered by section 16 (3) of the above-mentioned Proclamation.

Article 14, paragraph 1. This is covered by sections 7 and 8 of the Swaziland African Labour Proclamation No. 45 of 1954.

Tanganyika.

Employment Ordinance No. 47 of 1955 (L.S. 1955—Tan. 1).

Employment (Amendment) Ordinance No. 35 of 1956.

Employment (Recruitment) Regulations, 1957 (Government Notice No. 14 of 1957).

Employment Ordinance (Exemption) Order, 1957 (Government Notice No. 19 of 1957).

The provisions relevant to the Convention are now contained in the above-mentioned legislation, which came into force on 1 February 1957. The following are the main changes as compared with the provisions previously in force :

Article 2 of the Convention. The legislation applies to all indigenous employees except (a) persons whose wages exceed £840 per annum; (b) persons in pensionable posts employed by the Government, the East Africa High Commission, the East African Railways and Harbours Administration, or the East African Post and Telecommunications Administration; and (c) chiefs as defined in the Schedule to the African Chiefs Ordinance of 1953.

Article 5, paragraph 2. Section 108 (4) (a) of the Employment Ordinance requires that, before issuing a recruiter's licence, the competent authority shall take into account the possible effects of the withdrawal of adult males on the health, welfare and development of the population concerned. This is always done by deciding upon the maximum numbers which may be recruited in a given area.

Article 6. The provisions of this Article are embodied in section 113 of the Ordinance.

Article 9. Section 108 (11) of the Ordinance

prohibits recruitment by public officers except for public work undertaken by the Government or a public authority.

Article 13, paragraph 2. In the case of attested written contracts, all necessary particulars appear in them and one copy is supplied to the Labour Officer. In the case of recruits not attested on written contracts, it is made a condition of the recruiter's licence that nominal rolls will be supplied by the recruiter.

Article 14. Sections 109 (1) and 112 of the Ordinance apply these provisions.

Article 15. The Employment (Recruitment) Regulations, which contain provisions regarding worker-recruiters, do not incorporate paragraph 2 of this Article, but the practice for worker-recruiters to make advances of wages is not known to exist. Moreover, the Regulations preclude a worker-recruiter from entering into a contract with a recruit on the employer's behalf, and section 68 (1) of the Employment Ordinance prohibits advances of wages on condition of entering upon any employment.

Article 17. This is not expressly covered by the legislation, but Regulation 3 of the Employment (Protection of Wages) Regulations prohibits advances to recruits of more than half a month's wages. Advances are noted in any written contract concluded.

Article 22. This Article is applied by section 68 of the Ordinance and Regulation 3 of the Employment (Protection of Wages) Regulations.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

United Kingdom (Aden, Antigua, Fiji, Hong Kong, Kenya, Montserrat, Nyasaland, Swaziland, Tanganyika).

The following reports merely reproduce or refer to the information previously supplied :

New Zealand (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Bahamas, Barbados, Bechuanaland, Bermuda, British Guiana, British Honduras, British Somaliland, Cyprus, Dominica, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Malta, Mauritius, Nigeria, North Borneo, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Sierra Leone, Solomon Islands, Southern Rhodesia, Trinidad and Tobago, Uganda, Zanzibar).

52. Holidays with Pay Convention, 1936

This Convention came into force on 22 September 1939

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.

France.

Algeria.

Act No. 56-769 of 3 August 1956.
Order of 19 November 1956.

Cameroons.

Orders of 5 and 10 November 1956 to promulgate the Act of 27 March 1956 relating to holidays with pay.

Under the provisions cited above workers recruited on the spot receive a holiday of 1½ working days per month of service, and those recruited elsewhere receive five days a month.

French Equatorial Africa.

General Order of 11 March 1957 to regulate paid holidays for workers in application of the Act of 27 March 1956.

The holiday allowance due to workers who receive 1½ working days of principal holiday for each month of service is equal to 1/16th of the total remuneration received by the worker in question during the 12 months preceding the beginning of the holiday.

French Somaliland.

Act of 27 March 1956 respecting annual holidays with pay.

The duration of the annual paid holiday for workers not recruited outside the territory and contiguous territories is calculated on the basis of 1½ working days for each month of service, or two days for workers under 18 years of age.

French West Africa.

General Order of 17 December 1956 to issue administrative regulations under the Paid Holidays Act of 27 March 1956 (*Journal officiel A.O.F.*, 29 Dec. 1956, p. 2569).

Madagascar.

Order of 29 October 1956 relating to annual holidays with pay.

The Order cited above extended the length of holidays for workers recruited in Madagascar to 1½ working days per month of actual employment. Increases are granted to young persons under 18 years of age (two working days), working mothers (two working days per child under 15 years of age), and workers whose length of service with the undertaking, whether continuous or not, amounts to between 20 and 30 years (two to six working days).

New Caledonia.

See under Convention No. 101.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (Algeria, Cameroons, French Polynesia, New Caledonia, St. Pierre and Miquelon).

The following reports merely reproduce or refer to the information previously supplied :

Denmark (Faroe Islands, Greenland), *France* (Comoro Islands, Guadeloupe, Réunion, Togoland), *Italy* (Trust Territory of Somaliland), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa).

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.

*United States.**American Samoa.*

In connection with the general observation made by the Committee of Experts in 1957 the report states that the possibility of applying the Convention to all vessels registered in American Samoa is a matter for further study on the part of the Government of the United States.

Trust Territory of Pacific Islands.

Provision has been made for the documentation of vessels in the Trust Territory pursuant to the Trust Territory Code, Chapter 14 A. The possibility of the application of the Convention to any covered vessel so documented is a matter for further study by the Government of the United States.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (French Polynesia, French West Africa, St. Pierre and Miquelon).

The following reports merely reproduce or refer to the information previously supplied :

Denmark (Faroe Islands, Greenland), *France* (Cameroons, Comoro Islands, French Equatorial Africa, French Somaliland, Madagascar, New Caledonia, Togoland), *Italy* (Trust Territory of Somaliland), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United States* (Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands).

55. Shipowners' Liability (Sick and Injured Seamen) Convention, 1936

This Convention came into force on 29 October 1939

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.

France.

French West Africa.

Sick and injured seamen are repatriated by the employer in accordance with international standards.

The compulsory accident and sickness insurance scheme (based on the General Welfare Fund system) for which provision is to be made in the future Merchant Shipping Code for French West Africa, would complete the present provisions in a satisfactory way. The Code has

been under examination by the appropriate services since 1955.

United States.

American Samoa.

See under Convention No. 53.

Trust Territory of Pacific Islands.

See under Convention No. 53.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application:

France (French Polynesia, St. Pierre and Miquelon).

The following reports merely reproduce or refer to the information previously supplied:

France (Cameroons, Comoro Islands, French Equatorial Africa, French Guiana, French Somaliland, Guadeloupe, Madagascar, Martinique, New Caledonia, Réunion, Togoland), *Italy* (Trust Territory of Somaliland), *United States* (Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands).

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 modification¹: 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.

¹ See footnote 1 to Convention No. 2.

France.

French Guiana.

See under *Guadeloupe*.

Guadeloupe.

Decree of 19 December 1956 to issue public administrative regulations (*Journal officiel*, 20 Dec. 1956, No. 296, p. 12315).

The French Act was adapted and put into effect, as regards the Overseas Départements, by the above-mentioned Decree. This provides that in cases where benefit in kind (allowed, in principle, without time limit) is necessary beyond the sixth month of sickness, the sick person must be examined jointly by his own medical practitioner and the social security medical adviser. It lays down also that entitlement to benefit depends on whether the insured person was employed either for 50 days during the six months preceding the day of the treatment in respect of which a refund is asked, or for not less than 130 days during the 12 months preceding that date.

The same condition governs entitlement to cash benefit in cases of sickness occurring after the first six months of incapacity. If incapacity persists without interruption beyond the end of the six months, entitlement to this benefit is subject to the condition that the person had been insured under the scheme for not less than 12 months when the incapacity began and had been in employment for not less than 180 days during these 12 months. The waiting period for payment of this benefit has been reduced from nine to seven days. In order that the

dependants may be entitled to death benefit an insured person must have been employed either for 50 days during the six months or for not less than 130 days during the 12 months preceding his death.

Martinique.

See under *Guadeloupe*.

Réunion.

See under *Guadeloupe*.

United Kingdom.

Cyprus.

Social Insurance Law of 1956.

Article 1 of the Convention. The Law covers persons employed in Cyprus under any contract of service or apprenticeship and such persons employed on ships or vessels (a) registered in Famagusta, (b) belonging to Her Majesty and stationed in Cyprus, and (c) British ships or vessels the owners of which reside or have their principal place of business in Cyprus. Exceptions are mentioned in the report.

Article 2. Provided contribution conditions have been satisfied a person is entitled to sickness benefit for a maximum period of 156 days.

No separate general scheme of compulsory sickness insurance exists.

A person shall be disqualified from receiving sickness benefit during his absence from Cyprus.

Where sickness or unemployment benefit is payable but a person is entitled to other compensation under section 10 of the Workmen's Compensation Law, the amount of benefit shall be reduced by the weekly value of the compensation in question.

The report mentions some other circumstances under which a person shall be disqualified.

Article 3. No medical treatment is provided by the Law.

Article 4. A person is temporarily not en-

titled to benefit during his absence from Cyprus and in some other instances.

Article 5. The Law does not provide for maternity benefit.

Article 6. A death grant of £10 is payable to the family of the deceased.

Article 8. The Law provides for equal contributions by the employee, the employer and the colony.

Article 9. See under Convention No. 24, Article 6.

Article 10. See under Convention No. 24, Article 9.

Jersey.

See under Convention No. 24.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (French Polynesia, St. Pierre and Miquelon), *United Kingdom* (Bermuda, Cyprus, Malta, Isle of Man).

The following reports merely reproduce or refer to the information previously supplied :

France (Cameroons, Comoro Islands, French Equatorial Africa, French Somaliland, French West Africa, Madagascar, New Caledonia, Togoland), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, British Guiana, British Honduras, British Somaliland, Brunei, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Guernsey, Hong Kong, Kenya, Mauritius, Montserrat, Nigeria, North Borneo, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Sierra Leone, Singapore, Solomon Islands, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar.)

58. Minimum Age (Sea) Convention (Revised), 1936¹

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.
Applicable without modification : Netherlands Antilles.
Decision reserved : Surinam.
No declaration : New Guinea.
New Zealand. Ratification : 7 June 1946.
No declaration.

*United Kingdom.*²

Applicable without modification : Aden, Dominica, Fiji, Gambia, Grenada, 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.

¹ This Convention revises the 1920 Convention. See Convention No. 7.

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

*Denmark.**Faroe Islands.*

It is proposed to apply the provisions of the Convention under the terms of a Merchant Shipping Bill recently introduced which will amend the Merchant Shipping Act of 1923.

Greenland.

Employment of Children at Sea Regulation of 1956.
Seamen's Certificates Regulation of 1956.

See under Convention No. 58, *Denmark*, p. 80.

*Netherlands.**Netherlands Antilles.*

No legislative provisions are considered to be necessary as the government official responsible for the engagement of seafarers does not permit young persons under 16 years of age to be signed on.

Surinam.

The Surinam shipping companies do not employ any persons under the age of 18 years on board their vessels and coasters.

See also under Convention No. 5.

*United States.**Trust Territory of Pacific Islands.*

The application of the provisions of the Convention to covered vessels in the Trust Territory is being studied by the Government.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

United States (Alaska, American Samoa, Guam, Hawaii, Puerto Rico, Virgin Islands).

The following reports merely reproduce or refer to the information previously supplied :

France (Cameroons, Comoro Islands, French Equatorial Africa, French Guiana, French Polynesia, French Somaliland, French West Africa, Guadeloupe, Madagascar, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (New Guinea), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa).

59. Minimum Age (Industry) Convention (Revised), 1937 ¹

This Convention came into force on 21 February 1941

Italy. Ratification : 22 October 1952.
No declaration.

New Zealand. Ratification : 8 July 1947.
No declaration.

*United Kingdom.*²
Applicable without modification : Aden, Bechuanaland, Fiji, Gambia, 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.

¹ This Convention revises the 1919 Convention. See Convention No. 5.

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

The following reports merely reproduce or refer to the information previously supplied :

Italy (Trust Territory of Somaliland), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa).

60. Minimum Age (Non-Industrial Employment) Convention (Revised), 1937 ¹

This Convention came into force on 29 December 1950

Italy. Ratification : 22 October 1952.
No declaration.

New Zealand. Ratification : 8 July 1947.
No declaration.

¹ This Convention revises the 1932 Convention. See Convention No. 33.

The following reports merely reproduce or refer to the information previously supplied :

Italy (Trust Territory of Somaliland), *New Zealand* (Cook Islands, Tokelau Islands, Western Samoa).

62. Safety Provisions (Building) Convention, 1937

This Convention came into force on 4 July 1942

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.

France.

Algeria.

Order of 16 May 1955.

Netherlands.

Netherlands Antilles.

Although the Convention is not applicable to the Netherlands Antilles, legislation is being drafted on the basis of the I.L.O. Model Safety Code.

Surinam.

Safety Ordinance of 8 September 1947 (*Gouvernementsblad*, 1947, No. 142).

Resolution No. 4476 of 31 October 1947 (*Gouvernementsblad*, 1947, No. 167).

Resolution No. 4503 of 1 November 1947 (*Gouvernementsblad*, 1947, No. 168).

Resolution No. 3858 of 3 September 1948 (*Gouvernementsblad*, 1948, No. 104).

Resolution No. 5687 of 29 December 1948 (*Gouvernementsblad*, 1948, No. 183).

Resolution No. 4483 of 19 October 1949 (*Gouvernementsblad*, 1949, No. 128).

Resolution No. 5702 of 10 November 1950 (*Gouvernementsblad*, 1950, No. 121).

The above-mentioned texts relating to safety measures in the building industry are appended to the report.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application:

France (Algeria, Cameroons, Comoro Islands, French Polynesia, Guadeloupe, Réunion, Togoland).

The following reports merely reproduce or refer to the information previously supplied:

France (French Equatorial Africa, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon).

63. Convention concerning Statistics of Wages and Hours of Work, 1938

This Convention came into force on 22 June 1940

Australia. Ratification¹: 5 September 1939.
No declaration.

Denmark. Ratification²: 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. Ratification¹: 18 January 1940.
Not applicable: all non-metropolitan territories.

Union of South Africa. Ratification³: 8 August 1939.
Not applicable: South West Africa.

United Kingdom. Ratification: 26 May 1947.
Applicable *ipso jure* without modification⁴: Guernsey, Jersey and Isle of Man.

No declaration: all other non-metropolitan territories.

France.

French Equatorial Africa.

Order of 2 May 1957 to determine minimum wages in the Middle Congo (*Journal officiel A.E.F.*, 1 June 1957).

Order of 20 March 1956 to determine minimum wages and wage zones in Gaboon (*Journal officiel A.E.F.*, 1 July 1956).

Order of 15 July 1957 to determine minimum wages and wage zones in Ubanghi Shari (*Journal officiel A.E.F.*, 15 Aug. 1957).

Orders of 31 May 1956 to determine minimum wages in the Chad (*Journal officiel A.E.F.*, 1 July 1956) and 27 November 1956 (*Journal officiel A.E.F.*, 15 Dec. 1956).

Guadeloupe

Statistics in the field covered by this Convention are being compiled.

United Kingdom.

Bahamas.

In the absence of a Labour Department there is no authority charged with the collection and publication of statistics.

The standards of hygiene and sanitation in

¹ Excluding Part II.

² Excluding Part III.

³ Excluding Parts II and IV.

⁴ See footnote 1 to Convention No. 2.

workplaces are supervised by officials of the Public Health Department.

No large industrial premises exist in the colony.

There is a small labour office which supervises the recruitment and conditions of the considerable number of Bahamian workers recruited for temporary agricultural employment in the United States.

Barbados.

Labour Department Act of 1943.

Labour Department Act of 1951.

These Acts authorise the Labour Commissioner to require from any employer information as to the wages, hours and conditions of work of employees. Section 4 (*d*) of the 1943 Act lays a duty upon the Labour Commissioner to prepare statistics of earnings and conditions of employment.

The Labour Department compiles and publishes in its annual report statistics of wages and hours of work.

The present staff of the Labour Department does not permit at this stage the compilation and publication of statistics as required by the Convention.

Bermuda.

The average weekly number of working hours is 52½.

The report contains detailed information on average hourly earnings ranging from 5s. 3d. for labourers (boys of 18 years of age and under) to 10s. for foremen carpenters and master electricians.

Brunei.

Labour Ordinance of 1954.

Information and statistics are obtained from quarterly and half-yearly returns provided by employers of 20 or more workers (under the terms of section 59 of the Labour Ordinance, 1954) and from inspecting officers.

Information on collection of statistics will be contained in the annual reports of the Department. Maximum hours of work are fixed by section 104 of the mentioned Ordinance. Wage rates are usually fixed by arrangements between employers and wage earners.

Allowances in kind which form part of the remuneration will be included in the statistics of average ruling daily wages.

Cyprus.

Article 21 of the Convention. Indices relating to predominant and real wages are now being prepared; they appear in the *Economic Review* for 1955-56.

No index number of rates of wages per week is compiled.

The above-mentioned indices take no account of the relative importance of the different industries; they are only indices of wages classified by main activity. The 1955 wages for each of the main activities are taken as a basis. The picture presented by the real wage index does not take account of the increase in the cost of living as reflected in the official retail price index; it only illustrates the course

of wage rates in real terms, i.e. after adjustment for variations in the retail price index.

Article 22. Statistics of wages are compiled in respect of wage earners engaged in agriculture; these are published as tables V (*a*) and V (*b*) in the 1956 annual report of the Department of Labour. The wages do not include, but are usually supplemented by, payment in kind, i.e. food and lodging.

The statistics relate to agricultural workers and shepherds.

The information is compiled from surveys carried out by the Statistics Office Secretariat.

The statistics are compiled by means of questionnaires completed by the main establishments.

The tables referred to in this Article give also statistics of the normal hours worked per week.

Dominica.

Labour Statistics Ordinance of 1948.

To the regret of the Government the collection of statistics has not been possible owing to inadequacy of staff. The hope is expressed that the collection of statistics will be resumed before the next report is due. In the report for 1956-57 it is stated that the collection of statistics is limited to spasmodic tours of labour inspection.

Gibraltar.

Control of Employment Ordinance, section 12 (Cap. 163, Laws of Gibraltar).

Regulation of Wages and Conditions of Employment Ordinance, section 14 (Cap. 159, Laws of Gibraltar).

Article 1 of the Convention. Statistics of average time rates of wages and normal hours of work of all the principal industrial groups are compiled and published in the annual reports of the Department of Labour and Welfare.

Article 2. Part IV of the Convention is inapplicable, as there is no agriculture in Gibraltar.

Part III is only applicable in part, as there is no mining carried out in Gibraltar and the manufacturing industry is very small.

Articles 3 and 4. Where information on time rates of wages and normal hours of work is not obtained in other ways, inquiry of the principal employers is made. There is statutory provision for obtaining such information.

Articles 13 to 22. There is no specialist statistician in the colony. Wages statistics are compiled by the Department of Labour and Welfare and will be developed to give the data required by Part III of the Convention.

Gilbert and Ellice Islands.

Labour Ordinance (Laws of the Gilbert and Ellice Islands, 1952, Cap. 13).

The Convention has been applied mainly by means of sections 7 and 8 of the above-mentioned Ordinance.

There is no Statistical or Labour Department. Specific statistical inquiries are not made and general information is obtained from the employers concerned.

There are no manufacturing undertakings and there is only one mining enterprise in the colony.

The only agricultural workers are engaged in copra cutting; the wage rates are those of unskilled general labour.

Available statistics are published in Part 2, Chapter 2, of the colony's biannual report, which contains information on wages and hours of work.

Guernsey.

The States Labour and Welfare Committee hopes to compile in due course statistics of average earnings and hours of work in trades covered by agreements, and considers setting up the necessary machinery.

Jamaica.

Statistics Law (Revised Laws of Jamaica, Cap. 368).
Statistics (Amendment) Law of 1955.

The above Laws give the necessary legislative powers to apply the Convention. However, it has not been possible to give full effect to the provisions of the Convention.

The annual report of the Ministry of Labour and the Labour Department gives details of average wage rates and average hours of work in the principal industries and, in respect of certain specified areas and undertakings, the minimum rates of wages, the working period to which these relate, and in most cases the appropriate overtime provisions.

Kenya.

East Africa High Commission Statistics Act.
Statistics (Employees in Kenya) Regulations, 1955,
1956 and 1957.

Article 1 of the Convention. Statistical data compiled by the Statistics Department of the East Africa High Commission is published in the *East African Quarterly Economic and Statistical Bulletin*. The Department also publishes a wage adjustment index and a cost-of-living index in respect of Nairobi in the *Kenya Official Gazette* and in the *Bulletin*; statistics compiled by the Labour Department appear in the annual report.

Article 2. It has not been possible to compile adequate statistics of average earnings and of hours actually worked. Limited statistics of average earnings are contained in the *East African Quarterly Economic and Statistical Bulletin* for March 1957.

Article 3. The Statistics Act imposes obligations on the Statistics Department not to disclose any information relating to individual undertakings or establishments.

Article 13. Statistics of time rates of wages are to be found in the report of the Committee on African Wages, published in 1954. Normal hours of work (per week) of Africans, Asians and Europeans in the main sectors of employment are shown in the Labour Department's annual reports.

Article 14. Time rates of wages and normal hours of work, as regulated by statute or collective agreements, are indicated in the Labour Department's annual reports; they are also published in Wages Regulation Orders in

respect of occupations in industries which are covered by Wages Councils.

Article 15. The Labour Department's annual reports will give up-to-date figures at yearly intervals. More detailed information is likely to be the subject of special reports drawn up in collaboration with the Statistics Department.

Article 16. For the time being statistics generally relate to the customary paid period of one month; hours of work are commonly assumed to be 200 per month for the purposes of wage calculations.

Article 17. Differentiation by sex and age is only beginning to be shown in wage figures.

Article 18. With the exception of "normal hours of work" the towns or areas to which the above-mentioned figures relate are shown in the quoted publications.

Article 19. The only information so far published is in relation to payments for public holidays, annual leave and overtime.

Article 20. Allowances in kind form a significant part of remuneration in many occupations in Kenya. These are not always aggregated into the wages figures published.

Article 21. A wages index has been compiled from statistics of monthly rates of wages and is contained in the *Kenya Annual Statistical Abstract, 1956*.

Article 23. No areas are statutorily excluded. However, in so far as statistical inquiries relate to paid employment only, certain areas the inhabitants of which do not enter such employment are automatically excluded in practice.

The task of compiling the statistics required by this Convention is entrusted to the Statistics Department of the East Africa High Commission and to the Statistics Section of the Labour Department.

The Convention is not yet fully applied.

Mauritius.

Ordinance No. 47 of 1938.

Statistics of wages and hours of work are collected half-yearly and published in the annual report of the Labour Department. These statistics are communicated to the I.L.O. Figures relating to indexes of wages are not prepared.

Montserrat.

Labour Ordinance of 1950 (Montserrat No. 5 of 1950).

Owing to straitened financial circumstances a Labour Commissioner has not yet been appointed; this fact precludes the compilation and maintenance of regular and complete statistics.

Nigeria.

Statistics Ordinance of 1957.

The law entrusts to the Statistician, subject to any direction by the appropriate Minister, the duty of collecting, compiling, analysing and publishing statistical information relating to the commercial, industrial, agricultural, mining, social, economic and general activities of the inhabitants of the Federation.

St. Helena.

There are no legislative provisions or regulations to apply the Convention nor is there a Labour Department. A social welfare officer has been entrusted with the duty of compiling statistics of wages and hours of work. Simple measures for compiling statistics suffice as the only establishments are two flax milling firms, which also engage in agriculture, and one fish cannery. The greater part of building and construction and much of the agricultural work is undertaken by the Government. Data on average earnings and hours actually worked are given in the report.

St. Lucia.

Labour (Minimum Wage) (Amendment) Ordinance No. 3 of 1937.

Labour Ordinance No. 14 of 1938.

Wages Council Ordinance No. 1 of 1952.

Article 1 of the Convention. Statistics relating to wages and hours of work are compiled and published at quarterly and yearly intervals, but are not published in as precise form as required by this Convention. This data appears in the annual report of the Labour Department.

Article 4. There is no competent statistical authority but as much relevant information as possible is collected by the labour inspectors when on their tours of inspection. Consideration, however, is now being given to the establishment of a small statistical department in the island.

Article 5. The relevant information appears in the annual report of the Labour Department for the year 1956, which is now being completed and which will be submitted to the International Labour Office. The report provides the statistics required by Articles 6, 9 and 10.

Article 6. See under Article 5.

Article 7. Allowances in kind, in the form of free housing and of locally grown staple foods at reduced prices, are granted to workers in agriculture but they do not form any appreciable part of the total remuneration of the wage earners.

Article 8. No family allowances are granted in this colony.

Articles 9 and 10. See under Article 5.

Article 11. Statistics supplied relate to the whole island.

Articles 13, 14, 16 and 17. See under Article 5.

Article 18. The statistics referred to in the above Articles refer to the whole island.

Article 19. The statistics of time rates of wages and normal hours of work are compiled and published in the annual report of the Labour Department.

Article 20. See under Article 7.

Article 22. The statistics required by this Article are published in the annual report of the Labour Department. The 1956 report has not yet been forwarded to the International Labour Office as it has not yet been printed.

Article 23. No areas have been excluded from the application of this Convention.

Article 24. No proposals in this connection have been received from the Governing Body of the International Labour Office.

St. Vincent.

Department of Labour Ordinance of 1942.

Statistics on labour force, wage rates and "normal hours of work" are given annually in the report of the Department of Labour.

Sarawak.

Labour Ordinance of 1951.

Article 2 of the Convention. Parts II and IV of the Convention are inapplicable under local conditions.

Article 4. Information and statistics are obtained from (a) quarterly returns provided by employers of ten or more workers, and (b) inspecting officers from records of employers and from other inquiries.

Article 14. Information on collection of statistics will be contained in the annual report of the Department. Maximum hours of work are laid down in the above-mentioned Ordinance. Wage rates are normally fixed by arrangements between employers and wage earners individually.

Article 15. Categories of workers are given as separate occupations.

Article 16. Statistics of time rates per hour can be extracted from the statistics provided.

Article 18. Statistics have been taken over the whole territory.

Article 19. Rates of overtime are laid down in the above-mentioned Ordinance.

Article 20. Allowances in kind in the form of free and cheap housing, food and fuel, where they form a part of the total remuneration of the wage earners will be included in the statistics for average ruling daily wages.

Article 23. No area is excluded from the application of the Convention.

Compilation of statistics is the responsibility of the Commissioner of Labour.

Seychelles.

Wages Regulation Ordinance No. 2 of 1932.

The hours of work and the wages of agricultural workers are laid down by statute through a Wages Committee appointed under the above legislation.

Statistics are not compiled in the form required by this Convention.

Southern Rhodesia.

This Convention is inapplicable as there is no existing machinery which would facilitate the collection of the required data.

Tanganyika.

Factories Ordinance of 1950.

Regulation of Wages and Terms of Employment Ordinance of 1951.

Employment Ordinance No. 47 of 1955 (L.S. 1955—Tan. 1).

Section 7 of the Employment Ordinance of 1955 empowers the Labour Commissioner to

require any employer to furnish statistics as to the number of persons employed, rates of remuneration and conditions of employment.

The Convention, with the exception of Part II, is applied to the territory. As a small proportion only of Africans are recorded as being in paid employment, collection of statistics is restricted to matters covered by Part III of the Convention.

Statistics collected are published in the annual report of the Labour Department. The task of compiling statistics is entrusted to the Labour Department's statistical section.

Trinidad and Tobago.

Statistics Ordinance, Chapter 42, No. 11.

Statistics (Surveys of Industrial Establishments) Regulations of 1954.

Statistics Amendment (Ordinance) of 1955.

Statistics (Employment, Wages, Salaries and Earnings) Regulations of 1955.

Statistics (Annual Land Returns) Regulations of 1956.

Article 2 of the Convention. No significant progress has yet been made towards implementing Part IV of the Convention.

Articles 4 and 5. A census of industrial establishments employing five persons or more was taken. The results containing data as to the numbers of persons employed and annual earnings were published in a report entitled *The Structure and Output of Industry*.

As from 1956 periodical returns concerning the numbers of persons employed, hours worked, earnings and minimum wages are required from non-agricultural establishments employing ten persons or more. Figures will be published in the Quarterly Economic Report.

Article 6. The statistics of average earnings will relate to gross earnings

Article 7. This Article is not applicable.

Article 8. Family allowances are paid in very few cases.

Article 9. The statistics will as far as possible be prepared on the basis contemplated in this Article.

Article 10. Statistics of hours worked will be published in the annual reports on labour force surveys.

Article 12. Indices were prepared and published in the Quarterly Economic Report for the fourth quarter of 1956.

Articles 13 to 16, 18 and 19. No statistics on actual rates of wages are published; reference is made to the replies under Articles 4 and 12.

Article 17. No data are available except those referred to under Articles 4 and 10.

Article 20. This Article is not applicable.

Article 21. See under Article 12.

Article 22. See under Article 2.

Article 23. The statistics cover the whole colony.

The report for the year 1956-57 refers to regulations requiring occupiers of 100 acres of

land to furnish annual returns concerning their employees. Another labour force survey was carried out and an index of wage rates was published.

Zanzibar.

Article 12 of the Convention. Owing to the smallness of the territory it has not been found necessary to compile an index of the general movement of earnings.

Articles 13 and 14. Mining is limited to surface quarrying of stone for building and for the purposes of a small lime-burning concern. Figures for such manufacturing industries as exist in Zanzibar, including building and construction, are contained in the annual Labour Reports.

Hours of work are not regulated by law and wages are normally fixed by agreement between employer and wage earner individually.

Article 17. The number of women and non-adults is so insignificant that classification is not considered necessary.

Article 19. For government employees the scale of payment for holidays and rates of overtime is laid down in Government General Orders, the relevant section of which was recently revised.

The principal firms tend to follow government practice, though there are minor variations in individual cases.

There is no system of family allowances either in government or private employment.

Article 20. It has not proved possible with the resources at the disposal of the Government of Zanzibar to compile an index of wage rates.

Article 24. The smallness of this territory and the simplicity of its economy have made the compilation of detailed statistics unnecessary.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application:

Australia (Nauru, New Guinea, Norfolk Island, Papua), *France* (Algeria, French Equatorial Africa, Réunion, St. Pierre and Miquelon), *United Kingdom* (Basutoland, Cyprus, Falkland Islands, Kenya, Montserrat, Nigeria, North Borneo, Sarawak, Tanganyika, Zanzibar).

The following reports merely reproduce or refer to the information previously supplied:

Denmark (Faroe Islands, Greenland), *France* (Cameroons, Comoro Islands, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, Togoland), *Netherlands* (Netherlands Antilles, Surinam), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Antigua, Bechuanaland, British Guiana, British Honduras, British Somaliland, Fiji, Gambia, Grenada, Hong Kong, Jersey, Malta, Isle of Man, Northern Rhodesia, Nyasaland, St. Christopher-Nevis-Anguilla, Sierra Leone, Singapore, Solomon Islands, Swaziland, Uganda).

64. Contracts of Employment (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

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 modification¹: 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.

¹ See footnote 1 to Convention No. 2.

United Kingdom.

Basutoland.

Basutoland Native Labour (Amendment) Proclamation No. 79 of 1956.

In reply to observations made by the Committee of Experts the Government provides the following information:

Article 12 of the Convention. Contracts of employment as defined in Article 3 are concluded in Basutoland only by labourers recruited for employment in the Union of South Africa, where Basutoland regulations would not be enforceable. Given the protection provided by Union legislation and by allowing contracts to be entered into for employment in the Union only when their conditions are satisfactory, it is considered that no good purpose would be served by making the proposed regulations.

Article 6, paragraph 4. There are no legal provisions defining the consequences of non-attestation of a written contract. Consideration will be given to amendment of the law to give effect to the Convention in this respect.

Article 8, paragraph 1. As a result of the deletion, by Proclamation No. 79 of 1956, of the proviso to section 27 of the Native Labour Proclamation, a non-adult cannot enter into a contract.

Bechuanaland.

The conditions under which Africans are recruited and the nature of the contracts into which they enter are still under review by the Government, after being referred to the African Advisory Council in May 1957. It is intended to review the entire Native Labour Proclamation in committee during the coming year to decide which sections require amendment.

British Guiana.

Legislation to give effect to the Convention is still under consideration.

Brunei.

Labour (Amendment) Enactment No. 6 of 1957.

With reference to the observation by the Committee of Experts, Article 3, paragraph 4 and Article 4 of the Convention are now implemented by the provisions of sections 2 and 3 of the above Enactment.

Hong Kong.

Article 16 of the Convention. The arrangements with the Governments of North Borneo and Brunei-Sarawak mentioned in the last report do not provide for extension of contracts, as was there stated, but for re-engagement for a period of up to one year on expiry of the original contract. As previously indicated, such re-engagement contracts are authorised only after careful investigations in the country of employment and in Hong Kong. The worker re-engages of his own free will and is offered an opportunity, which he is free to refuse, to return home at his employer's expense before re-engagement.

Kenya.

Employment of Women, Young Persons and Children (Amendment) Ordinance No. 12 of 1956.

Article 8 of the Convention. As a result of amendments introduced by Ordinance No. 12 of 1956, children under 16 years of age may not be engaged on written contracts, save for apprenticeships. Young persons (from 16 to 18 years) are excluded from certain employments (e.g. as trimmers or stokers); under section 22 of the Employment of Women, Young Persons and Children Ordinance the authorities may prohibit their employment in work involving moral or physical danger and other specific occupations, and under section 30 the Minister may make rules prohibiting their employment in specified occupations.

During the period under review the Employment (Amendment) Bill was presented to the Legislature (it has since been enacted). Its provisions effect, or pave the way for, the following changes. It is proposed to raise the ceiling of application of the Employment Ordinance to 200 shillings per month (retaining a level of 400 shillings for foreign contracts). All except the most advanced indigenous workers will again fall within the scope of the provisions relevant to the Convention. Verbal contracts, which hitherto could only remain in force for a month at a time, may henceforth be continuing contracts, subject to termination by notice of not more than one month. Labour Officers or Medical Officers are empowered to require recruited persons to be examined both at the place of recruitment and at the place of employment.

In reply to the observations made by the Committee of Experts in 1957 the Government states that the above-mentioned changes con-

stitute the principal part of the revision now being carried out and foreshadowed in the report for 1953-54. Revision and extension of subsidiary legislation is now in hand. There are legal problems to be solved as to how far certain requirements of the Convention are adequately applied by writing them into the contracts between employers and workers, or whether supplementary regulations (and penalties) are required in nearly all cases. The position of Africans entering manual posts of a permanent, pensionable nature (though with provision for termination by due notice) has to be studied, and the law relating to contracts in which occupancy and use of the employer's land is the principal remuneration is also being reviewed. The employment of Africans for a specified duration under written contracts is confined almost entirely to agriculture. The trend towards stabilisation of labour and the improved labour supply are resulting in a diminution of such contract labour. Hardly any Africans are transferred from or into Kenya under long-term contracts save in the service of the East Africa High Commission, and virtually none are transferred between Kenya and foreign territories.

Northern Rhodesia.

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

Article 6, paragraph 1, of the Convention. The amendment of the Employment of Natives Ordinance is under consideration and the Committee's observations will be borne in mind. In practice only foreign contracts are entered into for more than six months.

Paragraph 2. The form of contract is prescribed by regulation. The issue of licences is subject to terms and conditions of which the attesting officer is informed. Rules regarding medical examination are complied with and the attesting officer satisfies himself as to the consent of the worker and that he is not bound by any previous engagement.

Article 7. Workers who offer themselves spontaneously and are employed otherwise than in "mines and works" (as defined in the Employment of Natives Regulations) in practice do not conclude contracts falling within Article 3 of the Convention.

Article 10. The transfer of a contract of service to a third party is not legal.

Article 13, paragraph 2. In practice, reference to the expenses of repatriating an employee has been deemed to include the expenses involved in repatriating his family where it has been brought from the home district by the employer.

Article 15. The relevant provisions of the Employment of Natives Ordinance (section 53) apply to non-recruited workers as well as recruited workers. Transport is, therefore, provided on all bus, boat and rail routes. The Motor Vehicles Ordinance, Cap. 172, gives effect to paragraph 2 (a) of the Article. On all the main labour routes there are migrant labour rest houses which, on routes where

wheeled transport is not available, are spaced to provide for a normal day's march. Clinics are also available on migrant labour routes.

Although there are no legal provisions to give effect to paragraph 3 of this Article, no recruiter would allow his recruits to travel unattended for fear of losing them en route.

Sierra Leone.

With reference to the comments of the Committee of Experts the Government regrets that the amendments which it is acknowledged are necessary have not yet been enacted. Owing to the crowded legislative programme it is not possible to give a firm date as to when the amendments will be undertaken, but no efforts will be spared to do so at the first possible opportunity.

Singapore.

In reply to observations made by the Committee of Experts the Government states that to date no applications have been made under section 11 (1) of the Labour Ordinance for approval of contracts of service for longer than one month or for work the time for completion of which exceeds one month, and that no exemption has been made by the Minister under the aforesaid section.

Swaziland.

Swaziland African Labour (Further Amendment) Proclamation No. 87 of 1956.

Tanganyika.

Employment Ordinance No. 47 of 1955 (L.S. 1955—Tan. 1).

Employment (Amendment) Ordinance No. 35 of 1956.

Employment (Contracts of Service) Regulations, 1957 (Government Notice No. 9 of 1957).

Employment Ordinance (Exemption) Order of 1957 (Government Notice No. 19 of 1957).

The provisions giving effect to the Convention are now contained in the above-mentioned legislation, particularly Part V (sections 41 to 60) of the Employment Ordinance.

Uganda.

In reply to observations made by the Committee of Experts the Government provides the following information :

Article 7 of the Convention. While it is not proposed to make any legislative provision for medical examination of non-recruited workers, the position will be kept under review and legislation will be considered if circumstances should so require.

Article 13, paragraph 2. The authorised officer will only agree to a recruit's family accompanying him to the place of work provided he is satisfied that suitable arrangements for return transport and accommodation are provided by the employer. This has proved adequate to ensure repatriation of wives and children. Consideration will be given to the introduction of legislation to give this arrangement the force of law should it appear to be necessary at any time.

Zanzibar.

Labour (Amendment) Decree No. 2 of 1957.

Article 9 of the Convention. Under section 11 of the Labour Decree, as amended, the maximum period of service which may be prescribed in a contract is one year unless the labourer is accompanied by his family, when it is two years. If the Labour Officer is satisfied that the taking up of employment involves a long and expensive journey, the maximum period is two years, or if the labourer is accompanied by his family, three years.

Article 16. Under section 18 (1) of the Labour Decree, as amended, the maximum period of service which may be prescribed in a re-engagement contract is one year, unless the labourer is accompanied by his family and unless the Labour Officer is satisfied that the taking up of the contract involves a long and expensive journey, in which case it is 18 months.

In reply to observations made by the Committee of Experts in 1957 the Government provides the following information :

Article 2, paragraph 2. No remuneration has been prescribed under the definition of "servant" in section 2 of the Labour Decree, so that no person is excluded from the decree by this definition.

Paragraph 4. The estate land in Zanzibar is planted with cloves and coconuts. By tradition, estate owners permit persons to settle on the estate and to grow crops between the trees, free of rent or services. The benefit to the owner is to have the ground kept clear of weeds and undergrowth, and to have available labour for harvesting cloves and coconuts. For harvest work the occupant is paid ordinary wages.

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The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

United Kingdom (Aden, Fiji, Tanganyika, Zanzibar).

The following reports merely reproduce or refer to the information previously supplied :

New Zealand (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Antigua, Bahamas, Barbados, Bermuda, British Honduras, British Somaliland, Cyprus, Dominica, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Malta, Mauritius, Montserrat, Nigeria, North Borneo, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Singapore, Solomon Islands, Trinidad and Tobago).

65. Penal Sanctions (Indigenous Workers) Convention, 1939

This Convention came into force on 8 July 1948

*Italy.*¹ Applicable without modification : Trust Territory of Somaliland.

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 modification² : 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.

¹ Unratified Convention. See footnote 1 to Convention No. 17.

² See footnote 1 to Convention No. 2.

*United Kingdom.**Basutoland.*

Proclamation No. 79 of 1956.

As indicated by a Government representative to the Conference in 1957, the above Proclamation, promulgated on 30 November 1956, abolishes the proviso to section 27 of the Native Labour Proclamation. This means that a non-adult person may not under any circumstances enter into a contract of employment under the Proclamation and therefore that such a person cannot be subject to penal sanctions.

Bechuanaland.

The legislation which would exempt non-adults from all penal sanctions, has not yet been adopted but will be considered, together with other matters arising out of discussions at the African Advisory Council in 1957. It is confirmed that penal sanctions cannot be invoked against non-adults.

British Guiana.

Legislation is in draft for the repeal of section 36 (1) of the Labour Ordinance, which provides for penal sanctions.

British Honduras.

Employers and Workers (Amendment) Ordinance of 1957.

As indicated by a Government representative to the Conference in 1957, the penal sanctions contained in section 11 of the Employers and Workers Ordinance, 1943, have been abolished by the above amending Ordinance.

Kenya.

Employment (Amendment) Ordinance of 1957.

The effects of the above Ordinance have been (a) to delete "desertion" as one of the breaches of contract for which penal sanctions are impossible; (b) to remove the power to

fine a party to a contract when an award of compensation or damages presents difficulties of assessment or would not meet the special circumstances of the case; and (c) to deal more effectively with cases where workers make use of employers to secure transport to areas of employment and then quit without refunding transport expenses.

Northern Rhodesia.

For the Government's reply to an observation by the Committee of Experts see *Report of the Committee*, p. 688.

The Government had hoped that the new African Employment Bill would have been enacted by now, which would have included the repeal of certain penal sanctions. It has, however, not proved possible to have the Bill passed into law during the current year.

Swaziland.

The Government is still giving consideration to legislation to give effect to Article 2, paragraph 1, of the Convention. As regards Article 2, paragraph 2 (respecting non-adults) it is hoped that an early decision will be taken.

Tanganyika.

Employment Ordinance No. 47 of 1955 (*L.S.* 1955—Tan. 1).

The above Ordinance, which came into operation on 1 February 1957, has abolished all penal sanctions for breach of contract, but an employee commits an offence against the Ordinance if he owes money to his employer in respect of any wages or benefits in kind received in advance and if he leaves the service of his employer with intent not to return, in circumstances from which it would appear that he intended to defraud the employer.

* * *

The following report supplies information on the practical effect given to the Convention:

United Kingdom (Uganda).

The following reports merely reproduce or refer to the information previously supplied:

Italy (Trust Territory of Somaliland), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Bermuda, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Fiji, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Hong Kong, Malta, Mauritius, Montserrat, Nigeria, North Borneo, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Sierra Leone, Singapore, Solomon Islands, Trinidad and Tobago, Zanzibar).

69. Certification of Ships' Cooks Convention, 1946

This Convention came into force on 22 April 1953

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 modification¹: Guernsey, Jersey and Isle of Man.

No declaration: all other non-metropolitan territories.

¹ See footnote 1 to Convention No. 2.

France.

French West Africa.

The provisions of the Convention are not applied at present. However, it is intended to take measures for its application following a

general study of certificates of various kinds in the merchant navy.

Netherlands.

Netherlands Antilles.

Ships' cooks continue to be engaged on the basis of previous experience, as shown in their discharge papers.

The possibility is being studied of enacting statutory regulations concerning examinations in the few cases where it would be necessary.

Surinam.

In view of the limited extent of Surinam shipping it is not considered desirable to apply the provisions of the Convention for the present. Persons under 18 years of age are not eligible for work on board ship and only very experienced cooks are employed as ships' cooks.

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The following reports merely reproduce or refer to the information previously supplied:

France (Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *United Kingdom* (Guernsey, Jersey, Isle of Man).

73. Medical Examination (Seafarers) Convention, 1946

This Convention came into force on 17 August 1955

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.

France.

French Equatorial Africa.

There are only two vessels in the territory exceeding 200 tons gross registered tonnage. The shipowners arrange for the seamen whom they engage to be examined by a doctor.

French West Africa.

The provisions of this Convention could be declared applicable in the territory.

Italy.

Trust Territory of Somaliland.

The matter with which this Convention deals will be governed by the new shipping code now being examined in draft by the competent legislative bodies.

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The following reports merely reproduce or refer to the information previously supplied :

France (Cameroons, Comoro Islands, French Polynesia, French Somaliland, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland).

74. Certification of Able Seamen Convention, 1946

This Convention came into force on 14 July 1951

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.

Netherlands.

Netherlands Antilles.

In reply to an observation by the Committee of Experts in 1957 the report states that the relevant legislative provisions are contained in the Navigation Decree of 1953 (and not 1952, as erroneously given in the previous report). The report also gives details of the examination requirements for certification as able seamen.

Surinam.

Because of local conditions it is not considered desirable to apply the provisions of the Convention. In co-operation with local shipping

companies, the Surinam Seamen's League seeks to secure the engagement of able and experienced seamen.

United Kingdom.

Guernsey (First Report).

Merchant Shipping (Guernsey) Laws, 1915 to 1953.

Article 1 of the Convention. Section 2A of the Laws provides that a seaman engaged in any British ship registered in Guernsey shall not be recognised as able seaman unless he holds a certificate of competency as able seaman which has been granted by or is acceptable to the Minister of Transport in the United Kingdom, in accordance with the provisions of section 5 of the Merchant Shipping Act of 1948.

Article 2. The States of Guernsey do not conduct examinations for the granting of certificates of qualification. A seaman engaged on a British ship registered in Guernsey who wishes to take such an examination would do so in accordance with arrangements made by the Minister of Transport in the United Kingdom.

Articles 3 and 4. The issue of the certificate under Article 3 and the recognition of certificates according to Article 4 are matters to be decided upon by the Minister of Transport in the United Kingdom.

Jersey (First Report).

Merchant Shipping (Jersey) Act of 1956.

Article 1 of the Convention. Section 2A of the Act lays down the qualifications which are required before a seaman engaged in any

British ship registered in Jersey can be rated as an able seaman.

Article 2. Seafarers engaged as able seamen in ships registered in Jersey must possess certificates of competency issued in the United Kingdom or recognised under the provisions of section 5 (4) of the Merchant Shipping Act of 1948.

Article 4. Any certificate issued in another territory which is accepted in the United Kingdom is also recognised in Jersey.

The small number of vessels registered in Jersey and coming within the scope of the Convention does not necessitate the setting-up of separate implementing machinery. The law of Jersey in relation to the certification of able seamen is therefore on the same basis as the law of the United Kingdom.

United States.

American Samoa.

Provision has been made for the documenta-

tion of vessels in American Samoa under the Code of American Samoa, Chapter 25. The possibility of the application of the Convention to any covered vessels so documented is a matter for further study by the Government of the United States.

Trust Territory of Pacific Islands.

See under Convention No. 53.

* * *

The following reports merely reproduce or refer to the information previously supplied :

France (Cameroons, Comoro Islands, French Equatorial Africa, French Guiana, French Polynesia, French Somaliland, French West Africa, Guadeloupe, Madagascar, Martinique, New Caledonia, Réunion, St. Pierre and Miquelon, Togoland), *United States* (Alaska, Guam, Hawaii, Puerto Rico, Virgin Islands).

77. Medical Examination of Young Persons (Industry) Convention, 1946

This Convention came into force on 29 December 1950

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.*¹
No declaration : Guernsey, Jersey and Isle of Man.
Decision reserved : all other non-metropolitan territories.

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

France.

Algeria.

See under Convention No. 78.

Comoro Islands.

Overseas Labour Code of 15 December 1952 (*L.S.* 1952—Fr. 5), section 138.
Order of 26 October 1955.

Every worker must be medically examined

on engagement and at least once a year thereafter.

Furthermore, when any work involves a risk to the workers' health, the Labour Inspector may require either the whole of the staff or any worker to be medically examined at shorter intervals.

New Caledonia.

See under Convention No. 78.

* * *

The following report supplies information on the practical effect given to the Convention :

France (Comoro Islands).

The following reports merely reproduce or refer to the information previously supplied :

France (Cameroons, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Guadeloupe, Madagascar, Réunion St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland).

78. Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946

This Convention came into force on 29 December 1950

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.

France.

Algeria.

Decree No. 56-1995 of 14 December 1956 extended to Algeria the Act of 11 October 1946 relating to the organisation of occupational medical services as well as the Act of 15 March

1955 extending to transport undertakings the provisions of section 1 of the Act of 11 October 1946.

Comoro Islands.

See under Convention No. 77.

New Caledonia.

Although there are no regulations governing the medical examination of children and young persons to determine aptitude for employment in industry, they do in practice undergo a brief medical examination on engagement at the employer's expense. This examination is

more thorough in the case of employment in the public sector.

* * *

The following report supplies information on the practical effect given to the Convention:

France (Comoro Islands).

The following reports merely reproduce or refer to the information previously supplied:

France (Cameroons, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Guadeloupe, Madagascar, Réunion, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland).

79. Night Work of Young Persons (Non-Industrial Occupations) Convention, 1946

This Convention came into force on 29 December 1950

Italy. Ratification: 22 October 1952.
No declaration.

The following report merely reproduces the information previously supplied:

Italy (Trust Territory of Somaliland).

81. Labour Inspection Convention, 1947

This Convention came into force on 7 April 1950

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. Ratification¹: 28 June 1949.
Applicable *ipso jure* without modification²: Guernsey, Jersey and Isle of Man.

Applicable without modification: Antigua, Barbados, British Guiana, Brunei, Cyprus, Gibraltar, Grenada, Jamaica, Kenya, Malta, Mauritius, Nigeria, North Borneo, St. Vincent, Sarawak, Singapore, Tanganyika, Uganda.

Applicable with modifications: British Honduras, Hong Kong, Sierra Leone.

Decision reserved: Aden, Bahamas, Basutoland, Bechuanaland, Bermuda, British Somaliland, British Virgin Islands, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Montserrat, St. Helena, St. Christopher, St. Lucia, Seychelles, Solomon Islands, Swaziland, Zanzibar.

No declaration: Dominica, Northern Rhodesia, Nyasaland, Southern Rhodesia, Trinidad and Tobago.

¹ Excluding Part II.

² See footnote 1 to Convention No. 2.

France.

Cameroons.

Since the Cameroons has had its own Ministry inspectors whose authority extends over a

number of districts report to the Minister of Labour and Social Legislation, the same professional standards being maintained.

Réunion.

In reply to the Committee's request the following new information is supplied:

Articles 10 and 11 of the Convention. Since 1956 the labour inspection service has been relieved of responsibility in respect of the employment service. There is one Chief Inspector of Labour and Manpower for the département and two supervisors. Justifiable expenses incurred by members of the inspection staff are reimbursed.

Articles 12 and 13. Labour inspectors and supervisors are members of the metropolitan Inspectorate and have all the powers indicated in Articles 12 and 13.

Article 14. A copy of any notifications of industrial accidents or occupational diseases made to the General Social Security Fund is sent immediately to the inspection service. The service, if it thinks fit, may then institute an inquiry into the case.

Article 15, paragraph (c). The provision of this paragraph is respected at all times.

Article 16. Establishments are subject to regular inspection as far as practicable within the general responsibility of the service.

Articles 17 and 18. Legal provisions ensure the application of the provisions of these Articles.

Articles 19 to 21. Monthly and annual reports on the activities of the inspection service are supplied to the Central Administration.

Netherlands.

Netherlands Antilles.

Article 12 of the Convention. In reply to the request for information regarding application of this Article, and particularly of paragraph 1(c), the Government states that the members of the labour inspection service, having the status of investigating officers, are authorised to ask for any information, to interrogate any person and to examine any papers or documents in so far as they consider this necessary for the performance of their duties. They are also entitled to require the posting of notices and authorisations regarding the working of overtime, and to take samples.

The inspection report for 1956 is appended.

Surinam.

Article 8 of the Convention. At present the staff of the labour inspection service consists of men only. It has not yet been considered necessary to include women, although this could be done.

Article 11. The inspection staff have offices suitably equipped in accordance with the requirements of the service and accessible to all persons concerned. They are provided with transport facilities. Travelling expenses are refunded to the labour inspectors as to all other officials.

Article 12. The labour inspectors have the powers for which provision is made in this Article, excepting those specified in paragraph 1(c) (iii) and (iv).

Article 13. The labour inspectors do not have

the powers for which provision is made in this Article.

Article 14. Employers or their representatives are required to notify the Director of the Department of Social Affairs within 48 hours of industrial accidents or cases of occupational disease.

Article 15. Account is taken of the fact that an inspector may not supervise any undertaking in which he has a direct or indirect interest. The obligation not to reveal confidential information, as provided in this Article under (b) and (c), is laid down in section 10 of the Labour (Safety) Decree, 1947.

Article 20. The annual reports of the labour inspection service for 1954, 1955 and 1956 are appended to the Government's report.

United Kingdom.

Jersey.

The Jersey Insurance Committee has appointed a full-time inspector to carry out duties in connection with the provisions of the Safeguarding of Workers (Jersey) Law, 1956.

* * *

The following reports supply information on the practical effect given to the Convention or on minor changes in its application:

France (Algeria, Cameroons, Guadeloupe, Madagascar, New Caledonia).

The following reports merely reproduce or refer to the information previously supplied:

France (Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *United Kingdom* (Guernsey, Isle of Man).

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.
Decision reserved: Sarawak.
No declaration: British Somaliland, Guernsey, Jersey, Isle of Man.

Applicable without modification: Aden, Bahamas, Bermuda, British Guiana, British Honduras, Dominica, Gambia, Gibraltar, Grenada, Jamaica, Leeward Islands, Malta, Mauritius, Northern Rhodesia, St. Helena, St. Lucia, St. Vincent, Southern Rhodesia.

Applicable with modification: all other non-metropolitan territories.

Belgium.

Belgian Congo and Ruanda-Urundi (First Report).

Decree of 25 June 1949 respecting contracts of employment.

Decree of 1 August 1949 respecting employment injury (indigenous workers).

Decree of 26 May 1951 to establish a family benefits scheme for indigenous workers.

Royal Order of 19 July 1954 to co-ordinate the provisions of decrees concerning contracts of employment for indigenous workers.

Decree of 6 June 1956 respecting workers' pensions in the Belgian Congo and Ruanda-Urundi.

Articles 1 to 3 of the Convention. The government departments responsible for agriculture, economic affairs, education and public health

are in the process of developing the territory and at the same time raising the living standards of the indigenous population through the improvement of industry, agriculture, transport, the power supply, education and public health. Various private organisations, under government supervision, co-operate with such public bodies as the Ten-Year Plan Administration, the Executive Board of the Cotton Prices Stabilisation Fund (*Cogerco*), the Welfare Fund, the Congolese Institute of Agricultural Research (*Inéac*) and the Congolese Institute of Scientific Research (*Irsac*), the Land Settlement and Industrial Development Fund, the Savings Fund, the Temporary Agricultural Credit Fund, the various vocational training centres and the agricultural co-operatives.

Public investments have been aimed from the start at raising the standard of living of the population, and there is no possibility that private investments will harm the interests of the population, which are effectively safeguarded by the labour laws and those governing land tenure and mines.

Article 4. In the field of public health, 2,228 medical units set up by public or private initiative provided care for more than 2 million cases in the course of last year.

Constant health supervision is exercised both in the major centres and in hinterland villages. The public health service is successfully pursuing its campaign against insects and rodents and also carries out frequent samplings of water.

In the housing field, apart from the work done by the African Urban Housing Office, which is engaged in a large-scale programme of urban construction, financial assistance for home builders is available in the form of substantial loans for the Housing Credit Fund and outright grants from the King's Fund.

In rural areas the Rural Welfare Fund and, in the cities, other specialised bodies, assist in the construction of well-designed dwellings.

Moreover, the labour legislation requires employers either to provide their workers with decent housing or to grant them housing allowances.

The efforts made by the Department of Agriculture have resulted in the replacement of a subsistence economy by a market economy. The traditional diet of the population has been improved.

In 1955 there were in the Congo 26,265 schools attended by 1,257,500 children.

Not only has the primary school system been developed, but there has been a corresponding increase in the number of secondary schools. Moreover, two universities have been founded. The technical education system is also expanding rapidly.

Child welfare has benefited by the tremendous progress achieved in the medical, educational and nutritional fields.

For a number of years legal provision has been made for the care and upbringing of abandoned children, orphans and under-age children, and various measures have been taken to deal with juvenile delinquency.

A large number of rural and welfare centres and private associations for the advancement of women have helped to equip the African woman to play her part in a changing society.

A similar function is fulfilled by the female education system.

The employment of women on heavy work or during the night is prohibited by law.

As regards conditions of work the labour laws contain strict provisions prescribing safety and health measures.

As regards wages the report refers to the information given under Convention No. 26.

Special credit facilities are provided under easy terms for independent producers.

Workers' recruitment is governed by special provisions which are in conformity with those of Conventions Nos. 50 and 100.

In the field of social security an elaborate statutory scheme exists in the Congo.

Transport facilities have been improved and various types of industrial undertakings have been set up.

Moreover, thanks to the development of both subsistence and cash crops in rural areas, the standard of living has been raised.

Article 5. Representatives of the indigenous population nominated by the organisations to which they belong and appointed by the Administration take part in the work of various advisory bodies, such as regional and provincial labour commissions, and agencies with mandatory powers, such as the Family Benefits Council, the Workers' Pensions Council and the local workers' committees.

Finally, the population is represented in the Indigenous Welfare Committee and other organisations concerned with social welfare.

Articles 6 and 7. It has always been the policy of the Government that economic and social progress, as reflected in current legislation, should go hand in hand. The various councils and advisory bodies set up to deal with social questions at the regional and territorial level ensure that economic development plans do not constitute a hindrance to the healthy progress of communities.

There are no permanent migratory currents. Such haphazard movements as do take place in frontier areas are too slight to disrupt the traditional social units.

The African Urban Housing Office has as its purpose the improvement of sanitary and other conditions on land located in, or just outside, urban areas, and the construction there of dwellings and community buildings, together with all their equipment.

In rural areas a special body, the F.B.E.I., provides technical assistance in the construction of well-appointed houses.

Urban congestion is avoided by planning city blocks so as to provide sufficient space in between, and by the construction of semi-rural suburban settlements with good transport and communication facilities. Measures have been taken to improve agriculture and to discourage the flight of the rural population towards the cities.

The industrial and agricultural development of the hinterland is promoted by the Land Settlement and Industrial Development Fund and by the Temporary Agricultural Credit Fund.

The undertakings established as part of this process provide technical training for Africans while, at the same time, improving their living

conditions within their traditional rural environment.

Article 8. The Government is taking action to increase agricultural productivity and with it the income of agricultural producers.

The necessary financial resources for the development of community farms are provided under the Ten-Year Plan, which calls for the setting up of small-scale peasant holdings, and by the Cotton Prices Stabilisation Fund, which subsidises the purchase of light farm equipment, the processing of crops and the maintenance of roads, the Welfare Fund and the Temporary Agricultural Credit Fund, which grants individual or collective loans.

Mention should also be made of the agricultural co-operatives. Minimum wage rates are determined by the Government in co-operation with the occupational organisations.

Any transfer or grant of land is preceded by an official investigation to establish the rights of the indigenous people and whether they agree to the proposed transaction.

Land granted for the purpose of commercial operations or the establishment of residence may not exceed an area which is fixed at 50 ares and 2 or 5 hectares, respectively.

Whenever an application is made for the grant of land a careful investigation concerning the availability of the land is carried out in consultation with the Africans concerned in order to determine their traditional rights. The results are submitted to the higher authorities who then take the necessary measures to protect the interests of the population.

The authorisation to occupy the land is granted only where the prospective occupier guarantees that it will be used for productive purposes.

Agricultural workers enjoy the same benefits as other workers and their standards of living are very satisfactory. The Labour Inspectorate regularly and effectively supervises labour conditions in agricultural undertakings.

In order to enable agricultural workers to share in the benefits of increased production or higher prices, a number of undertakings grant bonuses based on the operations of the undertaking.

The living standards of independent farmers have been improved, thanks to various measures taken by the administration and other bodies. The relevant legislation is aimed at promoting indigenous co-operatives and giving them a legal status.

Article 9. Various measures will be taken to secure for independent producers and wage earners conditions such as will enable them to improve their living conditions; these measures include the establishment of vocational training centres, credit institutions (Temporary Agricultural Credit Fund), savings funds, and other measures. Moreover, official inquiries into living conditions are carried out in connection with the study of specific problems, the fixing of minimum wage rates and the calculation of cost-of-living indices. Account is taken of the needs of families in determining the minimum living standard.

Article 10. See under Article 7. The duration of the employment contract may not

exceed one year if the worker is separated from his family. Family allowances are maintained if the employer is responsible for such separation or if it is due to the nature of the employment.

Article 11. Partial transfers of wages are easily handled through the many post offices existing throughout the country. Workers with savings accounts can also make deposits or withdrawals through postal channels.

Article 12. Except in frontier areas where a few workers from foreign territories are employed seasonally, no use is made of foreign labour. Such workers as do enter from the neighbouring territories enjoy the same advantages as are granted by law to local workers.

International negotiations are now under way for the purpose of regulating the admission of workers from the Belgian Congo and Ruanda-Urundi to British East Africa.

Article 13. Minimum wage rates are based on the local cost of living.

Article 14. It is not the practice in the Congo to fix minimum wage rates by collective agreements freely negotiated between trade unions which are representative of the workers concerned and employers or employers' organisations. Instead, regional and local minimum wage rates are fixed annually by provincial committees for labour and indigenous social progress, in which representatives of the employers and the workers or their organisations are represented in equal number.

Minimum wage rates are published in provincial orders which appear in the administrative bulletin of the Belgian Congo and are displayed in government offices.

The Labour Inspectorate is entrusted with the enforcement of orders fixing minimum wage rates. Where a worker has received a wage less than the statutory minimum he may, through a court order, secure payment of the balance. However, redress in such cases is usually obtained out of court, through the mere intervention of the Labour Inspectorate.

Article 15. All earnings are required by law to be entered in the individual booklet issued to each worker at the time of his engagement. Wages are paid directly to the worker. The Decree of 25 June 1949 respecting contracts of employment requires wages to be paid in legal tender and prohibits their payment in taverns or stores, except in the case of workers employed in such establishments. The decree also specifies that wages must be paid at intervals of not more than one month and, in the case of expiry of the employment contract, not later than two days after the cessation of employment. The type of food to be provided for workers is determined by the local authorities on the basis of regulations which specify both the amount and the type of food which shall make up the minimum ration. The minimum cash value of the ration is fixed by order of the provincial governor or local authority. As regards the housing to be provided by the employer, detailed minimum standards are laid down in the general administrative order respecting contracts of employment.

The minimum cash value of the housing is laid down in an order issued by the provincial

governor, having regard to the composition of the worker's family.

Clothing is taken into account in the establishment of the budget used as a basis for the determination of the minimum wage. The general order mentioned above contains detailed provisions in this respect. Any employer who makes unauthorised deductions or deductions in excess of the specified limit is guilty of an offence which constitutes an appropriate ground for immediate termination by the worker of his contract of employment and for the payment of damages by the employer. Moreover, if the deduction has been made in bad faith the employer is liable to penal sanctions. All wage deductions in respect of supplies and services forming part of the remuneration are illegal. The statutory minimum wage is fixed without regard to any supplies (or their cash equivalent) which the worker may receive in addition to his cash wages.

Article 16. Wage advances may not exceed 12 months' wages, except where their purpose is the construction, purchase or alteration of a home made of durable materials. Advances granted at the time of recruitment may not exceed the equivalent of three months' wages. The advances are repayable through deductions of up to one-third of the worker's wage, when he is housed and fed by the employer, and one-fifth in other cases.

Advances in excess of the statutory amount are not repayable through wage deductions.

Article 17. The purpose of the Savings Fund is to teach thrift to the Africans. All deposits are guaranteed by the State. A victim of usury may institute civil proceedings, the courts being empowered to reduce excessive interest rates at their discretion. The amount of interest which government agencies may charge on individual collective loans is fixed by law.

Article 18. Some discrimination is made between African and other workers. It is based on differences in vocational skill and output, which are still considerable. Gradually, however, and thanks to the vocational training scheme, the situation is changing and it is becoming possible—as indeed is contemplated by legislation—to extend the benefit of the provisions governing European workers to Africans.

In so far as working conditions and safety and health measures are concerned, the same legislation applies indiscriminately to all workers.

Collective agreements have not yet been introduced in the Congo.

Subject to the reservations stated above, the minimum wages of African workers are gradually increasing. The problem of wages remains the subject of constant and careful attention on the part of the Government.

Article 19. Thanks to the efforts of the Government, the missions and various societies 1,257,500 children are now attending school.

The educational system includes secondary and higher education establishments, post-primary education system, evening courses, etc.

There are also apprenticeship schools giving a two-year course, and trade schools with a four-year curriculum. Enrolment in the former

now amounts to 3,361 and in the latter to 3,115; in addition, 5,075 pupils are being trained in rural apprenticeship schools. Altogether, there are 143 vocational training establishments, not counting 19 centres for accelerated vocational training.

Housekeeping courses are given in general educational schools and special schools have been set up for the training of assistant-teachers, maternity nurses and welfare workers.

There is no statutory school-leaving age. Labour legislation prohibits the employment of children on other than light and subsidiary work. In practice, undertakings do not employ boys under 15 years of age.

The law also contains strict provisions concerning young persons engaged as apprentices.

Article 20. See under Article 19.

Training establishments and agencies, being state-operated or subsidised, are *ipso facto* subject to government control. This is carried out by three advisory councils which follow all developments in the educational field. This system also ensures consultation with trade unions and other occupational organisations.

The Labour Inspectorate bears primary responsibility for the enforcement of the laws and regulations mentioned in the report.

Employers' and workers' organisations, particularly the latter, make frequent demands relating to the questions dealt with in this report.

France.

Cameroons.

Decree of 16 April 1957 to define the status of the Cameroons.

The above-mentioned decree provides that the Territorial Legislative Assembly shall be competent to deal with the following matters: tutelage of communes and rural communities, organisation of the local representation of economic interests, the Labour Code and methods of implementing it, social affairs, education, health and hygiene, and economic development. Thus the people, acting through their elected representatives, are able to control the economic and social development of the Cameroons.

A policy for the support of the prices of agricultural products is being consistently pursued. Land grant transactions take place under the supervision of both customary and administrative authorities. Co-operatives are encouraged and their activities are co-ordinated by a body which groups both the co-operatives and provident funds.

A minimum wage for agricultural wage earners is fixed by administrative order. The standard budget established for urban workers scarcely applies to agricultural workers, owing to the large number of subsistence crops which are consumed on the spot, instead of being marketed, and which cannot be valued accurately.

Madagascar.

Decree of 4 April 1957 respecting the establishment and operation of rural communities in Madagascar.

The question of amending the over-all guaranteed minimum wage and the make-up of the minimum budget has been under examination since December 1956. Proposals to raise wages and reduce the number of wage zones will be submitted in the near future to the competent authorities for study.

New Caledonia.

The raising of the standard of living of both European and Melanesian agriculturists and the increase in local production have been promoted over many years by the establishment of agricultural extension services in selected areas, by the development of the co-operative movement with the support of the Central Territorial Agricultural Credit Fund, by land improvement and irrigation schemes, by increased and improved output, and by better marketing facilities.

With regard to the utilisation of natural resources on land other than that traditionally reserved for indigenous communities, the setting up of new undertakings, both for European and Melanesian farmers, has been decided by the Territorial Assembly. This is to be achieved through the purchase of large estates and their distribution to new settlers.

Loans are available, during the period of installation, for young farmers, less privileged settlers and new agricultural co-operatives. An average cost-of-living index is established, based on the essential needs of a family in modest circumstances consisting of four persons, and wage adjustments corresponding to variations in the cost of living and affecting about 70 per cent. of the labour force are made each month.

Short or medium-term loans for self-employed workers and independent producers are provided by public credit organisations or similar bodies.

Both the school-leaving age and the minimum age for entering employment are fixed at 14 years. A comprehensive set of apprenticeship regulations and also a specification of the undertakings in which apprentices shall constitute a prescribed percentage of the workers will be issued shortly.

New Zealand.

Western Samoa.

This Convention has not been applied to Western Samoa, although the New Zealand Government, for its part, undertakes the obligations imposed by this instrument. Pursuant to this, special attention is drawn to the political advancement made in the territory during the period under review, consequent on the passing of the Samoa Amendment Acts in 1956 (No. 1 in May and No. 2 in October), and also the economic advancement achieved through the transfer, under the second Act, of the New Zealand Reparation Estates to the Western Samoan Government. These Estates now operate under the control of a special Corporation established by the Act and designated the "Western Samoa Trust Estates Corporation".

United Kingdom.

Aden.

Article 14 of the Convention. The Government recently indicated its intention of appointing a Joint Consultative Council for the Colony of Aden to take the place of the Labour Advisory Board, which will not be reappointed. The Aden Trade Union Congress has been invited to nominate two members to serve on the Council, but has not yet done so.

Antigua.

Article 7, paragraph 2, of the Convention. The Government participates in a system of recruitment of workers for agricultural work in the United States and the United States Virgin Islands. This migration presents no known problems.

Article 14. Several joint conferences were held during the period under review which led to increases in wage rates in various industries and services; details of these increases are given in the report of the Antigua Labour Department for 1956, quoted in the report.

Article 17. Peasants are granted loans at low interest rates by the Government through the Peasant Development Office, to be used for the cultivation and reaping of crops.

Bahamas (First Report).

Labour (Minimum Wage) Act of 1936.
Encouragement of Industries Act of 1951.

Articles 3, 5 and 7, paragraph 1, of the Convention. See General Note by the Colonial Office in last year's report.¹

Article 7, paragraph 2. There is no migratory movement of population other than the recruitment of labour for agricultural work in the United States.

There is no concentration of population anywhere in the Bahamas save in Nassau, where considerable attention is being paid to town planning.

Various small industries enumerated in the report and employing not more than 25 to 30 employees have been established under the above-mentioned Act of 1951.

Article 8. There is no chronic indebtedness. Agricultural land in the accepted sense of the word is almost unknown in the Bahamas. The bulk of the land in the colony is only suited to small-scale peasant farming and there are no measures to control the alienation of the latter. There are a number of small farmers' associations throughout the colony which are fostered by the Agricultural Department and helped with both stock and advice on improved seeds.

Article 9. A cost-of-living index is maintained. Basic foodstuffs are imported duty free from Commonwealth sources, and from non-Commonwealth sources at nominal duty rates.

Articles 10, 12 and 13. Family allowances are deducted from the wages of Bahamian

¹ International Labour Conference, 40th Session, Geneva, 1957, Report III (Part I): *Summary of Reports on Ratified Conventions (Articles 22 and 35 of the Constitution)* (Geneva, I.L.O., 1957), pp. 346-348.

agricultural workers in the United States and are remitted to a named dependant through the Labour Recruiting Office in Nassau. Workers are covered by a comprehensive contract of service and their welfare is under constant supervision by Bahamas Government Labour Liaison Officers. Wages in the United States are related to wages paid to American agricultural workers. Turks Islanders require immigration permission to come to the Bahamas to work. They enjoy the same status as Bahamian labour.

Article 14. Prevailing wage rates are generally more favourable than rates prescribed by orders made under the Labour (Minimum Wage) Act.

Article 15. All wages throughout the colony are paid in legal tender direct to the worker.

Article 16. In general, advances on wages are not made or encouraged. Any advance would be on a modest scale and the outcome of agreement between the worker and the employer and would be well below a week's wages. No difficulties have come to light to date.

Article 18. There is no racial discrimination.

Articles 19 and 20. Attendance at elementary schools is compulsory throughout the colony for all children between the ages of 6 and 14 years. Scholarships are awarded to deserving students whose parents cannot afford to pay for their secondary education. Little or no progress has been made in technical and vocational training but these two matters are at present receiving the close attention of the Legislature.

Barbados (First Report).

Education Act, 1890.
Landlord and Tenant Acts, 1897-1955.
Peasants' Loan Bank Acts, 1936-43, and amending Acts of 1945 and 1952.
Local Food Production (Defence) Control Order, 1942.
Wages Board Act, 1943.
Co-operative Societies Act, 1949.
Petroleum Act, 1951.
Natural Gas Corporation Act, 1950.
Underground Water Control Act, 1951.
Protection of Wages Act, 1951 (as amended).
Labour Clauses (Public Contracts) Act, 1952 (*L.S.* 1952—Bar. 1).
Security of Tenure of Small Holdings Act, 1955.
Wages Councils Act, 1955.

Articles 3, 5 and 7, paragraph 1, of the Convention. See General Note by the Colonial Office in last year's report.¹

Article 7, paragraph 2. Migratory movements are kept under constant review and special surveys are made from time to time.

Town and country planning legislation is in an advanced stage of preparation. The Government, through various agencies, is creating and maintaining amenities in rural areas comparable to those in urban areas. The development of industries is encouraged by fiscal and other means.

Article 8. Elimination of the causes of chronic indebtedness is sought by providing for low rental housing, hire-purchase of houses on easy terms, aided self-help housing, low interest-

bearing loans, the limiting of interest rates, and by other measures referred to in the report.

No measures have been taken to control the alienation of agricultural land to non-agriculturists, but town and country planning legislation is in an advanced stage. Although there is no control of the ownership of land, the use of agricultural land is controlled by the competent authority.

Property in petroleum in its natural state is vested in the Governor-in-Executive Committee and licences for prospecting and recovering this product are issued with due regard to the interests of the population. A corporation has been created to exploit natural gas in the interests of the population, and a board has been established with statutory powers to control the use of underground sources of water supply. Legislation is in preparation for soil conservation and for the prevention of soil erosion.

Tenancy is regulated by the Landlord and Tenant Acts, 1897-1955, and the Security of Tenure of Small Holdings Act, 1955. The Acts of 1955 are not yet in operation. The sharing by tenants and agriculturists of advantages resulting from improvements in productivity or price levels is satisfactorily regulated by collective agreements. The report refers, in regard to Article 8 (*e*), to the Co-operative Societies Act, 1949.

Article 9. Considerable assistance is given to independent producers by such services as markets for the sale of produce, agricultural credit, a low-cost artificial insemination scheme, a tractor ploughing service, etc.

Articles 10 to 13. Under the general arrangements governing employment of West Indian labour in the United States, Barbadian workers receive the same wages and working conditions as United States nationals in similar work. Provision is made for the remittance of money to dependants in Barbados. In view of the limited size of the colony no special problems arise in regard to internal migration.

Article 14. The Labour Department promotes the development of trade unions. Through British West Indian Regional Agencies a number of courses in industrial relations have been held for worker trade unionists and employers. Free conciliation, inquiry and arbitration services are available.

No wages councils have yet been established under the Wages Councils Act, 1955. A schedule of fair and reasonable rates is prepared by the Labour Commissioner (after consultation with employers' and workers' representatives) in respect of public contracts. Workers and employers are informed of minimum wage rates by notices in the press or in workplaces, and through trade unions and government wages inspectors.

As regards paragraph 4 of this Article, the report refers to section 12 (2) of the Wages Councils Act, 1955, and section 10 of the Labour Clauses (Public Contracts) Act, 1952.

Articles 15 and 16. Although these Articles have been declared inapplicable under Article 21 of the Convention, the report refers to the Protection of Wages Act, 1951 (as amended)

¹ See above, footnote, p. 210.

in so far as it applies the provisions of these Articles in the case of "manual workers".

Article 17. Friendly societies, co-operative societies and credit unions are encouraged, supervised and protected by the Central Government or by an agency of the Central Government. Savings bank facilities are available in all post offices.

Interest on loans is limited by legislation to 6 per cent. by the Rate of Interest Act, 1954. The report also refers to the Peasants' Loan Bank Acts, 1936-43.

Article 18. There is now practically no discrimination. What discrimination remains on grounds of race and colour—mainly in the engagement of "white collar" workers in the lower ranks of commerce—is rapidly disappearing, as is discrimination against women as regards rates of pay. No special measures are considered necessary.

Article 19. An extract from the report of the Department of Education for the year ended 31 August 1954 is appended to the report. As regards paragraphs 2 and 3 of this Article, the report refers to section 22 of the Education Act of 1890, and the Regulation made thereunder.

Article 20. No special measures have been taken to provide training in new production techniques.

The various authorities charged with the administration of the legislation are listed in the report. The main responsibility for inspection rests with the Labour Department.

British Guiana (First Report).

Sugar Industry Special Funds Ordinance (Cap. 248), and Orders and Regulations thereunder.

Mining Regulations (Cap. 196).

Industrial Training Ordinance (Cap. 94), and Regulations thereunder.

Education Ordinance (Cap. 9).

Employment of Women, Young Persons and Children's Ordinance (Cap. 107).

Labour Ordinance (Cap. 103), and Minimum Wages Orders thereunder.

Labour (Conditions of Employment of Certain Workers) Ordinance (Cap. 110), as amended.

Factories Ordinance (Cap. 115), and Regulations thereunder.

Limitation Ordinance (Cap. 26), as amended.

Bakeries (Hours of Work) Ordinance (Cap. 120).

Town and Country Planning Ordinance (Cap. 81).

Housing Ordinance (Cap. 182).

Lands and Mines Department Ordinance (Cap. 170).

British Guiana Credit Corporation Ordinance, 1954.

Rice Farmers (Security of Tenure) Ordinance, 1956.

Articles 3, 5 and 7, paragraph 1, of the Convention. See General Note by the Colonial Office in last year's report.¹

Article 7, paragraph 2. There are no large-scale migratory movements but there is some "drift" from the rural areas to Georgetown which is expected to be checked by improved housing and electrification in rural areas.

The planning of town and village extensions and of new residential areas for land settlement schemes is undertaken by the Housing and Planning Department. New housing areas are now being developed in Georgetown and New Amsterdam.

Recommendations by the International Bank

¹ See above, footnote, p. 210.

for Reconstruction and Development resulted in an accelerated Two-Year Development Programme, 1954-55, subsequently absorbed in the current Five-Year Development Programme, 1956-60. The report enumerates the objectives of this programme, and adds that the main emphasis of public investment is on the development of rural areas and improved conditions of rural life. Suitable minor industries are being set up in rural areas. An urgent need for more land is being met by large-scale drainage, irrigation, land settlement and land development projects. The provision of electricity, housing, hospital and school programmes and facilities for pure drinking water should lead to a marked improvement of living conditions in rural areas. Community development and rural aided self-help schemes are improving living standards in villages and other rural settlements.

Article 8. Chronic indebtedness of farmers has been relieved by the establishment of a Credit Corporation, which provides loans to promote development in agriculture, industry, forestry, fishing and rural and urban housing, and to stimulate productive investment by local and foreign capital. The Government has also encouraged the establishment of Village Co-operative Credit Societies, which, at the end of June 1956, numbered 144.

There is no legislation controlling the alienation to non-agriculturists of privately-owned agricultural land. The transfer or mortgaging or leasing of all Crown and Colony lands held under title has to be approved by the Government.

There is no legislation to control the use of privately-owned land or resources.

Agricultural leases of Crown and Colony lands are granted on the condition that such lands must be beneficially occupied. Titles of land not so occupied are cancelled in order to provide land for the landless.

The Rice Farmers (Security of Tenure) Ordinance, 1956, controls rents for rice lands and security of tenure, and provides tenants with certain other safeguards. Tenures of other lands are not controlled by legislation. The Government Marketing Organisations and the Rice Marketing Board provide some measure of stability in commodity prices, which would reflect some benefit in the living standards of farmers and tenants.

In the main agricultural industries—sugar and rice—there are active trade unions representing wage earners. Wages and other conditions of employment are constantly reviewed through collective bargaining.

In addition, the Sugar Industry Special Funds Ordinance and related enactments promote the general welfare of labourers by providing social and recreational facilities and by granting loans to workers to assist them to build their own houses.

Producers' and consumers' co-operatives have been encouraged as much as possible and, for the period under review, there were 28 producers' and 20 consumers' societies in the territory.

Article 9. The wages of a substantial number of wage earners are regulated by collective bargaining. In trades or industries in which

workers are not adequately organised in trade unions and where wages are low, the Government has regulated wages and conditions of employment under the Labour Ordinance, and on recommendations by advisory committees on which employers and workers are represented.

A Family Living Study, which began in 1955 and was conducted by an expert from the I.L.O., took into account family expenditure in respect of food, clothing medical care, education, etc., and an advisory committee of workers' and employers' representatives was consulted. The expert's report is now being considered by the Government.

Article 10. There is no legislation to meet the requirements of this Article, for there is no large-scale migration of workers within the colony. The report mentions the facilities available to workers leaving their normal place of residence in the coastlands to work in the interior.

Article 11. No special provision is made to encourage the transfer of part of the wages and savings of workers from the area of labour utilisation to the area of labour supply. The normal facilities, i.e. Government post offices or agencies, are however provided in a few industrial centres. In most industries in the interior arrangements exist for the payment of wages to workers' families at the head offices of the employers in Georgetown.

Article 12. The circumstances covered by this Article do not arise.

Article 13. While it has not been definitely determined which areas are "low cost" and which are "high cost", wage rates have no doubt taken the local cost of living into account. Moreover, minimum wage orders generally fix higher rates for Georgetown and New Amsterdam than for country districts.

Article 14. The fixing of minimum wages and working conditions by collective agreement is, wherever possible, encouraged and in particular parties in industry are, where necessary, encouraged to agree to procedures for this purpose.

Where no adequate arrangements exist for fixing wages by collective bargaining, and where wages are low and working conditions unfavourable, the Government has taken legislative measures after inquiry and recommendations by an advisory committee on which workers and employers are represented. The report gives instances in which wages have been determined in this manner.

Wage rates are published in the Official Gazette and in the daily newspapers. Officers of the Enforcement Section of the Department of Labour inspect workplaces in order to see that minimum wages are paid.

A worker who has been paid wages at less than the prescribed rate may recover the full amount due to him within six years from the time when the wages have become due.

Article 15. The Labour Ordinance gives a worker the right to the entire amount of his wages subject to certain deductions. Records of wages must be kept in all cases where wages are prescribed by legislation, in the baking and

mining industries and in the case of all government contracts.

Wages are paid directly to the workers concerned unless they authorise the employer to pay someone else. The Labour Ordinance provides that contracts to pay wages other than in money are illegal; but provides that food, drink (not being intoxicating), accommodation and other allowances or privileges may be given in addition to money wages as remuneration for services. The payment of wages within a retail spirit shop is prohibited. Wages are generally paid at weekly or fortnightly intervals.

In the interior districts, owing to the absence of banking facilities, wages are sometimes paid at the end of the contract or when workers return to the coastal areas. Workers are, however, allowed advances on their wages during the contract period.

Supplies and services are not usually provided as part of remuneration, though free housing accommodation is sometimes provided in addition to wages, particularly in the interior.

Under the Mining Regulations, 1931, employers are bound to provide workers with rations according to an approved scale. Similar arrangements are made for workers employed by the Government on surveying in the interior.

Workers are generally well informed of their wage rights either through their trade unions or through the Department of Labour.

Supplies and services are normally given to workers in addition to wages. Where a deduction is made, however, the Labour Ordinance limits the amount deductible to the actual or estimated cost of the goods and services supplied to the employee for his personal use.

Article 16. The Labour Ordinance limits the amount which may be stopped or deducted from the wages in any one month to one-third of the employee's wages in that month, and forbids deductions on account of poundage, discount, interest, commission or any similar charge. There is no provision limiting the amount of advances which may be made to a worker in consideration of his taking up employment. In practice, however, employers tend to restrict advances to a reasonable amount.

Article 17. Credit societies have been established among farmers and other producers and thrift societies among salary and wage earners. At the end of June 1956 there were 120 thrift societies in the territory. While moneylending has caused severe hardship among farmers, the establishment of the British Guiana Credit Corporation in 1954, as a central financing agency for agricultural and industrial development, has helped to displace the moneylender to a considerable extent in many areas.

Article 18. There is no discrimination in this colony among workers on any grounds, except perhaps sex. Women are not, however, generally called upon to do the same type of work as men.

Article 19. A board appointed under the Industrial Training Ordinance arranges for the training of apprentices in various trades. Vocational training is also offered at the Government Technical Institute and in some government departments. The Juvenile Employment

Committee is considering a scheme for the training of girls.

The Education Ordinance prohibits the employment of children under the age of 14 years, but permits services carried out for parents provided that these are such as are usually performed by children and provided that they are not carried out during school hours.

The Factories Ordinance prohibits the employment of any person under the age of 14 years in factories.

The Factories (Health and Welfare) Regulations, 1951, regulate hours of work, night work, rest periods and weekly rest for boys under the age of 16 years in factory employment; and the Employment of Women, Young Persons and Children's Ordinance prohibits the employment of children under the age of 14 years in any industrial undertaking, and the night work of persons between the ages of 14 and 16 years in any industrial undertaking, subject to certain exceptions.

Article 20. There is no special provision for the training of workers in new production techniques. If these are adopted in production processes, it is usual for management to train its own staff to carry them out.

The report lists the authorities responsible for the application of the legislation.

British Honduras (First Report).

Town and Country Planning Ordinance No. 6 of 1947.

Slum Clearance and Housing Ordinance, 1947.

Marketing Board Ordinance, 1948 (as amended).

Public Roads Ordinance (Cap. 42, C.L. 1924).

Land Acquisition Ordinance, 1947.

Co-operative Societies Ordinance, 1948.

Credit Union Ordinance, 1947.

Moneylenders Ordinance, 1954.

Education Ordinance, 1926.

Labour (Minimum Wage) Ordinance, 1940.

Employers and Workers Ordinance, 1943.

Employers and Workers Regulations, 1943.

Liquor Licensing Ordinance (Cap. 126, C.L. 1924).

Employment of Women, Young Persons and Children Ordinance, 1933.

Employment of Children Ordinance, 1940.

Articles 3, 5 and 7, paragraph 1, of the Convention. See General Note by the Colonial Office in last year's report.¹

Article 7, paragraph 2. There are no migratory movements in British Honduras. Apart from Belize itself, there are as yet no regions where economic needs have caused a concentration of population. A Central Authority and a Department of Housing and Planning promote town planning in and around Belize. Most sawmills, the citrus factory and the sugar factory are in rural areas and plans exist for further wood-using industries. Village improvement is furthered by various measures.

Article 8. A government-financed Marketing Board buys staple agricultural products at guaranteed prices and an Agricultural Credits Fund provides loans to farmers at low interest rates. Except in a few special cases, Crown land is only alienated in small parcels of up to 100 acres, on conditions which include the planting of permanent crops, before freehold title is granted. No measures exist for the

control of private land. Tenants produce food-stuffs for their own consumption and sell other produce on the open market and not through landlords. Under arrangements concluded with their employers, agricultural workers in the citrus industry receive a bonus for improvements in price levels. The Department of Co-operatives supervises existing co-operative societies of all types and helps in the formation and organisation of new ones.

Article 9. It is the basic policy of Her Majesty's Government and of the Government of British Honduras to raise standards of living. The source of higher standards is the economic development of the territory, carried out in such a way as to ensure that its benefits are equitably distributed throughout the population.

Articles 10 to 13. There is some movement of workers engaged in seasonal occupations, but such workers cannot be described as "migrant workers". They are provided with housing and are normally accompanied by their families.

Article 14. The Labour Department encourages employers and workers to enter into collective agreements. The Labour (Minimum Wage) Ordinance, 1940, enables the Government to determine minimum wages by Proclamation after consultation with employers' and workers' representatives. Penalties are provided for failing to pay wages at the minimum rates fixed and, on conviction of an employer, the court may order the employer to pay such sum as appears to be due to the employee. The worker also has the right to recover wages by civil proceedings.

Article 15. The Employers and Workers Ordinance, 1943, provides that the entire amount of wages due to a worker must be paid in money, and that wages shall not be paid in premises licensed for the sale of intoxicating liquor; it fixes the periods at which wages are payable. The provisions of this legislation are publicised, supervised and enforced by the Labour Department.

Article 16. The Employers and Workers Ordinance, 1943, and the Employers and Workers Regulations, 1943, permit employers to make advances to workers employed for a period exceeding three months, and regulate the maximum amounts and manner of repayment of such advances. They provide for the other matters covered by this Article.

Article 17. The report refers to the information given under Article 8, and adds that the Department of Co-operatives also sponsors savings unions among schoolchildren and adults. Credit unions, supervised by this Department, also provide loans for appropriate purposes for only .01 cent on each dollar a month on the unpaid balance. There is legislation to control the operation of moneylenders.

Article 18. There is no discrimination among workers on the grounds mentioned in this Article.

Article 19. The present primary school curriculum is under review. In addition to the Belize Technical College, four centres outside Belize are to be established for instruction in home economics and manual training. There are

¹ See above, footnote, p. 210.

two teacher training centres in Belize and a training school for farm demonstrators and young farmers. Apprenticeship schemes exist in a number of government departments, but no steps have yet been taken to make apprenticeship compulsory.

The school-leaving age is laid down in the Education Ordinance, 1926. The minimum age and conditions of employment are prescribed by the Employment of Women, Young Persons and Children Ordinance, 1933. The employment of persons below school-leaving age is governed by the Employment of Children Ordinance, 1940.

Article 20. There is a regular system of training awards and scholarships to provide technical training under the supervision of the competent authorities. Consultation with employers' and workers' organisations takes place where appropriate.

Brunei (First Report).

School Attendance Enactment, 1939.
Labour Enactment, 1954.
Land Code.

Articles 3, 5 and 7, paragraph 1, of the Convention. See General Note by the Colonial Office in last year's report.¹

Article 7, paragraph 2. There are no migratory movements resulting in the disruption of family life and other traditional social units. Economic development has not resulted in any considerable breaking up of the existing village economy. The position is, however, kept under constant examination. The expanding economy of the territory has brought improved living conditions for all classes.

Article 8. There is no problem of chronic indebtedness. Any person born in Brunei may acquire agricultural land. Others may acquire land with the approval of the State Council. The Land Code contains a utilisation clause and land must be brought under cultivation within three years of alienation. The customary rights of the indigenous people in the ownership and development of land are safeguarded by the terms of the Land Code, which ensures that the fullest regard shall be paid to the customary rights of the inhabitants of the territory. Every effort is made by administrative action in the alienation of land and its development to ensure that all natural resources are used in the best interests of the population. Agricultural labourers are normally employed on plantations or places of employment where the conditions of their livelihood are protected by the Labour Ordinance.

Article 9. The Government accepts the responsibility of ensuring not only that wage levels on the family basis are not unduly low but also of raising the standard of living generally by various social and economic measures. The provision of housing, widespread medical care, state pensions, considerable and increasing educational facilities, have resulted in a continuing rise in living standards.

Representative organisations of workers and employers are not yet fully developed. It is

the policy of the Government to encourage such organisations.

Article 10. Workers leaving their homes to take up employment elsewhere within the territory are usually accompanied by their families and no special steps are required to take account of their normal family needs.

Article 11. There is no restriction on the transfer of workers' wages and savings.

Article 12. Skilled and specialist workers from Singapore, Hong Kong and India have been recruited for employment within the territory. Such workers are employed on written contracts on terms which secure to them conditions of employment not less favourable than those enjoyed by other workers in the territory. There is no restriction on the transfer of wages and savings of these workers to their homes through ordinary banking facilities. Care is taken by the Labour Department to ensure that the worker does in fact transfer to his dependants adequate funds for their maintenance.

Article 13. While workers moving from one part of the territory to another receive wages ordinarily paid at their place of employment, there are no considerable differences in costs of living within the territory, and no special measures are necessary.

Article 14. Owing to a continuous labour shortage there has so far been no need to fix minimum wages by government action, and wage rates are negotiated directly between workers and employers. The position is constantly kept under review and statutory wage fixing machinery has been prepared for introduction as soon as it becomes necessary.

Article 15. Payment of wages is guaranteed by sections 104, 105 and 107 of the Labour Enactment. Section 106 requires the provision of a check roll or other record which is accessible to the worker and to Inspecting Officers of the Department of Labour, who have powers to make claims on behalf of workers for wages underpaid. The issue of statements of such payments to workers is not, however, required. Section 110 of the Labour Ordinance requires that the full amount of wages in respect of any work done shall be actually paid to the worker in legal tender.

Wages may not be paid at any place or premises where intoxicating liquors are sold or within any shop or store without the prior approval of the Commissioner. In practice such approval has never been granted. Wages must be paid not less frequently than once a month. In practice, employers pay wages fortnightly or weekly. The provision of food, housing, clothing and other essential supplies and services as part of the remuneration of a worker is almost unknown in the territory, although provision is made to permit it as payment additional to money wages under special conditions. In particular, housing and medical services are normally provided free and additional to wages by employers. The inspection of check rolls both by the Department of Labour and by the workers themselves ensures the correct payment of wages and effectively prevents unauthorised deductions.

¹ See above, footnote, p. 210.

Article 16. Section 102 limits the amounts of loans or advances payable to a worker in consideration of his taking up employment. No deductions in instalments from wages to cover advances have been prescribed by law.

Article 17. The rate of interest is restricted by the Moneylenders Enactment.

Article 18. There is no discrimination among workers on the grounds enumerated in this Article.

Article 19. Educational facilities in the territory are progressively developing and most children now attend school. An apprentices' trade school has been established at the British Malayan Petroleum Company in Seria. Provision exists under the Labour Ordinance for apprenticeship of young workers and it is used by some of the larger employers who can provide adequate training facilities.

A school attendance age of 7 to 14 years has been prescribed by the School Attendance Enactment of 1939. Employment of children under 14 years of age in industrial undertakings is prohibited. Employment of young persons between the ages of 14 and 18 years will be restricted when the appropriate regulation has been prepared.

Article 20. The report quotes examples of various agricultural development and demonstration centres established in the territory.

Article 23. See Article 15 above.

The various authorities responsible for the administration of the legislation are listed in the report.

Fiji Islands (First Report).

Town Planning Ordinance, 1946.
Townships Ordinance (Cap. 69).
Public Health Ordinance (Cap. 107).
Moneylenders Ordinance (Cap. 185).
Credit Union Ordinance, 1954.
Native Land Trust Ordinance (Cap. 86).
Co-operative Societies Ordinance, 1947.
Agricultural and Industrial Loans Board Ordinance, 1951.
Labour Ordinance, 1947.
Industrial Associations Ordinance (Cap. 79).
Government Savings Bank Ordinance (Cap. 214).
Fijian Development Fund Ordinance, 1951.
Crop Lien Ordinance (Cap. 13).
Children and Young Persons Ordinance (Cap. 6).
Workmen's Compensation Ordinance (Cap. 81).
War Memorial Anti-Tuberculosis Fund Ordinance, 1949.
Subdivision of Lands Ordinance (Cap. 121).
Mining Ordinance (Cap. 127).
Forest Ordinance, 1953.
Wages Councils Ordinance, 1957.

Articles 3, 5 and 7, paragraph 1, of the Convention. See General Note by the Colonial Office in last year's report.¹

Article 7, paragraph 2. The Fijian Affairs Section of the Secretariat makes studies of migratory movements and initiates the necessary measures of control. Town planning is carried out under the Town Planning and the Township Ordinances. As regards the prevention and elimination of urban congestion, the Public Health Ordinance lays down minimum standards of sleeping space, and the Town Planning Ordinance controls building in town

planning areas. Government authorities supervise the siting of new roads, schools and other social amenities. The Agricultural and Industrial Loans Board makes loans for the development of land and the promotion of crafts and industries. The Fijian Development Fund Board makes loans for approved schemes.

Article 8. The Moneylenders Ordinance controls moneylenders and fixes maximum rates of interest. The Credit Union Ordinance regulates credit unions and the Crop Lien Ordinance regulates the creation of liens for advances on crops.

The Board appointed under the Subdivision of Lands Ordinance controls fragmentation of land. The Native Land Trust Ordinance prohibits the alienation of Native land except to the Crown. Mineral rights are vested in the Crown and prospecting is controlled. A Forest Board advises the Governor on forestry matters.

The great majority of tenants are cane farmers and are organised in associations which negotiate tenancy agreements and cane prices. The Co-operative Societies Ordinance provides for the registration of co-operatives.

Article 9. Measures to meet the requirements of this Article include the encouragement of co-operative societies, the establishment of the Agricultural and Industrial Loans Board, the appointment of Development Officers and the provision of rebates for approved new industries. Under the Labour Ordinance the Governor in Council can fix minimum wage rates for occupations where he is satisfied that the minimum rates are unreasonably low. Minimum standards for independent producers are ensured by guidance in the growing and marketing of crops. So far there have been no official inquiries into living conditions conducted after consultation with representative organisations of employers and workers.

Article 10. The Labour Ordinance provides protection for the family needs of recruited Native workers.

Article 11. The requirements of this Article are met by the powers of the Commissioner of Labour under Part V of the Labour Ordinance and the machinery provided by the Fijian Affairs Ordinance. Most labour movements are voluntary and are not controlled.

Article 12. Since 1916, when the indenturing of Indian workers ceased, there has been no recourse to the labour resources of another territory.

Article 13. It is difficult to ascertain comparative costs of living. Workers moving to a higher cost area do so voluntarily and the incentive to move is generally provided by the expected employment and remuneration.

Article 14. The fixing of wage rates by collective bargaining is encouraged by the provisions of the Industrial Associations Ordinance and the efforts of the Department of Labour. The great majority of wages are fixed by collective bargaining. There has been no occasion to fix minimum wages under the Labour Ordinance. The Wages Councils Ordinance of 1957 provides for consultation with employers' and workers' representatives for the purpose of fixing minimum wages.

¹ See above, footnote, p. 210.

Articles 15 and 16. These Articles are not applied in Fiji.

Article 17. Savings are encouraged and various institutions provide savings facilities.

Article 18. No distinctions are made in the labour legislation. The Labour Ordinance provides special protection for Natives of Fiji, women and children. The Fiji Government discriminates between the sexes as regards salary scales in certain classes of the clerical and teaching grades. There may be some racial discrimination by private employers, but this is expected to disappear with the development of the country. The Government, whenever appropriate, endeavours to remove discrimination. There is none as regards conditions of engagement or promotion—except that there appear to be more opportunities for men than women—vocational training, health, safety and welfare measures, discipline and participation in collective agreements. Differences in conditions of work are related to different kinds of work or the customs of particular groups. Most employers pay wages according to the nature of the work, to quality and to output. In 1954 the Government introduced the technique of job evaluation to its wage employees and two other industries followed suit. In collective bargaining workers are reluctant to raise lower rates without a corresponding increase in higher rates.

Article 19. Plans have been made for the development of education for the period 1956-60. It is not possible at present to prescribe a school-leaving age. Agricultural and commercial employers have, however, co-operated by not employing schoolchildren during school hours. The minimum age and conditions of employment are laid down by the Labour Ordinance.

Article 20. The Department of Agriculture provides training in new production techniques in the Koronivia Agricultural Institute and through its Field Officers.

Article 23. The application of Articles 15 and 16 would need detailed continuous and expert supervision in hundreds of islands scattered over a vast area which the Government is not in a position to give. Many hundreds of small employers are not literate enough to comply with certain provisions of Article 15. In respect of Article 19, paragraph 2, school facilities do not yet meet the needs of the whole of the child population.

The report lists the various administering authorities for the above legislation.

The Government submits a number of official reports, including the annual reports of the Commissioner of Labour for 1954, 1955 and 1956 and the Director of Education's *Report on Education in Fiji*.

Gilbert and Ellice Islands (First Report).

Labour Ordinance (Cap. 13).

Native Governments Ordinance (Cap. 18).

Native Land (Leases) Ordinance (Cap. 22).

Co-operative Societies Ordinance (Cap. 67).

Savings Bank Ordinance (Cap. 72).

Education Ordinance, 1955.

Native Lands Ordinance, 1956.

Articles 3, 5 and 7, paragraph 1, of the Convention. See General Note by the Colonial Office in last year's report.¹

Article 7, paragraph 2. The only migratory movement is that of workers either to Ocean Island or to the Line Islands. Recruiting for this work is controlled by the Government. Companies employing such workers are encouraged to recruit married men accompanied by their families.

There is a concentration of population in only one area in which a Development Board has been set up. This Board is responsible for the town planning and general development of the area and controls new building and new activities and prevents over-congestion.

Development in rural communities is controlled by the elected Island Councils on each island. The central administration provides advice and financial assistance. The development of cottage industries is fostered.

Article 8. There is no indebtedness and there are virtually no moneylenders. The Native Lands (Leases) Ordinance prohibits the alienation of Native land except with the approval of the Resident Commissioner. The Native Lands Courts apply a code of customary land tenure which ensures that the land and other natural resources are used in accordance with the islanders' customary rights and practices. The Native Lands Ordinance, 1956, and the Lands Codes, consolidated for each island, define boundaries and provide for security of tenure. Agricultural committees appointed by Island Councils foster agricultural development.

All indigenous agriculturists are themselves landowners and all agricultural work is carried out by the landowner and his family. A Co-operative Department was established in 1947, and producer-marketing consumer co-operatives have been registered on every indigenously inhabited island.

Article 9. All independent producers and wage earners are landowners and have a secure place in Native society. All Natives are entitled to free medical care and attention. The Government has conducted inquiries into nutritional standards. The Labour Ordinance provides for the fixing of minimum wages.

Article 10. The Labour Ordinance requires an employer to care for the family of a worker accompanying him to the place of employment.

Article 11. All employers encourage workers to transfer part of their wages or to save or to buy goods with which to return to home islands.

Article 12. Some 60 Chinese mechanics and labourers from Hong Kong are employed by the British Phosphate Commissioners at Ocean Island. No agreement with the Hong Kong Government has been necessary. The Chinese workers enjoy conditions at least equal to those enjoyed by indigenous workers and facilities are provided to enable them to remit part of their wages to their homes.

Article 13. Workers employed in higher cost areas either receive an allowance or are paid wages appropriate to the area where they work.

¹ See above, footnote, p. 210.

Article 14. Under the Labour Ordinance the Resident Commissioner has power to appoint advisory boards to assist in the determination of fair minimum wages. There are no workers' or employers' organisations and it has not yet proved necessary to make any order fixing minimum wages.

Article 15. Under section 12 of the Labour Ordinance the Resident Commissioner may make regulations to ensure the proper payment of all wages, the keeping of wage registers, and the issue to workers of statements of wage payments. It has not yet proved necessary to make such regulations. The various requirements of Article 15 are met by sections 11, 12, 45 and 96 of the Labour Ordinance.

Article 16. The Labour Ordinance restricts the amounts of advances on wages and controls the manner of repayment.

Article 17. A Savings Bank was established in 1948. There are few, if any, moneylenders in the colony and usury is therefore no problem.

Article 18. The only discrimination is that allowed by international labour Conventions and provides greater protection for workers. Similarly, there is discrimination in favour of women due to the restrictions on their employment. In general, equal work attracts equal pay, the rates being fixed by conditions in the colony.

Article 19. All school-age children attend primary school. There are mission schools of an intermediate standard and there is a government secondary school for boys. Vocational training and apprenticeship facilities are provided in all government schools and in mission schools and there are various other apprenticeship schemes.

Education is compulsory for all children between the ages of 6 and 16 years and their employment during school hours is an offence.

Part IX of the Labour Ordinance prescribes conditions for, and the minimum age of, employment of young persons.

Article 20. Training in more advanced techniques is provided by the Government and the British Phosphate Commissioners. Agricultural committees appointed by Island Councils advise on agricultural production techniques.

Article 23. The declaration made in 1950 excluded Articles 15, 16 and 19 (2) of the Convention, but in practice the Convention is now applied without modification.

The legislation is applied by the District Administration of the territorial government.

Hong Kong (First Report).

Town Planning Ordinance (Cap. 131).
Buildings Ordinance No. 68 of 1955, and Regulations thereunder.
Public Health (Sanitation) Ordinance No. 15 of 1935.
Co-operative Societies Ordinance (Cap. 33).
Agricultural Products (Marketing) Ordinance No. 11 of 1952.
Marine Fish (Marketing) Ordinance No. 28 of 1956.
J. E. Joseph Trust Fund Ordinance No. 3 of 1954.
Kadoorie Agricultural Aid Loan Fund Ordinance No. 25 of 1955.
Crown Lands Resumption Ordinance (Cap. 124).
Mining Ordinance No. 33 of 1954.
Housing Ordinance No. 18 of 1954.

Immigrants Control Ordinance (Cap. 243).
Trade Boards Ordinance (Cap. 63).
Trade Unions and Trade Disputes Ordinance (Cap. 64).
Societies Ordinance (Cap. 151).
Moneylenders Ordinance (Cap. 163).
Pawnbrokers Ordinance (Cap. 166).
Factories and Industrial Undertakings Ordinance No. 34 of 1955, and Regulations thereunder.

Articles 3, 5 and 7, paragraph 1, of the Convention. See General Note by the Colonial Office in last year's report.¹

Article 7, paragraph 2. Comparatively little migration of labour takes place from or within the colony. It is not considered that there is any problem of the disruption of family life.

The Public Works Department of the Hong Kong Government has a Planning Office responsible for the application of the Town Planning Ordinance.

The severe congestion in urban areas is controlled, as far as possible, by enforcing lease terms and by the Buildings Ordinance, the Buildings (Administration), Buildings (Planning) and Buildings (Construction) Regulations, 1956, and the Public Health (Sanitation) Ordinance, 1935.

The report describes various measures taken to improve living conditions in rural areas, and contains information on sums spent by the Government for the benefit of farmers in the New Territories.

Industries suitable for the rural areas of the New Territories are confined to various types of food processing, brickworks and lime kilns. The demand for their products is, however, limited, and it is adequately met by private enterprise.

Article 8. Information regarding the extent of chronic indebtedness is not available, but it is believed that such indebtedness as may exist derives partly from the reduction in the colony's traditional entrepôt trade. Measures have been taken during the past few years to stimulate the growth of local industry and to promote the export of locally manufactured products. The Co-operatives and Marketing Department operates two statutory marketing organisations and provides credit and other services for farmers and fishermen.

The Kadoorie Agricultural Aid Association, which works in close association with the Department of Agriculture, Fisheries and Forestry and the District Administration of the New Territories, offers interest-free loans, and makes gifts to poor farmers.

Nearly all agricultural land is held under a Crown lease (or an agreement preliminary to a Crown lease), the conditions of which specify the purpose for which the land is to be used. Conversion of the status of land from agricultural to building use is approved only if the proposed change is in the public interest.

If any licence or lease under the Mining Ordinance includes agricultural land, written permission must be obtained from the occupier of the land before the ground is disturbed, and where appropriate, compensation must be paid.

Agricultural tenancies in the New Territories are governed by Chinese customary law as existing in 1899. Tenants pay rent in *padi*,

¹ See above, footnote, p. 210.

generally calculated at 40 to 50 per cent. of the crop, or in money regulated by the market price of a specified variety of *padi*.

Agricultural labourers, in the usual sense of the term, are rare in the New Territories except at harvest time, when some villages within walking distance of market towns engage casual labour for a few days. Most of the land is in holdings of an acre or less; more than half the lots are farmed by the owner with the help of his immediate family.

Vegetable marketing co-operative societies participate with the Vegetable Marketing Organisation in the marketing processes. These societies are spread over the whole of the agricultural area of the colony.

Chinese trading practice, which involves innumerable small family businesses, offers little scope for consumer societies. Only one such society has been registered in the colony.

Article 9. Some of the measures taken on behalf of independent producers have been described under previous Articles. Others are described in the annual departmental reports for 1955-56 of the Director of Agriculture, Fisheries and Forestry, and the Registrar of Co-operative Societies and Director of Marketing.

As regards wage earners the Government makes every possible endeavour to revive the colony's traditional entrepôt trade, which has been seriously depressed since 1951, to encourage the development of a wide range of local industries by trade promotion activities and by making land available to industry on favourable terms. Provision has been made for low-cost housing for wage earners. Housing estates are developed by housing societies and co-operatives, as well as by the Housing Authority, which was formed in 1954. Many of the large employers of labour, including the Government, provide accommodation for workers. The Resettlement Department has accommodated squatters in multi-storey blocks of flats in resettlement estates. It is the policy of the Government to make land available on favourable terms for the housing of workers and to offer loans at low rates of interest for certain housing schemes.

Social welfare services are described in the Hong Kong Annual Report.

The Government, most European concerns and some Chinese employers pay a variable cost-of-living allowance to their staff, in addition to basic wages, to meet price fluctuations. Two indices have commonly been used for this purpose: the food and fuel index and the retail price index.

Article 10. There is some temporary migration for employment to British Borneo territories, Ocean Island, etc. Contracts, which are compulsory for all emigrant manual workers, ensure that wages are sufficient for the workers to maintain their families in Hong Kong and that facilities are provided by the employer for making family remittances free of charge.

Article 11. As far as labour movement within the colony is concerned the question covered by this Article does not arise. With regard to the movement of labour to areas outside the colony, the report refers to Article 10.

Article 12. Although many residents of Hong Kong have their family homes in the villages of Kwangtung and Kwangsi Provinces, in China, a number of technicians, principally from Japan, are permitted to enter Hong Kong for limited periods, usually to train workers in local undertakings. Their entry is controlled under the Immigrants Control Ordinance and arrangements are worked out between the overseas firm and the local manufacturer. As far as is known these arrangements provide protection and advantages not less than those enjoyed by workers in Hong Kong.

Article 13. When workers emigrate from Hong Kong for employment in British Borneo, etc., where the cost of living is slightly higher than in Hong Kong, the wages provided for in their contracts are usually double the wages payable in the same occupation in Hong Kong. Within Hong Kong itself there are no significant differences in the cost of living.

Article 14. Many collective agreements are in force and the report gives some examples. The Labour Department actively encourages negotiations leading to the establishment of a collective agreement, and much success has been achieved. Under the Trade Boards Ordinance the Governor in Council may fix minimum wages by means of a Trade Board including representatives of employers and workers, but so far it has not been found necessary to establish such a Trade Board.

Collective agreements, when concluded, are given publicity by employers among the workers concerned. Workers are also normally informed by their unions or their representative of the minimum wage rates in force, and if these were not paid the worker or his union representative would normally take up the matter with the Labour Department.

In the whole post-war period no instance has come to light of an employer paying wages less than those stated in an agreement to which he has been a party. If, however, any case of underpayment were to arise the workers could report it to the Labour Department for attention, or endeavour to obtain redress through the courts.

Article 15. While no special measures have been taken under this Article it is normal for employers to keep registers of wage payments and details of work done by individual workers. Statements of wage payments are not usually issued to workers.

Wages are usually paid in legal tender only.

It is the general practice to pay wages direct to the worker concerned.

No case of substitution of alcohol for wages has come to light.

As far as is known payment is always made at the place of work.

The general practice is to pay daily-rated and piece-rate workers either two or three times a month. In the case of monthly-rated workers payment is made either fortnightly or monthly.

When housing is provided to workers the necessary control is exercised under the Buildings Ordinance, 1955, and the Public Health (Sanitation) Ordinance, 1935. Working clothes or uniforms are provided in some factories, but are regarded as a fringe benefit

by the workers rather than as part of their remuneration.

Unauthorised deductions from wages are rare in Hong Kong and any cases reported to the Labour Department are dealt with.

When supplies and services form part of the benefits received by workers, the cash wages themselves are always calculated separately, and there is no question of excessive deduction from wages for such benefits.

Article 16. There is no legislation in Hong Kong to regulate advances of wages. It is, however, unusual for advances to be made which exceed in amount the wages earned in one wage period. Normally an advance will be covered or partly covered by wages earned but not yet due for payment.

Article 17. The encouragement of thrift and the operation of savings schemes are among the objects of many co-operative societies established under the Co-operative Societies Ordinance. Fishermen's thrift and loan societies have been successfully organised. Several other societies, e.g. vegetable marketing and pig-raising co-operative societies, include thrift among other objects.

Employers organise provident funds and pension schemes to provide gratuities and other retirement benefits.

There is no enactment directly for the benefit of wage earners as required in paragraph 2. The Moneylenders Ordinance and the Pawn-brokers Ordinance regulate the rates of interest in moneylending transactions.

Article 18. In general there is no discrimination in Hong Kong. In industry women usually perform different work from men, but for piece-rate work in the unskilled and semi-skilled grades they receive the same rates of pay as men for the same kind of work. At the supervisory level they generally receive similar rates of pay to those for men, but the number of women employed at this level is comparatively small.

In government service women in the minor staff (unskilled, semi-skilled, and artisans classes I and II) receive the same rates of pay as men. In higher grades women receive 80 per cent. of the emoluments of men engaged in similar work. It is not considered desirable to alter this salary differential at present.

Article 19. A seven-year plan for the expansion of primary education was approved in 1955. It aims at providing places for all children of 6 to 11 years of age, inclusive, estimated to number about 378,000. In 1954 a special adult education project, launched with the poorer sections of the community more particularly in view, included general subjects adapted to adult tastes and requirements, practical courses in such subjects as woodwork, sewing, knitting and housecraft, and free facilities for reading and recreation.

The Technical College Evening Department gives a general education with a technical bias to engineering apprentices and building artisans whose basic education is of too low a standard for direct entry into senior classes.

The full-time courses, at post-secondary level, offered by the Technical College, and the pre-

liminary courses offered by the Technical College Evening Department, are listed in the report, which adds that tuition fees are very low and admission is available to all bona fide artisans and apprentices with sufficient general education to benefit from such instruction.

The report cites various schools, both public and private, which provide vocational training, and states that a new Technical College, which should be ready by September 1957 will provide for additional courses and will allow for the expansion of the system of part-time day release, as well as a "sandwich" course for building contractors' foremen.

In Hong Kong apprenticeship follows two systems, the Western and the Chinese. In 1955 part-time day-release classes were introduced for engineering apprentices employed in government engineering workshops, who also attend the College on two evenings a week.

The school-leaving age is not prescribed by laws or regulations, because there is an acute shortage of places in schools caused by the vast influx of refugees and the rapid and mounting increase in the population.

No person under the age of 14 years may be employed in any industrial undertaking or dangerous trade.

No measures have been taken to meet the requirements of paragraph 3.

Article 20. A course in industrial administration has recently been included in the classes of the Technical College Evening Department. Space has been allocated in the new Hong Kong Technical College for a production engineering workshop, in which it is proposed to teach the principles of efficient production lines and methods.

Under the Expanded Programme of Technical Assistance the International Labour Office has seconded to Hong Kong an expert in production engineering.

Jamaica (First Report).

Agricultural Loan Societies Law (Cap. 5 of the Revised Laws of Jamaica, 1953), and Regulations thereunder.

Agricultural Small Holdings Law (Cap. 8 of the Revised Laws of Jamaica, 1953), as amended, and Regulations thereunder.

Apprenticeship Law No. 55 of 1954.

Co-operative Societies Law (Cap. 75 of the Revised Laws of Jamaica, 1953), and Regulations thereunder.

Education Law (Cap. 106 of the Revised Laws of Jamaica, 1953), as amended.

Education Compulsory Attendance Orders, 1923.

Education Compulsory School Attendance Regulations, 1923.

Facilities for Title Law No. 37 of 1955.

Facilities for Title Order, 1955.

Forest Law (Cap. 134 of the Revised Laws of Jamaica, 1953).

Juveniles Law (Cap. 189 of the Revised Laws of Jamaica, 1953).

Land Bonds Law No. 48 of 1955, and Regulations thereunder.

Mining Law (Cap. 253 of the Revised Laws of Jamaica, 1953), and Regulations thereunder.

Minimum Wage Law (Cap. 252 of the Revised Laws of Jamaica, 1953), as amended.

Moneylending Law (Cap. 254 of the Revised Laws of Jamaica, 1953).

Statistics Law (Cap. 368 of the Revised Laws of Jamaica, 1953), as amended.

Articles 3, 5 and 7, paragraph 1, of the Convention. See General Note by the Colonial Office in last year's report.¹

Article 7, paragraph 2. A study was made in 1955 of the migration of Jamaicans to the United Kingdom and the conditions under which they live and work there.

A Town Planning Department is in existence and a recent decision has been taken to introduce town and country planning legislation.

Rural welfare is promoted by such means as 4-H Clubs, youth camps and community centres.

Special emphasis is being laid on agricultural development in the allocation of public expenditure.

Article 8. The Farm Development Scheme provides technical aid as well as grants and loans. A programme of development over a five-year period intended to cover 50,000 acres has been evolved.

Loans are made available to small farmers at reasonable rates of interest through the Agricultural Loan Societies Board, and are generally tied to a plan of development.

The Facilities for Titles Law has simplified the procedure by which titles may be obtained for security against loans which may be needed for farm development purposes.

There are no positive measures to control the alienation of agricultural land, but the transfer of lots for which payments have not been completed cannot be effected without due authorisation.

Land Authorities, set up by law in two agricultural areas of the island, are responsible for rehabilitation of these areas, including the educational and cultural aspects of community living.

The Land Bond Law enables the Government to acquire, for the purpose of land settlement, properties of which the major portions are tenanted.

The Mining Law provides for rehabilitation of the land after mining operations have ceased.

Tenancy arrangements are regulated by the Agricultural Small Holdings Law of 1946. In so far as agricultural labourers are concerned, the trade union movement operates freely to secure for them a share in the advantages which result from improvements in productivity or price levels.

The Co-operative Societies Law provides for the incorporation of co-operative societies and for the setting up of the Co-operative Department, which provides supervision and assistance throughout the island in the training of officers and committees in business management, and in the auditing of registered societies.

The Government has made financial assistance available to registered groups; funds are channelled through the Co-operative Department. There are 30 consumer societies and 39 producer societies now registered under the Co-operative Societies Law, and also three secondary societies.

Article 9. The need has not so far arisen in Jamaica to introduce any special measures to meet the conditions described in this Article.

As far as wage earners are concerned there is complete freedom allowed to these persons to join the union of their choice. The Department of Statistics carries out surveys periodically and publishes a cost-of-living index which is used in arriving at minimum standards of living.

Article 10. Workers recruited for employment outside of the island under schemes operated under the supervision of the Ministry of Labour are covered by contracts providing conditions for these workers which take account of the normal family needs. As far as other migrant workers are concerned, the need has not so far arisen to introduce any special measures for their protection.

Article 11. Workers recruited in Jamaica for employment in the United States as farm workers are, by the terms of their contract of employment, bound to remit a part of their wages to Jamaica through a Government Agent, but no legislative steps have been taken to give effect to the provisions of this Article.

Article 12. The provisions of this Article are not applicable.

Article 13. When workers are recruited in Jamaica for employment outside of the island steps are taken by the Ministry of Labour to ensure that the workers enjoy conditions of employment not less favourable than those enjoyed by the workers of the area of employment. Such workers are not accompanied by their families.

Article 14. The aims of paragraph 1 of this Article are encouraged by the Government. The Ministry of Labour urges the trade unions and employers to establish Joint Industrial Councils for industries which are suitable for this type of joint negotiation. So far, such Councils have been established for the port of Kingston, the tally clerks, the outports of Jamaica, the printing trade and the building and construction industry.

Where no adequate arrangements exist for the fixing of minimum wages by collective agreement, minimum wage advisory boards, composed of independent members and representatives of employers and workers, are set up by the Governor in Council who may, upon their advice, fix the minimum rates of wages.

Inspectors appointed under the Minimum Wage Law bring the Proclamations to the attention of the employers. Every employer in any occupation to which a minimum wage is applicable is required to exhibit at the place of employment a copy of the relevant Proclamation.

If an employer pays wages less than the minimum wage he is liable to a penalty. The worker to whom minimum rates of wages are applicable can recover by legal process arrears of wages; he also has a remedy in the civil court.

Article 15. Employers are required to keep such records of wages as are necessary to show that the provisions of the Minimum Wage Law are being complied with. There is, however, no general law or regulations which require employers to keep registers of wage payments or to issue to workers statements of wage payments.

¹ See above, footnote, p. 210.

There is no law which requires wages to be paid in legal tender only, but the Proclamations made under the Minimum Wage Law define wages as "payment in money regardless of any ancillary benefits".

No provisions have been made to meet the requirements of paragraphs 3 to 7 and 8 (b) and (c) of this Article.

The requirements of paragraph 8 (a) are met by the unions and by all employers whose establishments come under the Proclamations made under the Minimum Wage Law.

Article 16. No provisions have been made which give effect to the requirements of this Article.

Article 17. There are many thrift societies now in operation.

The Moneylending Law controls the rates of interest on loans and the operations of moneylenders. Co-operative loan banks and other loan banks have been set up by the Government.

Article 18. No special measures have been taken to abolish discrimination, for none exists among workers on the grounds enumerated in the Article, except inasmuch as there is a difference in wage scales between manual male and female workers due to difference of output.

Article 19. Primary education is free, and compulsory school attendance is enforceable in certain areas where accommodation is equal to the population of school age. It is hoped in due course to provide universal and free education at primary and secondary levels.

Business and commercial education is offered in some government-aided secondary schools and in several institutions. Some vocational training is given in the senior classes of several primary schools and continued in four practical training centres. Technical education is provided in day and evening classes at one institution, which offers courses in a wide range of subjects. Proposals are now being considered for further development in this field of education.

The Apprenticeship Law was enacted to provide an efficient and up-to-date programme for the training of apprentices.

The school-leaving age is prescribed by Orders under section 17 of the Education Law. The minimum age and conditions of employment are governed by Part VIII, Juveniles Law, Cap. 189. No direct measures have been taken to prohibit the employment during school hours of persons below the school-leaving age but there is compulsory education in effect in certain areas of Jamaica under the Education Law. The Juveniles Law lays down the conditions under which children can be employed so that indirectly children cannot be employed during school hours.

Article 20. No steps have been taken to apply this Article of the Convention. However, there is in existence an Industrial Development Corporation responsible for the development of industry in Jamaica.

Kenya (First Report).

Employment Ordinance (Cap. 109), as amended in 1957.

Regulation of Wages and Conditions of Employment Ordinance, 1951, as amended in 1956.

Trade Unions Ordinance, 1952.

Registration of Persons Ordinance (Cap. 50).

Workmen's Compensation Ordinance (Cap. 119).

Resident Labourers Ordinance (Cap. 113).

Employment of Women, Young Persons and Children Ordinance (Cap. 111), as amended in 1956.

Employment of Juveniles (Arab and African) Rules, 1950 (Government Notice No. 835 of 1950).

Employment of Juveniles (Hours of Work and Welfare) Rules, 1952 (Government Notice No. 616 of 1952).

Moneylenders Ordinance (Cap. 307).

Public Health Ordinance (Cap. 130).

Municipalities Ordinance (Cap. 136).

Local Government (Districts Councils) Ordinance (Cap. 140).

African District Councils Ordinance No. 12 of 1950.

County Councils Ordinance No. 30 of 1952.

Education Ordinance No. 58 of 1952.

Prevention of Cruelty to and Neglect of Children Ordinance No. 12 of 1955.

Agriculture Ordinance No. 8 of 1955.

Town Planning Ordinance (Cap. 134).

Credit to Africans (Control) Ordinance (Cap. 104), as amended by Government Notice No. 3 of 1956.

Native Lands Trust Ordinance (Cap. 100).

Crown Lands Ordinance (Cap. 155).

Co-operative Societies Ordinance (Cap. 287).

Land and Agricultural Bank Ordinance (Cap. 181).

Land Control Ordinance (Cap. 150).

Articles 3, 5 and 7, paragraph 1, of the Convention. See General Note by the Colonial Office in last year's report.¹

Article 4. The report sets out in detail the measures adopted in respect of the items enumerated in this Article. See also under Article 7, paragraph 2, and Articles 8, 14, 15, 18 and 19.

Article 7, paragraph 2. In rural areas families can usually reside with the workers, except in the case of those who only work at one particular place for a month or two. Shortage of housing in urban areas often prevents workers bringing their families, but in all urban areas new housing is being continually built.

The Employment Ordinance prohibits written contracts of service, other than apprenticeships, to be of longer duration than one year unless an employee is accompanied by his family; if an employee enters the colony from outside, the contract is not valid for longer than two years unless the employee is accompanied by his family.

Under the Town Planning Ordinance town planning is extensively carried out. The planning of villages has gained impetus from schemes to consolidate African land holdings and to make more effective use of agricultural land.

The Town Planning and the Public Health Ordinances provide for the prevention and elimination of urban congestion, and local authorities make their own by-laws.

Where employers provide housing for workers they must observe standards laid down by the Labour Department.

Industrial estates have been established in all major centres of the colony, and the African Industrial Estates Development Committee is responsible for developing industrial undertakings in the tribal lands.

Industries established in the rural areas include canneries, timber mills, and tea, sisal, coffee, sugar and wattle plantations with their associated processing factories, which not only provide wage incomes for the local population

¹ See above, footnote, p. 210.

but purchase raw materials from peasant producers.

Article 8. The amount of credit which can be granted by a non-African to an African, and which can be recovered in a court of law, is 2,000 shillings, unless there is a contract in writing approved by the competent authority. An African may be exempted from these provisions by the Registrar-General. No advance of pay exceeding two months' salary in the case of written contracts, or one month's salary in the case of verbal contracts, may be recovered from an employee in any court of law. This applies to employees earning up to 100 shillings per month.

As a form of insurance against crop failures in agriculture a person served with a production order under the Agriculture Ordinance is guaranteed by the Government a minimum return of money for every acre of land planted with an essential crop.

When agricultural land is alienated by the Crown it is customary to impose certain development conditions in the lease. Agricultural land cannot be used for non-agricultural purposes unless the Crown has so agreed.

Transfers of land in the Highlands are subject to approval by the Land Control Board, which may impose further development conditions.

The subletting of agricultural land to tenant farmers is almost non-existent in Kenya.

The transfer of African tribal lands to non-Africans is prohibited except under the Native Lands Trust Ordinance, which also controls the use of land through Rules made thereunder.

Grants of Crown land for agricultural purposes are subject to previous sanction by a Land Board, so that alienation of agricultural land is made with regard to the best interests of the population. Powers to control the use of land are contained in the Agriculture Ordinance, 1955, under which certain areas may be deemed "scheduled areas", in respect of which Land Preservation Orders and Land Development Orders may be made.

Agricultural production is greatly assisted by this Ordinance and by marketing boards and farmers' or planters' associations. Increasing supervision over farming and stock-rearing in the African tribal areas is expected to result in higher productivity in many of these areas.

Tenancies and leases are controlled by the Crown Lands and Land Control Ordinances, and by the Native Lands Trust Ordinance. The report of the Committee on Rural Wages described under Article 9 is now under consideration by the Government.

The report refers to the Co-operative Societies Ordinance and to the annual report of the Registrar of Co-operative Societies, and states that there are many such societies in existence.

Article 9. While independent producers are assisted under the Co-operative Societies Ordinance, the requirements of the Article as regards wage earners are met by the measures described under Article 14, by representation on advisory boards, special committees and urban councils; and by the encouragement of staff associations, the largest of which are composed of civil servants.

The maintenance of standards of living above

a predetermined minimum is ensured by statutory minimum wages, fixed by the Government on the advice of the Wages Advisory Board and Wages Councils. Statutory minimum wages of general application only exist in the nine main urban areas of Kenya; but statutory minimum wages for individual industries, emanating from Wages Councils, apply to the rural as well as the urban areas.

A social survey carried out in Mombasa under the auspices of the Government is nearing completion. Representative organisations of employers and workers have been associated with all these inquiries. A survey of the family budgets of semi-skilled and skilled African workers in Nairobi is under preparation.

The requirements of paragraph 2 of this Article are being increasingly taken into account. Cost-of-living indices are maintained by the Statistics Department of the East Africa High Commission, with help from the Kenya Government, in respect of "European" standards in Nairobi and African labourers' standards in all the main towns.

Wages Councils and other wage negotiating bodies already take full account of the needs of family life, but they have to proceed with caution in respect of unskilled workers because of the need to maintain some relationship with the wage levels prevailing in other industries.

Article 10. The labour force in Kenya in the past has consisted almost wholly of transitory migrant workers, whose families were left in the tribal reserves. These circumstances inevitably resulted in the prevailing wage levels being related only to the needs of unattached men, without dependants; hence the Government took action to fix statutory minimum wages on the advice of the Wages Advisory Board and Wages Councils, which took family needs into account.

Article 11. It has been difficult to meet the requirements of this Article as the strong demand for labour allows workers to be selective as to the jobs they accept, and an employer who made a condition in the contract that part of wages should be remitted to the worker's home would not get the labour. Present wage levels do not permit such a provision to be made generally compulsory. However, there are ample facilities throughout the territory for workers to transfer money to their homes by postal order or through a Post Office Savings Bank account.

Article 12. It has not hitherto been necessary for the British East African territories to utilise each other's labour to any significant extent, and there has, in fact, been an informal agreement to discourage such use. However, owing to labour shortages, a meeting was held with representatives of the Belgian Congo Government in June 1956, and an inter-territorial agreement was drafted in regard to the use of labour from Ruanda-Urundi. This is still under consideration by the Belgian metropolitan authorities.

Article 13. The higher costs of living in the main towns are carefully assessed and taken into account in fixing statutory minimum wages. Further efforts are to be made to establish costs of living in the widely differing rural areas, for

the benefit of Wages Councils which fix wages on an industry basis.

Article 14. In addition to the five Wages Councils already in existence, there are 60 joint consultative or wage negotiating bodies with a total coverage of 196,000 workers. Collective agreements between employers and workers are encouraged and memoranda of terms and conditions of employment, which are approved by the Labour Commissioner, become enforceable on either party through registration. The above machinery is extensively resorted to and, if the use of Whitley machinery in the public services is also counted, it may be said to cover about one-third of the territory's labour force.

At the end of 1955 there were 25 trade unions, of which seven were employers' unions and nine predominantly African workers' unions.

The main hindrance to progress in this sphere is the general backwardness of the African labour force and the consequent weakness of the African trade unions.

The Regulation of Wages and Conditions of Employment Ordinance provides for the notification to employers and workers of the minimum rates of wages in force and for their enforcement, and requires publication of wage regulation orders. The Wages Regulation (Exhibition of Notices) Rules require posting of wall notices issued by Wages Councils. The Labour Department gives wage regulation orders wide publicity through its Field Officers, and the Field Inspectorate ensures their enforcement.

The Ordinance enables a worker to recover the amount by which he has been underpaid, in respect of the 12 preceding months.

Article 15. The proper payment of wages is ensured by the Employment Ordinance and the Regulation of Wages and Conditions of Employment Ordinance. In respect of workers under "resident labourer" contracts on farms, the necessary provision exists in the Resident Labourers Ordinance.

Employers are required to keep registers of wage payments. Recruiters must also keep records of employees' wage rates.

Statements of wage payments are not statutorily required to be issued to workers, but the proper payment of wages is largely ensured by the issue to workers (up to 300 shillings per month wage level) of copies of the employment return card as required by the Employment Ordinance. The Resident Labourers Ordinance and the Employment Ordinance also require the issue of work "tickets".

Supervision and enforcement is carried out by the Labour Department's Field Inspectorate.

The Employment Ordinance requires the entire amount of wages to be paid to the worker individually in the current coin or currency notes of the colony, subject only to certain legally authorised deductions. No specific reference is made to illegal payments in alcohol or spirituous beverages. The payment of wages in taverns is prohibited.

The established custom in Kenya is to pay wages monthly, but weekly or fortnightly wage payments have been introduced in a few commercial undertakings.

Food and housing still customarily form a part of remuneration in many occupations in Kenya. In the rural areas these are supplemented usually by fuel and water supplies, and even by the issue of blankets. The Employment Ordinance requires employers to house and feed their workers to reasonable standards, and to provide other amenities. The Ordinance does not yet apply to workers whose earnings exceed 100 shillings per month.

The Minister for Labour can make rules controlling the feeding of workers in cases where food is to be supplied by the employer under the contract of service. There is no law of general application requiring employers to ensure that their workers get a properly balanced diet; but the Labour Department has a specialist medical officer to advise on diet among other things, and all Field Labour Officers and Inspectors have to report on the feeding of labour.

A permit must be obtained from a Labour Officer before deductions can be made from statutory minimum wages in respect of rations supplied. This enables the Labour Officer to insist on the supply of a proper scale of rations. The values of rations, of housing and other supplies in kind have been more accurately assessed recently, through surveys carried out on behalf of the Committee on African Wages (1954) and the Rural Wages Committee (1955).

Workers are generally informed of their wage rights through the Field Inspectorate of the Labour Department, through employment exchanges and provincial administration offices throughout the territory, through African broadcasting services, and through trade unions and trade union publications.

Unauthorised deductions from wages are prohibited by the Employment Ordinance and the Regulation of Wages and Conditions of Employment Ordinance.

Article 16. The manner of repayment of advances of wages is not prescribed, but the maximum amount which may be advanced to a worker covered by the Employment Ordinance is, in effect, limited to one month's wages (or two months' wages in the case of an employee on a written contract) by virtue of the fact that amounts in excess of that cannot be recovered in a court of law. The giving of an advance of wages or any other valuable consideration upon a condition that the worker enters employment is expressly prohibited.

Article 17. The requirements of paragraph 1 are met by the Post Office Savings Bank schemes. Furthermore, many employers have contributory provident or savings schemes.

The Moneylenders Ordinance controls the interest on loans.

The Agriculture Ordinance makes loans available to farmers for such purposes as land development and land preservation. Advances can also be obtained against a guaranteed minimum return. Loans are also made to farmers under the Land and Agricultural Bank Ordinance.

Article 18. There is no discrimination against workers on grounds enumerated in the Article, though certain provisions of the labour legisla-

tion apply only to Africans or Arabs and are designed to protect their interests.

As a result of the Ladbury revision of salaries racial wage scales have been replaced by scales which are applicable to all races.

Women in employment where statutory minimum conditions exist are treated in the same way as adult male employees except in the case of Wages Regulations (General) Orders, which make provision for general minimum wages and housing allowances in the urban areas, where the minimum rates for women are the same as those of male employees under 21 years of age.

Article 19. The report gives statistics of the expansion of educational facilities between 1945 and 1955.

New legislation to promote industrial apprenticeship and learnership is being drafted. The Government itself operates four technical and trade schools for Africans, with a total of 947 trainees in 1956. At the end of 1956 the Royal Technical College of East Africa was opened in Nairobi, where a Technical Institute is also being established.

Under the Employment of Juveniles (Arab and African) Rules, children below the age of 16 may not be employed in urban areas without the permission of Labour Officers, and under the Employment of Juveniles (Hours of Work and Welfare) Rules, persons employing more than 50 children under the age of 16 must appoint a suitable person as a labour supervisor.

No special measures have been taken in specific areas on the lines indicated in paragraph 3. However, the provisions of the law regarding compulsory education (which applies only to European children, and to Asian male children in Nairobi, Mombasa and Kisumu) are rigidly enforced.

Article 20. Technical and vocational training is given in ten basic trades for which there is a constant demand on the part of the colony's commercial and industrial undertakings.

Bursaries are granted to study new production techniques abroad; the Government has appointed a qualified expert in Training within Industry for Supervisors, who has introduced the system into a number of major undertakings. Some of these undertakings have now set up their own sections to deal with such training.

The trade schools are organised and supervised by the Department of Education, which maintains liaison with employers' organisations. Few workers' organisations are yet sufficiently developed to make consultation with them, in such technical matters, of any practical use.

Article 23. The financial implications involved in providing universal compulsory education in Kenya are such that there is no possibility of renouncing this modification of Article 19 (2) in the foreseeable future.

Nigeria (First Report).

Labour Code of 1945, as amended (*L.S.* 1946—*Nig.* 1), Cap. 99.

Wages Boards Ordinance No. 5 of 1957.

Articles 3, 5 and 7, paragraph 1, of the Convention. See General note by the Colonial Office in last year's report.¹

¹ See above, footnote, p. 210.

Article 7, paragraph 2. Regular reports on migratory movements are made by Labour Officers, stationed throughout Nigeria. During the period 1952-53 a special survey was conducted of labour migration in Sokoto Province. The possibility of providing staff to undertake a fresh survey of migratory movements in the Northern Province is being explored. The movement of labour from the Eastern Region of Nigeria to Spanish Guinea and French Gaboon is supervised by the Labour Department in accordance with the requirements of the relevant international labour Conventions and Recommendations, the terms of which are embodied in Chapter V of the Labour Code, and in agreements made between the Government of Nigeria and the respective Governments of the Spanish and French territories.

Qualified Town Planning Officers are employed to advise on town and village planning, and a significant number of the larger towns has been surveyed and advice given on plans for expansion. An annex to the report gives details of town planning schemes in the Lagos area.

The development of rural areas is a general aim of policy. The report quotes from a speech made by the Minister of Labour and Welfare of the Eastern Region at the 39th Session of the International Labour Conference in which he spoke of the progress achieved as a result of measures taken by the local population. Efforts are being made by all Governments of the Federation to spread new industrial and economic activities over a wide area.

Article 8. Governments have encouraged the formation of co-operative thrift and credit societies. In general the aim is to reduce chronic indebtedness by providing short-term and medium-term loans for crops.

Alienation of Native lands to non-Natives is strictly controlled. Occupancy of agricultural land by non-agricultural interests is not normally permitted.

The use of land and other natural resources by non-Natives is controlled by Certificates of Occupancy, which specify the use to which they may be put and are issued with due regard to customary rights and the best interests of the population. The use of land is also controlled by the Agricultural Law of 1954.

Few special measures are necessary to comply with paragraph (d) of this Article since farms are usually cultivated by their owners.

All governments have well staffed co-operative departments. In one region alone there are 490 co-operative produce marketing societies, and co-operative consumer shops are being opened on a wide scale.

Article 9. Industrial development is proceeding rapidly. The material welfare of the independent producer is the concern of several government departments and agencies. In this connection the report refers to the development of producer co-operatives by the Co-operative Department, the large-scale marketing, export communication and transport facilities now available, and the rapid growth of mass education. The price stabilisation policies for cocoa and other crops have also done much to aid the small producer

Trade unionism and collective bargaining are encouraged. There are at present 270 registered trade unions in Nigeria with a membership of 198,265. There is full consultation on proposed legislation, etc., with trade union representatives through the Federal Labour Advisory Council, and the Department of Labour is in daily contact with trade union officials and other workers' representatives.

Efforts are made, through marketing boards, etc., to obtain a favourable return for independent producers and to stabilise prices. Minimum wage legislation applies in the Federal Capital and Plateau Province to certain trades in which wages are considered too low. Rates of pay for government employees generally provide a standard throughout the country.

Cost-of-living statistics are collected at various centres throughout the country and are published by the Department of Statistics. Wage levels are usually considered to be best determined by collective bargaining but wage rates are noted by Labour Officers and minimum wage legislation would, if necessary, be extended.

Official inquiries have occasionally been held into such matters as house rents, and inquiries concerning revised rates of pay for government employees usually take account of workers' needs and the cost of the items mentioned in this Article.

Article 10. In all schemes of recruitment controlled by the Labour Department arrangements are made for wives and children to accompany workers. In the case of recruitment for the Spanish and French territories educational and hospital facilities of a high standard are provided and every endeavour is made to provide conditions which will take account of the normal family needs of the workers.

Article 11. Half the basic wage of Nigerian workers in Spanish Guinea and French Gaboon is paid into a special account for collection on their return to Nigeria.

Article 12. No recourse has been had to the labour resources of a different territory.

Article 13. Comparison is made of the Nigerian cost of living and wage rates and the cost of living and wage rates in Spanish Guinea and French Gaboon, so as to obtain the best possible wage rates for Nigerian workers in these territories.

Article 14. Voluntary negotiating machinery and joint machinery for the settlement of disputes are encouraged; they exist in all government establishments and in private establishments and professional organisations.

Where no adequate collective bargaining arrangements exist the Wages Boards Ordinance, 1957, provides for the fixing of minimum wages. Section 7 empowers the Minister to make rules with respect to the notice to be given of any matter under the Ordinance with a view to bringing it, as far as is practicable, to the knowledge of the persons concerned. No such rules have yet been made. The report also enumerates various Orders in Council made prior to the enactment of the Wages Boards Ordinance fixing minimum wages in particular trades and occupations.

Article 15. The Labour Code prohibits deductions of wages in respect of any fine, or for bad or negligent work, or for injury to the materials or other property of the employer. Reasonable deductions may, however, be made, with the prior approval of the Labour Office, in respect of injury or loss occasioned by the worker's wilful misconduct or neglect. Deductions for a provident or pension fund agreed to by the worker and approved by the competent official are also permitted.

The Labour Code does not require the issue to workers of statements of wage payments but workers are usually informed of the amounts paid to them by means of payment vouchers or registers which they have to sign when payments are made.

The Labour Code provides that wages shall be paid in legal tender, and that the entire amount of wages shall be paid to the worker subject to expressly permitted deductions.

The Labour Code prohibits employers from giving workers intoxicating liquor by way of remuneration and prohibits the payment of wages in premises used for the sale of intoxicating liquor or the retail sale of goods, except in the case of a worker employed in such premises.

No written contract may provide for the payment of wages at intervals exceeding one month, except with the consent of the competent official, who may also allow the payment of not more than half the wages due to a worker, engaged under a contract to be performed in Nigeria, to be deferred until the completion of the contract.

With regard to oral contracts wages are generally payable daily or weekly, or at other periods not exceeding one month. The Commissioner of Labour may, however, consent to other periods of payment.

The provisions of paragraph 7 of this Article are covered by Chapter VII of the Labour Code relating to Labour Health Areas.

Officers of the Department of Labour and the trade unions keep workers informed of their wage rights.

Article 16. No advance in excess of £1 may be paid to a non-recruited worker and no advance may be paid to any worker liable to repay any part of an advance already received. No deductions may be made by way of discount, interest or any similar charge on account of any advance of wages.

Article 17. The report refers to the information given under Articles 8 and 16. As regards wage earners, most large employers have provident or savings funds to which regular monthly contributions are made. Loan and thrift societies are encouraged by the Co-operative Department. Legislation provides for the registration of moneylenders and limits the rates of interest that may be charged.

Article 18. The law and practice in Nigeria in no way conflict with the objects and terms of this Article.

Article 19. In 1957 the Federal Advisory Committee on Technical Education made a number of recommendations which have been submitted to the Federal Government. The Federal and Regional Governments provide broad systems of education, vocational training

and apprenticeship training. Consideration is being given to the further regulation of apprenticeship which is already controlled by the Labour Code. Free primary education is spreading throughout the country and trade training centres operate in each of the Regions.

A minimum school-leaving age cannot be prescribed until education is made compulsory. Children under 12 years of age may not be employed, except with the approval of the Commissioner of Labour, in agricultural, horticultural or domestic work where the employer is a member of the child's family. No juvenile under the age of 15 years may be employed in an industrial undertaking.

Article 20. The report refers to information given under Article 19, and adds that employers and workers are represented on the Federal Advisory Committee on Technical Education and Industrial Training.

Northern Rhodesia (First Report).

Trade Union and Trade Unions Disputes Ordinance, 1949 (*L.S.* 1949—*N.R.* 1), Cap. 25, as amended in 1952 and 1953.

Industrial Conciliation Ordinance, 1949 (*L.S.* 1949—*N.R.* 2), Cap. 26.

Native Registration Ordinance, 1930, Cap. 169, as amended.

Alien Natives Registration Ordinance, 1920, Cap. 170, as amended.

Minimum Wages, Wages Councils and Conditions of Employment Ordinance, 1948, Cap. 190, as amended.

African Migrant Workers Ordinance, 1949, Cap. 233, as amended.

Employment of Women, Young Persons and Children Ordinance, 1933, Cap. 191, as amended (*L.S.* 1933—*N.R.* 1; 1936—*N.R.* 1; 1950—*N.R.* 1B; and 1950—*N.R.* 1A).

Moneylenders Ordinance, 1938, Cap. 202.

Apprenticeship Ordinance, 1946, Cap. 187, as amended.

Article 3 of the Convention. Economic development has been assisted by the United Kingdom under the Colonial Development and Welfare Acts, by the International Bank for Reconstruction and Development, by the Colonial Development Corporation, and by the Mutual Security Agency.

All local loans have been devoted to the economic development and advancement of the territory as a whole; their terms have placed no undue strain on the economy.

Articles 4 and 5. The African people are encouraged to take an active interest in measures of social progress in rural areas through the principle of community development. In urban areas Africans elect their members to various representative bodies. African representatives are elected to African Regional Councils, the African Representative Council and the Territorial Legislature.

Articles 6 and 7. Local communities are consulted throughout on the implementation of the Government's development programme.

The Rhodes-Livingstone Institute for Social Research has made a particular study of migratory labour movements.

The Town Planning Ordinance provides for the making and control of town planning schemes and the Government provides qualified town planners. In places where the population is beginning to concentrate provincial

teams control development along planned lines. The prevention of congestion is one of the aims of the town planning staff.

Various measures are taken to develop the rural economy and to train the population in proper methods of industry, husbandry and the use of modern facilities.

Article 8. There is no chronic indebtedness among agricultural producers. Crown leases of farming land contain covenants to ensure its proper use, and freeholders are under an obligation to farm efficiently. The exploitation of natural resources for building purposes is controlled by the Crown. Africans hold land under tribal law, but under various schemes African farmers have agreed to follow good agricultural methods.

There are 197 producer, consumer, thrift and savings societies, 175 of which consist entirely of African members.

Article 9. There is a loan scheme for better housing in rural areas and farmers and business men can obtain loans of necessary capital. Wage earners are encouraged to resort to collective bargaining through trade unions. Minimum standards in rural areas are rising through general development, wider opportunities and education.

Article 10. Employers usually provide housing and often land for cultivation for migrant workers from rural areas and their families.

Article 11. Under a tripartite agreement between Northern Rhodesia, Southern Rhodesia and Nyasaland, legal effect to which is given by the African Migrant Workers Ordinance, migrant workers employed in one of the other territories are subject to monthly deductions from wages in respect of family allowances and deferred pay. When workers are recruited to work elsewhere in the territory it is customary to provide for part of their wages to be deferred and paid to their families, and special facilities for remitting money are available.

Article 12. There is a considerable influx of labour from Nyasaland, Tanganyika and Angola, and workers are recruited in the territory for employment in the Union of South Africa.

The tripartite agreement referred to above provides for deferred pay and family remittances. In the case of the other territories such facilities are provided under administrative arrangements. Although there are no formal agreements, migrant workers in fact receive the same treatment as resident workers in regard to employment, workmen's compensation, freedom of association, etc.

Article 13. Wages prevailing in the area of employment take the local cost of living into account.

Article 14. The Trade Unions and Trades Disputes Ordinance and the Industrial Conciliation Ordinance provide collective bargaining machinery. The Minimum Wages, Wages Council and Conditions of Employment Ordinance provides machinery for fixing minimum wages where no adequate collective bargaining arrangements exist. Minimum wage determinations are published and compliance is enforced by inspection.

Article 15. Records of wage payments are required to be kept by employers where minimum wages have been fixed under the Minimum Wages, Wages Councils and Conditions of Employment Ordinance, and also by the Native Registration, and Alien Natives Registration Ordinances. The Employment of Natives Ordinance make the failure to pay the wages of African workers an offence. European workers are generally able to ensure proper payment of wages through their unions or through the courts. Statements of wages are generally issued to European employees and to African employees who can understand them but are not legally required to be issued to African workers, the majority of whom are illiterate. The Employment of Natives Ordinance requires wages to be paid to the worker in cash, and forbids payment in shops, stores or canteens except to persons employed therein. The relevant British legislation makes similar provisions for non-Africans. The Ordinance specifies the times at which African workers' wages are payable. In the case of non-Africans the matter is governed by the contract of service. Under the Ordinance the employer must at his own expense provide African employees with adequate and, normally, free housing, and with adequate food.

Trade unions inform workers of minimum wage rates fixed by voluntary negotiation, minimum wage determinations are published and workers are informed of their wage right by labour inspectors. The Ordinance prohibits unauthorised deductions from the wages of Africans; in the case of non-Africans the relevant British legislation applies. Deductions from wages are always subject to approval by the competent authority.

Article 16. There is no specific legislation but advances on wages are seldom made except to recruited workers and their written contracts would not be attested if the amount or manner of repayment of advances were unreasonable.

Article 17. Post Office Savings Bank facilities are available throughout the territory. Savings facilities are also provided by building societies and private companies provide voluntary savings schemes. The formation of thrift societies is encouraged.

The Moneylenders Ordinance requires moneylenders to be licensed and regulates the rates of interest.

Article 18. Africans are excluded from the provisions of the Apprenticeship Ordinance, but the Employment of Natives Ordinance provides for African apprenticeship. The Employment of Natives Ordinance and the African Migrant Workers Ordinance contain discriminatory provisions in favour of Africans. There is no discrimination regarding working conditions.

Article 19. The target set by the 1947-56 development plan for African education was exceeded in 1954 and the next stage provides for further development of upper primary schooling facilities. Girls and boys receive vocational training and the extension of vocational training facilities is planned.

The compulsory school attendance rule is in abeyance, except at Broken Hill, Livingstone

and Choma, pending the provision of adequate facilities. The Employment of Natives Ordinance prohibits the employment of Africans under the age of 12 and the Employment of Women, Young Persons and Children Ordinance prohibits the employment of young persons under the age of 16 years in any industrial undertaking.

Article 20. Progress has been made with training in new production techniques. The Government refers to the annual report of the Labour Department for 1955-56.

St. Lucia (First Report).

Recruiting of Workers Ordinance, 1939, as amended.
 Recruiting of Workers Regulations, 1942.
 Wages Councils Ordinance, 1952.
 Daily Labourers Wages Payment Ordinance, 1924.
 Labour (Minimum Wage) Ordinance, 1935, as amended in 1937 and 1938.
 Labour Ordinance, 1938.
 Employment of Women, Young Persons and Children Ordinance, 1934.
 Employment of Children (Restriction) Ordinance, 1939.
 Primary Education Ordinance, 1938.
 Primary Education Regulations, 1940.
 Soil and Water Conservation Ordinance, 1945.

Article 3 of the Convention. As a result of the recommendations contained in the report of a team of experts appointed in 1951, a Development Commissioner was appointed in 1953 to draw up a plan for agricultural and feeder road development. Details are given of the planned programme of agricultural development put into operation in 1954, and of the manner in which this plan is financed. Details are also given of the revised development plan for 1955-60.

Articles 5 and 7, paragraph 1. See General Note by the Colonial Office in last year's report.¹

Article 7, paragraph 2. Emigration is so limited that the need to study its causes and effects has not arisen. The Central Housing and Planning Authority promotes the objects listed under (b) and (c) of this paragraph. Considerable improvement in housing in rural areas, particularly in the sugar belt, has been made and is continuing. As regards the establishment of suitable industries in rural areas, the community is mainly agricultural and considerable agricultural expansion is planned and is in process of execution.

Article 8. The extent of the causes of chronic indebtedness, if any, has not been formally studied. There is no legislation to control the alienation of agricultural land to non-agriculturists or the ownership and use of private land. The Soil and Water Conservation Ordinance provides for the control of all government-owned forest reserves and other lands not included in the latter. Crown lands outside the forest reserves are sometimes leased to small farmers and in such cases come under the supervision of the Lands and Survey Department. Attention is being given by the Government to planned land settlement schemes which it is hoped to initiate as from 1960 onwards. The formation and operation of Producers' Associations is encouraged by financial assistance and the provision of technical staff. A Co-opera-

¹ See above, footnote, p. 210.

tives Officer has been employed to further the co-operative movement in rural areas. There are at present consumers' co-operatives.

Article 9. In the sugar and banana industries technical advice is provided by the Department of Agriculture, and loans against the crop are provided by Producers' Associations to assist in proper farming methods. A cost-of-living index figure is compiled monthly and revision with a view to bringing this index up to date is under study.

Article 10. The territory is small and there is no question of internal migration. Emigration is controlled by the Recruiting of Workers Ordinance.

Article 11. In the case of workers recruited for the United States the contract provides for the making of deductions from wages for transfer to the worker's territory of origin.

Article 12. A small number of workers are recruited annually for employment on farms in the United States. A tripartite agreement between the Government of the territory, the United States employer and the worker is concluded and provides specifically for the matters covered by paragraph 2.

Article 13. Conditions in the territory are not sufficiently variable to warrant any special measures.

Article 14. Collective bargaining is encouraged and joint agreements exist. Wages Councils have been established under the Wages Councils Ordinance of 1952 and their recommendations are given the force of law. The matters dealt with in paragraphs 3 and 4 are covered by the provisions of the Wages Councils Ordinance.

Article 15. The report refers to the Wages Councils Ordinance, the Labour (Minimum Wage) Ordinance, the Labour Ordinance and the Daily Labourer's Wages Payment Ordinance, as containing provisions giving effect to paragraphs 1, 2 and 3. There is no substitution of alcohol or other spirituous beverages for all or any part of a worker's wages. Wages of the lower income groups are paid at weekly or fortnightly intervals and the system works satisfactorily. Wages are not paid in taverns or stores. The Labour Department ensures that supplies and services forming part of remuneration are adequate and their cash value properly assessed.

Article 16. The matters covered by this Article are not known in the territory.

Article 17. Government savings banks exist in the main towns and villages and credit unions are being gradually established.

Article 18. No discrimination whatever is practised in the territory.

Article 19. Primary education is provided free. The Public Works Department, the three sugar factories and skilled tradesmen accept apprentices, who are trained for periods up to five years. The school-leaving age is prescribed by the Primary Education Regulations and the minimum age and conditions of employment by the Employment of Women, Young Persons and Children Ordinance and the Employment of Children (Restriction) Ordinance. The La-

bour Department is responsible for the matters covered by paragraph 3.

Article 20. The only major industry is agriculture and this Article does not therefore apply.

The relevant legislation is enforced by the Labour Department and the Education Department.

St. Vincent (First Report).

Agricultural Credit Societies Ordinance, 1934, as amended in 1946 and 1947.

Labour (Minimum Wage) Ordinance, 1934, as amended.

Employment of Women, Young Persons and Children Ordinance, 1935, as amended.

Regulations for Government and Assisted Primary Schools, 1938, as amended in 1948.

Recruiting of Workers Ordinance, 1940, as amended, and Regulations thereunder.

Slum Clearance and Housing Ordinance, 1946, as amended in 1950.

Town and Country Planning Ordinance, 1946, as amended in 1947.

Local Government Ordinance, 1951, as amended in 1954 and 1955.

Agriculture Ordinance, 1951, as amended in 1956.

Wages Councils Ordinance, 1953.

Co-operative Societies Ordinance, 1954.

Articles 3, 5 and 7, paragraph 1, of the Convention. See General Note by the Colonial Office in last year's report.¹

Article 7, paragraph 2. The extent of migration is not significant and has no measurable effect upon the way of life.

While there is no concentration of population in any particular area, proposals exist for slum clearance, rehousing and resettlement of persons living in villages which are unsuitable for reasons of health and because of remoteness from other areas. The mutual aid and aided self-help programmes conducted under the Central Housing and Planning Authority attached to the Public Health Service are continuing to render much assistance in this direction.

Much progress was made throughout the country in the establishment of improved rural water supplies and roads.

The report describes a number of projects which are of relevance to this Article.

Article 8. Twenty-two agricultural credit societies and a number of producer associations extend facilities to producers.

The requirements of paragraphs (b) and (c) are met by the Agriculture Ordinance of 1951.

The provisions of paragraph (d) are the responsibility of the Department of Labour and the Department of Agriculture. Greater security of tenure is sought, and the new Small Tenants Ordinance is well on its way.

Co-operatives are not well established and there is little need for consumers' co-operatives. Producers' associations and marketing associations are being developed.

Article 9. With the development of the associations referred to above the lot of the independent producer will be improved, and this change will be reflected in the case of the wage earner, for whom there are in force Wages Councils Orders fixing minimum wages and

¹ See above, footnote, p. 210.

conditions of employment, in which account is taken of the headings mentioned in this Article.

Articles 10 and 11. The migrant worker is not absent from his home for long enough to warrant the action envisaged by these Articles. The report refers to information given under Article 7.

Article 12. This Article does not apply. Although legislation exists there is no recruitment for work in the colony.

Article 13. There are no "low-cost" and "high-cost" areas.

Article 14. Since the development of trade unionism has not reached the stage where claim can be made to full representative status, no active measures have been taken to encourage the fixing of minimum wages by collective agreements. The Government's policy is, however, to encourage and assist any trade union which is truly representative of the workers and is run on strict and sound democratic principles. Until effective trade unions appear wages must be fixed by Wages Councils on which workers and employers are represented in equal numbers.

The Wages Councils Ordinance of 1953 provides for the posting of notices by the employer in places where they can easily be seen by the workers. The Ordinance also lays down penalties for defaulting employers and provides for the recovery by workers of sums paid at less than the rates prescribed. The Labour Inspectorate ensures that the worker receives what is due to him.

Article 15. All employers are required to keep registers of wages payments. In the larger undertakings statements of wage payments are issued. In other cases employers are required to have the worker sign the register at the end of the pay period as evidence of their having paid the wages purported to have been paid. In the case of agricultural workers these registers are frequently inspected by labour inspectors.

Wages are paid in legal tender and directly to the individual worker or his duly authorised agent. There is no substitution of alcohol or other spirituous beverages for wages, and payment is made only at the place of employment. Wages are paid at weekly, fortnightly or monthly intervals. No unauthorised deductions are allowed and workers are kept fully informed of their wage rights by notices posted in places of employment and by labour inspectors. As regards deductions for supplies and services, it is an accepted principle that no deductions must be made at source. In practice workers receive their wages in full, and in turn make payment in full or on account of supplies and services. If he is not satisfied the supplier has his remedy in a civil court.

Article 16. The practice of making advances on wages is not followed.

Article 17. At the present stage it is not practicable to introduce thrift schemes in any form.

Agricultural credit societies meet the need of wage earners and independent producers. With the formation and development of producer

associations producers will have further credit facilities.

Article 18. The only discrimination is that on the grounds of sex. The Government, however, recognises the undesirability of discrimination in any form.

Article 19. There are private, primary and secondary schools in the colony. Primary education is free but not compulsory. There are no local programmes for vocational training and apprenticeship, apart from the training of nurses, dispensers and teachers.

The regulations for Government and Assisted Primary Schools of 1938 fix the school-leaving age at 15 years. The minimum age of 14 years and conditions of employment of children are fixed by the Employment of Women, Young Persons and Children Ordinance of 1935.

Sarawak (First Report).

Labour Ordinance, 1951.

This Convention has been applied with modifications in respect of the application of Article 19 (2).

Article 7 of the Convention. Economic development has not resulted in any considerable break-up of Native life or of the existing village economy. Should any undesirable developments become apparent the Commissioner of Labour would take adequate measures to rectify the situation.

Approved schemes for the future development of the principal townships in the territory are in existence but over-all regional planning is required. The rate of public housing development is falling behind the rate of increase in the urban population, and additional housing schemes are necessary.

Article 8. The degree of chronic indebtedness in this territory is comparatively small and every effort is being made to eliminate the causes. The extent of alienation of land to non-agriculturists is also comparatively small and the policy of the Land and Survey Department discourages such alienation. The customary rights of the indigenous people in the ownership and development of land are safeguarded by the terms of the Land Code of 1956.

The normal types of tenant or agricultural labourer are those employed on plantations and large places of employment where the conditions of their livelihood are protected by the Labour Ordinance.

Article 9. Living standards are considerably above what can be regarded as minimum standards and the economy is expanding. The Government attempts to prevent wage levels on the family basis from being unduly low and facilitates the raising of the standard of living generally by various social and economic measures. In this respect the provision of housing, widespread medical care and the existence of considerable and increasing educational facilities have resulted in a continuing rise in living standards.

Representative organisations of workers and employers are not yet fully developed but they are free to organise as associations or trade unions, and it is the policy to encourage them to do so.

Article 10. Workers leaving their homes to take up employment elsewhere within the territory are normally accompanied by their families and no special steps are required to take account of their normal family needs.

With regard to Ibans, who tend to travel to North Borneo and the oilfields of Brunei, certain measures are taken to ensure that no hardship is caused at home owing to the absence of the father or husband.

Article 11. There is no restriction on the transfer of wages and savings of workers throughout the territory.

Article 12. Skilled and specialist workers from Singapore and Hong Kong have been recruited for employment within the territory. Such workers are assured of conditions of employment not less favourable than those enjoyed by other workers in the territory. There is no restriction on the transfer of wages and savings of these workers to their homes.

Article 13. There are no considerable differences in costs of living within the territory and no special measures are necessary under this Article.

Article 14. Owing to a continuous labour shortage there has as yet been no necessity to fix minimum wages by government action, and wage rates are negotiated directly between workers and employers. However, wage fixing machinery has been prepared and it will be introduced should it become necessary.

Article 15. Payment of wages earned is guaranteed by sections 104, 105 and 107 of the Labour Ordinance.

Article 16. Section 102 of the Ordinance limits the amounts of loans or advances payable to a worker in consideration of his taking up employment. No deductions in instalments from wages to cover advances have been prescribed by law.

Article 17. The rate of interest is restricted by the Moneylenders Ordinance of 1912 (Chapter 99).

Article 18. There is no discrimination among workers on the grounds of race, colour, sex, belief, tribal association or trade union affiliation.

Article 19. Owing to the scattered type of communities and inadequate communications, the extension of educational opportunities to the indigenous peoples presents many problems. Nevertheless, facilities are progressively developing.

Technical training is carried on on a limited scale by various government departments and the Oil Company. Provision exists under the Labour Ordinance for apprenticeship of young workers.

It is not yet practicable in the territory to prescribe a school-leaving age.

Employment of children under 14 years of age in industrial undertakings is prohibited.

Article 20. Development centres have been established by the Agricultural Department throughout the country in order to show what can be achieved by specialised intensive methods of farming instead of the extensive methods that are common. Scholarships for the training of

men as Agricultural Officers at recognised centres abroad are granted. Increasing quantities of pesticides are being sold to farmers.

Several research and development schemes are under way.

Article 23. The application of social policy is the responsibility of several government departments: for the administration of labour legislation the Department of Labour is responsible; for the application of land policy under the terms of the Land Ordinance the Director of Lands and Surveys; and for the administration of educational policy the Director of Education.

Seychelles (First Report).

Employment of Servants Ordinance, 1947.

Outlying Islands (Employment of Servants) Ordinance, 1947.

Recruitment of Workers Ordinance, 1945.

Wage Regulation Ordinance, 1932.

Minimum Wage Proclamation, 1956.

Savings Bank Ordinance, 1936.

Loans to Planters Ordinance, 1904.

Agricultural Bank Ordinance, 1937.

Education Ordinance, 1944.

Employment of Young Persons and Children Ordinance, 1932.

The Government lists several other ordinances and regulations, a large number of which relate to the preservation of natural resources.

Articles 3, 5 and 7, paragraph 1, of the Convention. See General Note by the Colonial Office in last year's report.¹

Article 7, paragraph 2. In view of the size of the colony and the limited extent of migratory movements the problem of the disruption of family life does not arise. Good progress has been made recently in building new hospitals, schools, etc. Village settlements have been built to eliminate congestion and improve living conditions.

Article 8. Agricultural income is largely dependent on coconuts, a non-seasonal crop, and incomes tend to be evenly distributed throughout the year, thus reducing one of the main causes of indebtedness. The Loans to Planters Ordinance and the Agricultural Bank Ordinance provide for the granting of loans on favourable terms.

Alienation of land to non-agricultural uses is not a serious problem. The conservation of natural resources is achieved by various ordinances. The methods by which the main products, copra and cinnamon leaf oil, are sold go far towards securing the advantages of co-operative marketing.

Article 9. The Wage Regulation Ordinance provides for the appointment of committees to inquire into living conditions and also for the fixing of minimum wage rates.

Article 10. The only workers living away from their homes are those employed in the Outlying Islands. Under the Employment of Servants (Outlying Islands) Ordinance workers are entitled to be accompanied by their wives and children and employers are required to provide housing, food and medical facilities for workers and their families.

¹ See above, footnote, p. 210.

Article 12. No recourse has been had to the labour resources of a territory under a different administration.

Article 13. This does not occur.

Article 14. When a Minimum Wage Committee is appointed both employers and employees are invited to give evidence. Under the Wage Regulation Ordinance, 1932, an Order can be published fixing minimum wages for any occupation.

Articles 15 and 16. The report refers to the Employment of Servants Ordinance and the Outlying Islands (Employment of Servants) Ordinance. Wages must be paid in the currency of the colony. The wages of workers employed in the Outlying Islands are paid to them by vouchers on their return to Mahé. Employers in the Outlying Islands are required to keep pay books. There is no provision prohibiting the payment of wages in taverns or stores, but this is not practised.

Under the Employment of Servants Ordinance wages are required to be paid before the first Saturday succeeding the month for which they are due. Clothing does not normally form part of remuneration. In the Outlying Islands regulations lay down the scale of free rations, and free housing must be provided. In areas to which the Minimum Wage Proclamation of 1956 applies workers may claim higher wages where free housing is not provided. The Outlying Islands (Employment of Servants) Ordinance prohibits set-off or deductions from wages, except on the order of a competent court.

An employer may not give to a servant on entering into a contract of service any advance exceeding two months' wages, or sell goods on credit for an amount exceeding two-thirds of his monthly wages. Contracts are normally in writing and attested by the Labour Officer, who explains to the worker the amount of advances permitted and the manner of repayment. No deductions can be made and no action brought against a servant for advances exceeding two months' wages.

Article 17. Under the Agricultural Bank Ordinance long-term loans can be made for the development and improvement of agriculture. The Co-Credit Society, a thrift loan society on a co-operative basis, grants loans to its members.

Article 18. There is no discriminatory legislation.

Article 19. The Education Ordinance of 1944 stipulates that within financial limits adequate facilities should be available for instruction in agriculture, crafts, domestic science and child welfare. On-the-job training is given to apprentices in various industries and occupations. The school-leaving age is fixed at 15 years. The provisions of the Ordinance concerning compulsory attendance have not yet been enforced, although about 80 per cent. of school-age children have some schooling. The minimum age and conditions of employment are prescribed by various Ordinances.

Article 20. The Department of Agriculture encourages agricultural development and improvement by various measures described in the report.

The above legislation is applied by the Treasurer, the Director of Education, the Director of Agriculture, the Labour Officer and the District Councils.

Southern Rhodesia.

Article 19 of the Convention. In respect of non-Africans there is compulsory free primary and secondary education, and technical colleges and centres are provided for.

Under section 40 of the Federal Education Act, 1956, children between 7 and 15 years of age are considered to be of school age.

The Minister may extend this period by regulation. He may further fix different periods of school age for different classes of persons, classes of schools and areas of the Federation.

Tanganyika (First Report).

Employment Ordinance, 1955.
Employment (Amendment) Ordinance, 1956.
Employment (Recruitment) Regulations, 1957.
Employment (Care and Welfare) Regulations, 1957.
Town Development (Control) Ordinance (Cap. 103).

Articles 3, 5 and 7, paragraph 1, of the Convention. See General Note by the Colonial Office in last year's report.¹

Article 7, paragraph 2. Officers of the Provincial Administration and Labour Department keep under constant review the possibility of any untoward sociological effects arising from the recruitment of labour. Two surveys have recently been made of the causes and effects of migration from the Ungoni-Undendeuli area of the Songea District for employment within the territory, and from the Southern Highlands Province for work in the Rhodesias and the Union of South Africa.

Section 106 of the Employment Ordinance enables Orders to be made prohibiting or restricting recruitment in any area, and section 108 lays down conditions subject to which recruiting licences may be issued. It is an administrative practice of long standing to restrict the numbers who may be recruited under licence to a maximum of 10 per cent. of the total tax-paying male adult population of a district.

The Town Development (Control) Ordinance provides for the control of development in townships and minor settlements. The Director of Town Planning has drafted proposals for 19 townships. The enforcement of the proposals, however, lies with the local authorities of each township. The report of the United Kingdom Government to the United Nations on Tanganyika for 1955 (Colonial No. 324) gives information on the development of African housing schemes.

Movement into urban areas is virtually free; but powers exist whereby District Commissioners may secure the return to their own homes of persons who have entered a town and have no regular employment or other reputable means of livelihood.

The territory's development plans respecting social services, communications, water supplies, agriculture and industry in general are all designed to contribute to a general betterment of living standards both in urban and rural areas. The Social Development Department

¹ See above, footnote, p. 210.

administers funds for rural social development schemes distributed to nearly every district in the territory. A list of projects is appended to the report.

The economy of the territory depends mainly upon primary production. At present the development of industrial activities in the territory is mainly in the urban areas.

The living conditions of those workers in rural areas who are housed on employment concerns are protected by the provisions of the Employment Ordinance, 1955, and the Employment (Care and Welfare) Regulations, 1957.

Article 8. In Tanganyika usury is not practised on any appreciable scale. The interests of indigenous inhabitants are safeguarded by the Credit to Natives (Restriction) Ordinance and the Land (Law of Property and Conveyancing) Ordinance. Pawnbrokers' activities are regulated by the Pawnbrokers Ordinance.

The whole of the land in the territory, occupied or unoccupied, is public land save in respect of titles lawfully acquired before the enactment of the Land Ordinance in 1923. While public land is subject to the disposition of the Governor, in practice he does not interfere with the disposition of land used or occupied by Natives and allocated by traditional authorities. Before any alienation of agricultural land is made to non-Natives by the Government, inquiries are made concerning the applicant's financial resources, his agricultural knowledge and experience.

The Department of Co-operative Development guides and assists co-operative societies both established and in process of formation.

Article 9. The economic development is furthered by the development of the co-operative movement, loan funds to enable Africans to enter the field of more advanced agricultural and commercial enterprise, and by tenant farming schemes under which the African peasant has the benefit of modern agricultural methods.

A sociological survey now being conducted in the Dar es Salaam area should assist in ascertaining minimum living standards of indigenous urban populations. A Minimum Wage Board was established in 1956 to inquire into wages and terms of employment in Dar es Salaam and to advise on the expediency of fixing basic minimum wage rates.

The position of the worker (the issue of rations and the provision of housing and medical attention) is further safeguarded by legislation.

Article 10. An African leaving his home to seek work is encouraged to take his family with him. Families of workers engaged on contracts of service for periods exceeding two years also receive free rations in accordance with the prescribed scale, irrespective of whether they work or not. Most agricultural employers try to induce family units to enter into and remain in their employment; to this end many social and educational amenities are provided voluntarily for their benefit.

Article 11. Section 46 (1) of the Employment Ordinance, 1955, provides that the Labour Commissioner may sanction the depositing of not more than one-half of the total of the wages

due to an employee who is engaged under a contract to be performed within the territory, until completion of the contract.

Article 12. Labourers recruited in the Trust Territory of Ruanda-Urundi are engaged on three-year contracts and are required to be accompanied by their families. In every case the Labour Commissioner certifies to the Belgian authorities that the conditions of employment at the place where these men are intended to be employed comply fully with the requirements prescribed by the labour legislation of this territory. The supervision of the working and living conditions of this labour is undertaken regularly by officers of the Labour Department.

Biennial meetings are held between representatives of the Labour Departments of Ruanda-Urundi, Kenya, Uganda and Tanganyika. Recent decisions ensure to the migrant worker in any one of the three British East African territories conditions equal to those enjoyed by the indigenous worker.

The report states that a revised form of contract for employees engaged in Ruanda-Urundi for subsequent employment in Tanganyika was formally agreed by the Governor-General of the Belgian Congo.

Article 13. No special measures have so far been necessary to meet the requirements of this Article.

Article 14. The growth of trade unionism has been too slow to enable the effective fixing of wages by collective agreement. However, according to the report three collective agreements were concluded in that year.

A Central Wages Committee has been established to advise on the remuneration of industrial employees in government and private undertakings. The Committee includes representatives of the relevant government departments and representatives of private employers. It recommended the establishment of Provincial Wages Committees on which non-government employment interests are represented. The report also refers to its reply to Article 9 and adds that steady progress continues to be made with the establishment of joint consultative machinery and works committees, some of which are permitted under their constitutions to consider wage rates and terms of remuneration. The publishing of minimum wage rates which may result from the establishment of statutory wage fixing machinery is required. The procedure for the recovery of arrears of wages is prescribed by law.

Article 15. The report states that the provisions of the Employment Ordinance, 1955, and of the subsidiary legislation enacted thereunder implement the requirements of this Article.

The Employment (Care and Welfare) Regulations, 1957, prescribe the standards of housing and the scale of rations to be provided for all workers whom the employer has an obligation to house or feed.

The Employment (Protection of Wages) Regulations, 1957, require all employers of more than ten employees, except employers of domestic servants, to keep records or books

including details of wages paid to employees. The Regulations also limit the recovery and advance of wages.

Section 61 of the Employment Ordinance, 1955, provides that no unlawful deductions may be made from wages.

Article 16. The report states that section 68 of the Employment Ordinance, 1955, and Regulation 3 of the Employment (Protection of Wages) Regulations, 1957, conform to the requirements of this Article.

Article 17. Banking facilities for small depositors are offered by the Tanganyika Post Office Saving Bank which operates throughout the territory. Many of the larger employers also arrange to hold on deposit sums of money voluntarily left in their custody by employees.

Several local loan funds, charging interest at the rate of 4 per cent., have been set up to assist in the promotion of agriculture, industry and housing.

Article 18. There are no legislative measures in force in the territory which discriminate against indigenous workers with regard to the matters listed in paragraph 1 of this Article.

The report states that the Employment Ordinance, 1955, applies to all employees in the territory, except those exempted under the provisions of the Employment (Exemption) Order, 1951. Parts dealing with written contracts, care and welfare, and recruitment apply to Africans only and are designed to afford them special protection of which members of immigrant races are not considered to be in need.

Article 19. The end of a Ten-Year Plan for the Development of African Education has led to a threefold increase in the number of children at school. The Labour Department promotes suitable apprenticeship schemes wherever possible both in government and private employment.

The report states that Regulation 1(e) of the Employment (Restriction of Employment of Children) Regulations, 1957, provides that "the child shall not be required to work during any hours of the day in, or for which, he is receiving instruction from or has been enrolled or ordered by a Native Authority to enrol as a pupil of any school registered in accordance with the Education (African) Ordinance".

Article 20. The reports both for 1955-56 and 1956-57 contain particulars as to the professional schools in the territory.

All the territorial centres mentioned in the reports are subject to supervision by the competent authority. Local advisory bodies, on which employers and employees are represented, are consulted concerning their activities and development.

Article 23. The 1956-57 report states that the Employment Ordinance, 1955, and the relevant subsidiary legislation came into operation on 1 February 1957. This legislation ensures compliance with the requirements of Articles 15 and 16. There is not yet in force any provision as to the minimum school-leaving age; therefore it is not yet possible to accept the application to this territory of Article 19 (2).

Trinidad and Tobago (First Report).

Wages Councils Ordinance, 1949.
Moneylenders Ordinance.
Industrial Training Ordinance.
Compulsory Education Regulations.
Factories Ordinance.
Children's Ordinance.

Articles 3, 5 and 7, paragraph 1, of the Convention. See General Note by the Colonial Office in last year's report.¹

Article 7, paragraph 2. The colony is very small and there are no migratory movements causing disruption of family life. There are no traditional social units.

There is a Planning and Housing Commission, with a qualified Town Planning Officer on its staff. Efforts have been and are being made to provide and/or improve rural amenities. A number of recently established new industries are dispersed around the rural areas.

Article 8. A government department exists for encouraging the growth of co-operative societies and credit unions. The Agricultural Credit Bank provides loans to agricultural credit societies and individuals engaged in agriculture.

The sale of Crown lands has been discontinued and instead leases are granted with covenants for ensuring full and proper development of the land.

Legislation regulates agricultural contracts and tenancy arrangements. Working conditions are left for determination by voluntary collective bargaining, or, where this process is ineffectual, by Wages Councils.

Article 9. Legislation provides for the orderly marketing of and the fixing of prices for the main agricultural crops. The Department of Agriculture constantly promotes improved agricultural practice through advice and material assistance.

A budgetary survey was carried out in 1950-51 by the Government's Statistical Department, in consultation with a committee which included representatives of both employers' and workers' organisations. An index of retail prices based on the survey was started in January 1952 and continues to be compiled monthly. The index takes into account the items mentioned in paragraph 2.

Article 10. See under Article 7, paragraph 2.

Articles 11 and 12. The conditions described in these Articles do not arise in Trinidad.

Article 13. There are no significant variations in the cost of living.

Article 14. The Ministry of Labour effectively promotes the Government's policy of encouraging the fixing of wages and other conditions of employment by voluntary collective bargaining.

The Wages Councils Ordinance has been enacted and a Wages Inspectorate established to enforce wages regulation orders made under the Ordinance.

Article 15. This Article is not accepted for application.

Article 16. Paragraph 1 is not yet being applied. As regards paragraph 2, the practice

¹ See above, footnote, p. 210.

of making advances to workers in consideration of their taking up employment does not obtain in the colony.

Article 17. The report refers to its reply under Article 8 and adds that the Moneylenders Ordinance, the establishment of the Agricultural Credit Bank and the fostering of co-operative societies and credit unions meet the requirements of this Article.

Article 18. Persons of all races occupy the highest positions in public and private employment.

Article 19. The requirements of paragraph 1 are met by the establishment of schools throughout the colony, including remote rural areas; the constant expansion of the school-building programme; the provision of facilities for the training of teachers; the establishment of technical schools and vocational and handicraft classes; and the supervision of the apprenticeship system under the Industrial Training Ordinance.

The Compulsory Education Regulations, the Factories Ordinance and the Children's Ordinance prescribe the school-leaving age and the minimum age for and conditions of employment.

The statutory minimum ages of admission into employment are as high as or higher than the school-leaving age. The provisions of the Compulsory Education Regulations are enforced by a staff of school attendance officers.

Article 20. Industry takes its own measures. Facilities for technical training are also provided by a public Board of Industrial Training.

Uganda (First Report).

Uganda Employment Ordinance 1947, Cap. 83.
Minimum Wages Ordinance, 1949, Cap. 87.
Employment of Children Ordinance, 1938, Cap. 86.

Articles 3, 5 and 7, paragraph 1, of the Convention. See General Note by the Colonial Office in last year's report.¹

Article 7, paragraph 2. The Labour Department keeps records of migratory movements. Migrants are encouraged to take their wives and families with them.

Where necessary, planning authorities are consulted on the development of building estates. Various measures are taken to prevent and eliminate urban congestion. All government departments, and in particular the Department of Community Development, are actively engaged in promoting better living conditions in rural areas. The Ministry of Rural Development encourages the commercialisation of the economy through its trade development programme.

Article 8. Chronic indebtedness is an insignificant problem. Since alienation of land is very rare, no specific measures of control have been taken. As regards control of the ownership and use of land and natural resources, the Government is implementing the report of the Agricultural Productivity Committee under the Five-Year Capital Development Plan. Landlord-tenant relationships mainly exist in three provinces where they are controlled by legisla-

tion. The formation of co-operatives is encouraged by various measures taken by the Department of Co-operative Development.

Article 9. A system of marketing boards ensures a fair return for the main crops. The fact that the demand for labour generally exceeds the supply, and the example set by the Government in regard to its own employees, ensure the maintenance of minimum standards. Studies of workers' expenditure in the main towns are undertaken by the East African Statistical Department and researches into living conditions by the African Institute of Social Research. In ascertaining minimum standards of living it is the Government's policy to take the worker's essential family needs into account.

Article 10. Employers provide rations to workers employed away from home on written contracts and also facilities for remitting money. Workers are encouraged to bring their families with them and free married accommodation is provided.

Article 11. In addition to normal postal facilities for remitting money facilities are provided by employers and recruiting agencies.

Article 12. In 1956 about 28 per cent. of Uganda's African labour came from outside the Protectorate, chiefly from Ruanda-Urundi; about 85,000 males entered and 75,000 left the territory. No agreement has been found necessary but close liaison is maintained with the appropriate authorities of the territory from which the migrants come.

Article 13. Workers receive local wages which take account of higher living costs.

Article 14. The Government encourages the fixing of wages by direct negotiation. About 15 per cent. of the working population is covered by joint consultative machinery. The Minimum Wages Ordinance provides for the fixing of minimum wages after inquiry. New legislation on the fixing of minimum wages is now before the Legislative Council.

Article 15. The requirements of paragraphs 1 to 4 and 7 are met by the Uganda Employment Ordinance. Wages are not paid in taverns and stores, and are normally paid monthly. Officers of the Labour Department and joint committees assist in informing workers of their wage rights, as also does the publication by the Government of its own wage rates. Inspecting officers can take appropriate action regarding unauthorised deductions.

Article 16. Advances in excess of one month's wages are not recoverable in a court of law. Advances to foreign recruited workers must be entered on their contracts which are read over and explained to them.

Article 17. The Post Office Savings Bank and commercial banks provide savings facilities but the main facilities are provided by the Uganda Credit and Savings Bank, a quasi-government body. The Moneylenders Ordinance requires the licensing of moneylenders and imposes maximum rates of interest. Long-term loans on security for production and short-term credits at low interest rates for agriculture and training are provided by the

¹ See above, footnote, p. 210.

Uganda Credit and Savings Bank. The African Loans Fund provides loan assistance for production. The importance of the credit facilities provided by the co-operative movement is expected to increase.

Article 18. There is no discrimination.

Article 19. Since 1953 the Government has been implementing a plan for the accelerated expansion of education at all levels. A scheme for vocational training and apprenticeship is also in operation. The Uganda Employment Ordinance regulates the employment of apprentices. General technical and commercial courses are provided for students wishing to take full professional studies for higher training in building subjects.

There is at present no legal school-leaving age. The Employment of Children Ordinance prohibits the employment of children under 12 years of age.

Article 20. Training is concentrated on the various recognised trades, which has the general effect of raising productivity and the general standard of living. Employers and employees are represented on the apprenticeship committee which advises the Labour Commissioner.

The above legislation is enforced by the Labour Department, whose officers are stationed in employment areas throughout the territory.

The Colonial Office Report on Uganda for 1955 and the annual reports of the Labour Department and the Education Department for 1955 show the manner in which the Convention is applied. There are at present ten registered trade unions in the territory, including one employers' union. These unions represent only small groups of workers and employers.

Zanzibar (First Report).

Minimum Wages Decree, 1935.

Co-operative Societies Decree, 1948, as amended.

Public Land Decree (Cap. 106), as amended.

Land Alienation Decree, 1939, as amended.

Forest Reserve Decree, 1950.

Labour Decree, 1946, as amended.

Ground Rent Restriction Decree, 1940, as amended.

Minerals Decree (Cap. 122), as amended.

Towns Decree (Cap. 100), as amended.

General Notice No. 163 of 1955: Industrial Loans Fund.

Articles 3, 5 and 7, paragraph 1, of the Convention. See General Note by the Colonial Office in last year's report.¹

Article 7, paragraph 2. Internal migration is no problem as the remotest area of the territory is accessible within a day. The Government gives constant attention to the need for town planning; a Town Planning Adviser has recently drawn up schemes and a Town Planning Officer has been appointed to carry these out and to supervise and advise on urban and rural development. Constant efforts are being made to set up local government bodies to undertake community development projects.

Article 8. Co-operative societies are encouraged. The Land Alienation (Restriction) Decree controls the alienation of land. Various decrees exist for the control of land and natural resources. The supervision of agricultural tenancy is not necessary. Working conditions

are supervised to the extent that the Government fixes minimum wages for clove pickers.

Article 9. Independent producers are educated in modern methods of cultivation and marketing by trained officers. Wages payable to workers are under constant review and, where appropriate, the Minimum Wages Decree is applied. Official inquiries to ascertain minimum standards of living are conducted periodically.

Article 10. While there is practically no migrant labour, higher wages attract a number of individual workers from the mainland. Families either accompany such workers and are accommodated with them, according to tribal custom, or it is not customary for families to leave their tribal lands. Wages earned in the territory can be readily transmitted to the worker's home.

Article 11. Workers customarily send part of their earnings to their families and no special arrangements are necessary.

Article 12. Higher wages during the clove-picking season attract a number of workers from Tanganyika but no agreements have been concluded.

Article 13. No measures have been found necessary.

Article 14. The Labour Officer is always available to assist in fixing wages by agreement between trade unions and employers. In other cases the Minimum Wages Decree applies. Minimum wage rates are published in the *Official Gazette* and publicity is given to them by the Labour Office. Workers can obtain free assistance from the Labour Office in matters of wage claims.

Article 15. The requirements of paragraphs 1 to 4 and 6 are met by the Labour Decree. It is not the practice to pay wages in taverns or stores. The Labour Office keeps the question of food, housing supplies and services forming part of remuneration under review. The provisions of the Labour Decree prevent unauthorised deductions and restrict the amounts deductible from wages in respect of supplies forming part of remuneration.

Article 16. This Article is applied by the Labour (Forms of Contract) Regulations, 1953.

Article 17. The Co-operative Section encourages the setting up of thrift and savings societies, and Post Office Savings Bank facilities are available. There is no special legislation against usury. Borrowing facilities are, however, provided by the Government, the Clove Growers Association and the Co-operative Credit Organisation.

Article 18. There is no discrimination.

Article 19. The Government refers to the annual report of the Department of Education. No school-leaving age is prescribed.

Article 20. The economic activities of the country are almost entirely limited to agriculture and fishing, as regards which the Government makes every effort to introduce better techniques. Trade schools exist both in the territory and on the mainland and the courses are adjusted to the needs of employers and employees.

¹ See above, footnote, p. 210.

Article 23. With reference to Article 19, paragraph 2, it is not practicable at present to prescribe a school-leaving age as there are neither sufficient teachers nor schools, but every effort is made to extend education as fast as conditions permit.

The application of the legislation is entrusted to the Senior Commissioner and other government officers.

* * *

The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (French Equatorial Africa, French

West Africa, Togoland), *New Zealand* (Cook Islands and Niue), *United Kingdom* (Bermuda, Bechuanaland, Cyprus, Gibraltar, Mauritius, Nyasaland, Solomon Islands, Sarawak, Singapore).

The following reports merely reproduce or refer to the information previously supplied :

France (Comoro Islands, French Polynesia, French Somaliland, St. Pierre and Miquelon), *New Zealand* (Tokelau Islands), *United Kingdom* (Basutoland, British Somaliland, Dominica, Falkland Islands, Gambia, Grenada, Malta, Montserrat, North Borneo, St. Christopher-Nevis-Anguilla, St. Helena, Sierra Leone, Swaziland).

84. Right of Association (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 1 July 1953

Belgium. Ratification : 27 January 1955.
Applicable without modification : Belgian Congo and Ruanda-Urundi.

France. Ratification : 26 July 1954.
Not applicable : French Guiana, Guadeloupe, Martinique, Réunion.
No declaration : Algeria.
Applicable without modification : all other non-metropolitan territories.

*Italy.*¹
Applicable without modification : Trust Territory of Somaliland.

New Zealand. Ratification : 1 July 1952.
Applicable without modification : Cook Islands.
Not applicable : Tokelau Islands.
Decision reserved : Western Samoa.

United Kingdom. Ratification : 27 March 1950.
Decision reserved : Brunei, Gilbert and Ellice Islands, Solomon Islands.
No declaration : Guernsey, Jersey and Isle of Man, British Somaliland.
Applicable without modification : all other non-metropolitan territories.

¹ Unratified Convention. See footnote 1 to Convention No. 17.

United Kingdom.

Cyprus.

The Government has provided extracts from the annual report of the Labour Department for 1956, dealing with industrial disputes, the number of unions belonging to the various confederations, and the number of their members.

Fiji.

Consideration is being given to the deletion of "regularly and normally" from section 8 (a) of the Industrial Associations Ordinance (Cap. 79) and to a special exception in respect of trade unions in Regulation 35 of Regulations No. 10 of 1948.

The first proposal, together with other amendments to Cap. 79, has been referred to the Labour Advisory Board, which has requested

time for their consideration as they are of an important nature.

The proposed change in Regulations No. 10 is being submitted to the Fijian Affairs Board and, if approved, will be laid before the Legislative Council in due course.

Grenada.

Trade Union Rules, 1952 (S. R. and O. No. 3 of 1952).
Trade Unions and Trade Disputes (Amendment) Ordinance No. 17 of 1956.

Kenya.

Regulation of Wages and Conditions of Employment (Amendment) Ordinance No. 34 of 1956.
Different Orders providing for the establishment of Wages Councils in certain trades or industries (Legal Notices Nos. 494 to 499 of 1956).
Wages Advisory Board Rules, 1956 (Legal Notice No. 383 of 1956).

The amending legislation is concerned primarily with the improvement of representation arrangements on the Wages Advisory Board and the Wages Councils, particularly with a view to safeguarding equality of voting strength between employers' and workers' representatives and to make provision for specific geographical representation.

Nyasaland.

Trade Unions and Trade Disputes (Amendment) Ordinance No. 17 of 1957.

Article 2 of the Convention. The amending legislation enacted during the period under review primarily provides additional grounds on which the Registrar may refuse registration. The additional grounds are : (a) if no other trade union already registered is sufficiently representative of the whole or a substantial proportion of the interests in respect of which the applicants seek registration ; (b) where the number of purposes of the trade union are not in accordance with those set out under the definition of a trade union ; and (c) where the

constitution of a general trade union does not contain suitable provision for the protection and promotion of the respective sectional industrial interests of the various trades which the trade union is designed to cover.

Northern Rhodesia.

Trade Unions and Trade Disputes (Amendment) Ordinance No. 35 of 1956.

Article 2 of the Convention. The principal effect of the amending legislation introduced during the period under review was to introduce compulsory registration for all trade unions. In addition, provision was made for the inspection of books of account by the Registrar of Trade Unions; for the application, by a union member or the Registrar, in the event of a prima facie case of fraudulent misuse of union funds, for an injunction against a trade union official from holding office; and for the debarring of any person, for five years, who has been convicted of fraud or dishonesty from holding a trade union office. The legislation also specifies the rules to be applied in the event of the dissolution of a trade union either voluntarily or for failure to comply with the law in regard to registration; and its scope in regard to picketing was extended.

Decisions of the Registrar in regard to all matters affecting registration are subject to appeal to the High Court.

Sarawak.

In reply to the request made by the Committee of Experts the Government states that no requests for registration have so far been refused and that it is therefore difficult to anticipate the events leading up to a refusal or to state how in practice the provisions of refusal of registration would function. Each case has to be treated on its own merits. Provision for an appeal, however, lies with the Supreme Court against refusal or against cancellation of registration (section 10 (4) and section 11 (3) of the Trade Unions and Trade Disputes Act, 1947).

Sierra Leone.

Because of a crowded legislative programme the proposed amendment of the Trade Unions Ordinance was not enacted during the period under review; one of the provisions of the proposed Ordinance is to render all decisions of the Registrar of Trade Unions subject to appeal to the Supreme Court.

Southern Rhodesia.

Article 2 of the Convention. The report sets out in detail the provisions of the existing legislation and states that, while at present

African workers are not included within the scope of the existing Industrial Conciliation Act, a Bill seeking to provide for their inclusion and for the formation and registration of multi-racial trade unions and employers' organisations has been referred to a Parliamentary Select Committee for further consideration. If and when enacted, the proposed legislation would repeal and replace the existing Industrial Conciliation Act, 1945, and the Native Labour Boards Act, 1947, as amended.

Tanganyika.

Trade Unions Ordinance No. 48 of 1956.
Trade Unions (Amendment) Ordinance No. 11 of 1957.
Trade Unions Regulations, 1957.
Trade Unions (Appeal) (Rules of Court) Rules, 1957.
Government Notices Nos. 25 and 175 of 1957.

Article 2 of the Convention. The Trade Unions Ordinance of 1956 extends the definition of "trade union" to include federations of trade unions; the definition specifically includes combinations of employees employed by the Government and by the East Africa High Commission (section 2). At the end of the period under review a number of existing trade unions were still registered under previous legislation since the 1956 Ordinance came into force on 1 February 1957, and existing unions were allowed, under its provisions, a period of six months in which to re-register.

* * *

The following reports supply information on the practical effect given to the Convention or on minor changes in its application:

France (Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, Madagascar, New Caledonia, St. Pierre and Miquelon), *Italy* (Trust Territory of Somaliland), *New Zealand* (Tokelau Islands, Western Samoa), *United Kingdom* (Antigua, British Guiana, Cyprus, Gibraltar, Hong Kong, Kenya, Montserrat, Nigeria, St. Lucia, Sarawak, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar).

The following reports merely reproduce or refer to the information previously supplied:

France (Algeria, Cameroons, French West Africa, Guadeloupe, Réunion, Togoland), *New Zealand* (Cook Islands and Niue), *United Kingdom* (Aden, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Honduras, British Somaliland, Brunei, Dominica, Falkland Islands, Gambia, Gilbert and Ellice Islands, Guernsey, Jersey, Malta, Isle of Man, Mauritius, North Borneo, St. Christopher-Nevis-Anguilla, St. Helena, St. Vincent, Singapore, Solomon Islands, Swaziland).

85. Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947

This Convention came into force on 26 July 1955¹

Australia. Ratification: 30 September 1954.
Applicable with modification: New Guinea and Papua.

Not applicable: Norfolk Island.
Decision reserved: Nauru.

Belgium. Ratification: 27 January 1955.
Applicable without modification: Belgian Congo and Ruanda-Urundi.

France. Ratification: 26 July 1954.
No declaration: Algeria.
Not applicable: French Guiana, Guadeloupe, Martinique, Réunion.
Applicable without modification: all other non-metropolitan territories.

Italy.²
Applicable without modification: Trust Territory of Somaliland.

United Kingdom. Ratification: 27 March 1950.
No declaration: Guernsey, Jersey, Isle of Man, 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.

¹ Under Article 9 of this Convention, its provisions cease to apply in respect of any territory to which the provisions of the Labour Inspection Convention, 1947 (No. 81) apply, by virtue of a declaration communicated in accordance with Article 30 or Article 31 of the latter Convention.

² Unratified Convention. See footnote 1 to Convention No. 17.

Australia.

New Guinea.

Native Labour Ordinance, 1950-1956.

In connection with the request for further information made by the Committee of Experts, the Government reports as follows:

Article 4 of the Convention. The Senior Inspector of Labour, who is an officer of the headquarters of the Department of Native Affairs, is responsible for the initiation, co-ordination and functioning of district inspection programmes. Continued steps are being taken to implement the administration's policy, which is to inspect places of employment twice a year, or more frequently if circumstances indicate that this is desirable.

In the opinion of the Government's legal adviser, section 107 of the above Ordinance enables inspectors to enter at any time premises on which any Native is working or which is used or occupied by any Native worker.

Inspectors are empowered to post notices required under section 75 (2) of the above Ordinance declaring a place to be a "prohibited area" on the grounds that it is dangerous or prejudicial to the health of the workers to work or reside therein.

Figures indicating the number of Native workers employed under the provisions of the above Ordinance, the number of inspectors and of inspections are given in the report. These figures show an improvement compared with those for the preceding period.

Papua.

See under *New Guinea*.

Belgium.

Belgian Congo (First Report).

Decree of 16 March 1950 (L.S. 1950—Bel. 1 C).
(*Bulletin officiel du Congo belge*, 15 Apr. 1950.)
Ordinance No. 23/176 of 24 May 1950.
Works Rules Decree of 27 July 1955.

Article 1 of the Convention. The Labour Inspectorate as organised in the Belgian Congo meets the requirements of Articles 2 to 5 of the Convention. It is centralised and is independent of the local authorities. The structure of the Inspectorate and the number of inspectors are indicated in the report.

Article 2. The manpower inspectors are recruited from among the best members of the Congo territorial service, where they have acquired a thorough knowledge of the background, mentality and language of the indigenous population. Before being given an assignment they go through a training period with an experienced inspector. The engineering inspectors must hold diplomas in civil engineering from a Belgian university and have practical experience of industrial problems. They receive special training relating to the various aspects of industrial safety, either in Belgium or at the headquarters of the Labour Service in Léopoldville.

Article 3. The workers and their representatives are able to communicate freely with the inspectors. The Works Rules Decree of 27 July 1955 provides, in section 3 (c), that works rules must indicate the address of the official responsible for labour inspection in the area.

Article 4, paragraph 1. The inspectors are required to make a systematic inspection of all undertakings situated in their respective areas. In principle all undertakings should be visited once a year, but this ideal cannot be achieved because of the large number of undertakings and the great distances involved. However, undertakings employing more than 500 persons are always inspected once a year.

Paragraph 2. All the powers mentioned in this paragraph are enjoyed by labour inspectors in the Belgian Congo under section 6 of the Decree of 16 March 1950.

Paragraph 3. When about to make a visit the labour inspector notifies the employer or his agent in advance, unless the matter is urgent or he is of the opinion that notification would interfere with the effectiveness of the inspection.

Article 5. The labour inspectors and their assistants (a) may not have any interest in the undertakings placed under their supervision; (b) are bound to professional secrecy; and (c) must treat the source of any complaint as strictly confidential.

The work of government agents belonging to the Labour Inspectorate is supervised by the Directorate of Labour, which ensures application of the Convention.

The workers' organisations ask for the strengthening of the Inspectorate. The number of inspectors is being gradually increased.

France.

Cameroons.

As regards Article 4, paragraph 2 (a) and (b), of the Convention, see under *French Equatorial Africa*.

Comoro Islands.

See under *French Equatorial Africa*.

French Equatorial Africa.

For the Government's reply to an observation made by the Committee of Experts, see *Report of the Committee*, p. 689.

There are no special regulations regarding visits and tours of inspection; under the Act these matters are to be determined by the labour inspectors themselves.

There are five inspection services, each responsible for a group of territories. The total strength is 12 inspectors; some of these operate in a single territory, others in several.

French Polynesia.

As regards Article 4, paragraph 2 (a) and (b), of the Convention, see under *French Equatorial Africa*.

French Somaliland.

See under *French Equatorial Africa*.

French West Africa.

As regards Article 4, paragraph 2 (a) and (b), of the Convention, see under *French Equatorial Africa*.

The labour inspector may enter, by day or by night, any undertaking and establishment for which he is responsible; to obtain access he must give proof of his identity. According to the regulations visits must be made at least once a year in the case of undertakings and establishments employing more than 20 persons and at least twice a year in the case of those employing more than 50 persons; the above figures are reduced to 10 and 25 respectively in the case of establishments in urban areas.

Madagascar.

See under *French Equatorial Africa*.

New Caledonia.

At present the labour inspector cannot inspect establishments at regular intervals. He is obliged to restrict his investigations to undertakings which he has to visit in order to settle individual disputes or to make a record of infringements.

The strength of the Inspectorate consists of one inspector and one secretarial assistant. Its activity increased considerably in the first half of 1957.

See also under *French West Africa*.

St. Pierre and Miquelon.

See under *French Equatorial Africa*.

Togoland.

Decree of 26 July 1957 respecting the organisation and operation of the Ministry of Labour and Social Affairs.

Decree of 24 August 1956 respecting the status of Togo, as amended by the Decree of 22 March 1957.

See under *French Equatorial Africa*.

Italy.

Trust Territory of Somaliland.

In response to a request of the Committee of Experts the Government supplies the following additional information:

Following the formation of a Somali Government, all questions respecting labour fall within its competence (Department of Labour, Ministry of Social Affairs).

There are one central and six regional labour inspectorates. Until the promulgation of the basic Labour Act the central control of labour inspection remains in the hands of the Ministry of Social Affairs and duties in respect of section 5 of Ordinance No. 21 in the hands of regional prefects.

With regard to the training of inspectors, the draft of the Labour Act will take into account the requirements which the said officials must satisfy if they are to carry out their duties in a satisfactory manner.

United Kingdom.

Aden.

In connection with the request for further information made by the Committee of Experts the Government reports as follows:

Labour inspections are carried out at yearly intervals.

The conditions of employment of all workers enjoying legal protection are supervised by labour inspectors. Figures as to the activities of the Labour Inspectorate are given in the report.

The requirement of Article 5 (a) of the Convention is regulated by Aden Colony General Order No. 33. None of the labour inspectors has any interest of any kind in trade or commercial undertaking.

Antigua.

Labour Ordinance No. 3 of 1950.

Workmen's Compensation Ordinance No. 24 of 1956.

In connection with the request for further information made by the Committee of Experts the Government reports as follows:

Approximately two routine inspections of each workplace are carried out each year.

The absence of legislative and administrative provisions for the requirements of Article 4, paragraph 2 (c) (iii) and (iv), and Article 5 (b) and (c), of the Convention has not detracted in any way from its application.

While there is no post of labour inspector, the Labour Commissioner and a clerk in the Labour Department have attended the training course for colonial labour officers, including some training in factory inspection.

Any worker is free to communicate with the Labour Commissioner on any matter affecting his conditions of employment.

There is no legislation to enforce the posting of notices nor with respect to the removal, for purposes of analysis, of samples of materials.

A new Factories Ordinance to be proclaimed shortly will give legal force to the provisions of the Convention.

Bahamas (First Report).

No legislation exists to apply the provisions of this Convention. In the absence of a Labour Department there is no authority charged with the task of inspection of the conditions of employment.

There are no large industrial premises in the colony, the main economy of which depends on tourism. There is a small labour office which supervises the recruitment and conditions of Bahamian workers recruited for temporary agricultural employment in the United States.

A recommendation to authorise the appointment of a Labour Commissioner has been sent to the Legislature; it is still under consideration.

Barbados (First Report).

Labour Department Act, 1943.

Labour Department (Amendment) Act, 1951.

Factories Act, 1956.

Quarries Act, 1951.

Shops Act, 1945.

Employment of Women, Young Persons and Children Act, 1938.

Employment of Women, Young Persons and Children (Amendment) Act, 1940.

Wages Council Act, 1955.

Holidays with Pay Act, 1951.

Article 2 of the Convention. The labour inspectors working in the Labour Inspection Service receive their initial training by working with and under the supervision of experienced labour inspectors. They then undergo a course of general training in the United Kingdom, which is both theoretical and practical.

Article 3. No special measures have been taken to enable workers and their representatives to communicate freely with the inspectors. Inspectors may, at all reasonable times, enter premises or places in which workers are employed and may carry out any inquiry. In addition, the Labour Commissioner—the head of the inspection service—may receive and investigate all representations, whether of employers or workers, so as to ensure the due enforcement of the legislation.

Article 4. Inspectors have a general power of entry and inspection which is authorised by the Labour Department Acts and by other Acts. Legislation to authorise inspectors to exercise the powers referred to in paragraph 2 (a) of Article 4 of the Convention is under consideration. As regards paragraph 2 (b), inspectors are authorised to enter by day any premises which they have reasonable cause to believe to be liable to inspection. The requirements laid down in paragraph 2 (c) and paragraph 3 of Article 4 are complied with in virtue of section 2 of the Labour Department (Amendment) Act, 1951.

Article 5. There are no statutory provisions prohibiting inspectors from having any direct

or indirect interest in undertakings under their supervision; however, the administrative regulations of the civil service prohibit any officer from investment in any local undertaking without the express permission of the Governor. Legislation to comply with this requirement of the Convention is under consideration. Paragraph (b) of Article 5 of the Convention is applied in virtue of section 3 of the Labour Department (Amendment) Act, 1951, and sections 15 and 32 of the Factories Act, 1947. As regards paragraph (c) of Article 5, there are no statutory provisions but the policy of the Labour Department is that the letter and the spirit of this requirement must be observed by inspectors. Consideration is being given to amending the law to conform to this requirement of the Convention.

Article 8. Existing legislation is not in conformity with the requirements of Article 4, paragraph 2 (a) and (b), and Article 5, paragraphs (a) and (c), of the Convention, and consideration is now being given to amending the law so as to permit a full acceptance of the Convention without modification.

The application of the relevant legislation is ensured by the Labour Commissioner, the Commissioner of Police, the Harbour and Shipping Master and by Justices of the Peace.

The inspection services have functioned smoothly in enforcing the statutory requirements and in improving working conditions. Owing to limitations of trained personnel and pressure of other duties the frequency of inspections has not been all that is desired, but this is being remedied by provision of additional staff.

In connection with the request for further information made by the Committee of Experts, the Government states that the Factories Act of 1956, enacted on 14 November 1956 but not proclaimed at the time when the Government's report was drawn up, repealed the previous Factories Act. There has been no further progress on amendments to existing legislation which would permit full acceptance of this Convention without modification. However, the Labour Code prepared with the help of the I.L.O. is under consideration.

Bermuda.

In the absence of a labour inspectorate the Public Health Department is empowered to investigate conditions of work and to take measures safeguarding the health and well-being of all categories of workers in places of employment in Bermuda.

British Guiana (First Report).

Labour Ordinance (Cap. 103).

Factories Ordinance (Cap. 115).

Bakeries (Hours of Work) Ordinance (Cap. 120).

Holidays with Pay (Register of Holidays) Regulations of 1953.

Labour (Conditions of Employment of Certain Workers) Ordinance (Cap. 110).

Workmen's Compensation Ordinance (Cap. 111).

Shops Ordinance (Cap. 118).

Article 2 of the Convention. Newly appointed assistant inspectors work for a number of years under the supervision of inspectors. All inspectors and many of the assistant inspectors

attend training courses for labour officers in the United Kingdom.

Article 3. Any worker or workers' representative is free to communicate with the Department of Labour. In addition, inspectors visit and inspect any premises in which labour is employed.

Article 4. Inspectors are appointed and provided with credentials under the relevant legislation. Under laws which are indicated in detail in the report, these officers are authorised to exercise the powers referred to in paragraph 2 of this Article.

Article 5. The provisions of this Article are applied by administrative ruling and in practice. Section 9 (6) of the Factories Ordinance (Cap. 115) is also referred to.

The application of the legislation affecting this Convention is entrusted to the Commissioner of Labour. The number of inspectors and other officers is indicated in the report. Apart from a large number of complaints, which must be investigated, these officers carry out regular inspections of workplaces.

British Honduras.

In connection with the request for further information made by the Committee of Experts the Government reports as follows:

The aim at present is to inspect each place of employment at least once a year and this is generally accomplished, with the exception of certain remote places of employment where seasonal operations are conducted.

A proposal to make statutory provision to ensure that sources of complaints are treated as confidential and to grant inspectors authority to enter premises "believed to be liable to inspection" are being considered in connection with the revision of the Labour Laws now in progress.

Brunei (First Report).

Labour Ordinance of 1954.

Articles 1 and 2 of the Convention. One factory inspector and assistant residents in their capacity as assistant labour commissioners receive their instructions and training departmentally. In addition, selected officers may be sent to the colonial officers' labour training course organised by the Ministry of Labour and National Service in the United Kingdom. Consideration is being given to sending the factory inspector on a safety training course in Hong Kong. The highly technical Oil Company is inspected from time to time by the Chief Safety Officer in Malaya.

Article 3. No special measures are required to enable workers and their representatives to communicate freely with inspectors. The workers' rights are assured under ordinary civil law and it is difficult to imagine any lawful way by which their access to inspectors could be restricted. Unlawful restraint is an offence under the Penal Code and there are additional safeguards in the Labour Code.

Article 4, paragraph 1. Inspections may be carried out by officers appointed by the Resident under section 3 (1) of the Labour Ordinance.

Additional powers are provided by section 4 (2). Inspections of places of employment are carried out at frequent intervals and it is departmental policy as far as possible, and subject to the need for special inspections to enforce orders, etc., to inspect all places of employment about once a year.

Paragraph 2. Inspecting officers are authorised by the enactment to put questions concerning the workers to the employer or to any person who may be in charge of them or to the workers themselves, and the employer of such person, or any such worker, shall be legally bound to answer such questions to the best of his ability (section 4 (1)); the inspecting officers may also call for and examine all contracts, registers, books of account and other documents concerning any workers or relating to their employment (section 5 (a)), enforce the posting of notices where required by law (section 4 (4)), and take and remove for purposes of analysis samples of materials and substances used or handled, subject to the employer or his representative being notified of any samples or substances taken or removed for such purposes (section 5 (b)).

Article 5. All inspecting officers are public servants and Sarawak General Orders are applicable to them. These prohibit them from having any direct or indirect interest in commercial undertakings conflicting with their public duties or in any way in influencing them in the discharge of their duties. A government officer cannot, without the permission of the Resident, divulge information of which he may have become possessed in his official capacity. The sources of complaints made to inspecting officers are regarded as information coming within the terms of the General Orders.

The application of the above-mentioned legislation is entrusted to the Commissioner of Labour, two assistant residents and two district officers, in their capacity as assistant commissioners of labour, one factory inspector and subordinate staff. Moreover, all medical officers of the government medical services exercise the inspection powers of health officers under the enactment.

The report states that a declaration which will be made in due course applying the provisions of Convention No. 81 to Brunei will supersede the declaration on Convention No. 85.

Cyprus.

Factories Law No. 38 of 1956.

In connection with the request for further information made by the Committee of Experts the Government reports as follows:

Each year two inspectors as a rule take the training course for labour officers in the United Kingdom. In addition to this general course, a few officers have received or are receiving specialised training.

The frequency of inspection varies to the extent to which a first inspection reveals that the provisions of the Labour Laws are not being met; the average, however, is one inspection per 18 months. Inspections have up to the present excluded government departments, which employ more than 9,000 operatives.

The number of inspectors as well as that of inspections carried out in 1956 is given in the report.

No restriction is placed on the power of entry of inspectors except under the relevant sections of the Factories Law.

Article 5 of the Convention is fully applied.

Dominica (First Report).

Labour (Minimum Wage) Act, 1937 (Leeward Islands Act No. 21 of 1937), as adapted to Dominica by Ordinance No. 19 of 1939.
Labour Statistics Ordinance No. 5 of 1948.
Factories Ordinance No. 10 of 1941.

Article 2 of the Convention. Training is provided for labour inspectors at the training course for labour officers in the United Kingdom.

Article 3. Workers are encouraged to discuss their problems freely with the persons responsible for labour inspection.

Article 4. Except for paragraph 2 (c) (iii) and (iv), legal provision exists for this Article in section 3 of Ordinance No. 5 of 1948 and in section 5 (2) of the Minimum Wage Act No. 21 of 1937.

Article 5. The provisions of this Article are observed in practice. The code of conduct of inspectors is also governed by Colonial Regulations which are applicable to government servants generally. Reference is also made to section 4 of Ordinance No. 5 of 1948.

With regard to the request for further information made by the Committee of Experts, the Government reports as follows:

Approximately 6,000 persons are protected by the laws and regulations giving effect to the Convention. Training is provided for labour inspectors at the training course for colonial labour inspectors held in the United Kingdom. Labour inspections are carried out at least once a year. The conditions of employment of all workers enjoying legal protection are supervised by labour inspectors. Inspectors have the basic power of entry of workplaces at any hour of the day or night.

Fiji (First Report).

Labour Ordinance No. 23 of 1947.
Labour (Amendment) Ordinance No. 16 of 1957.

Article 2 of the Convention. Newly recruited officers receive training in the Labour Office. Subsequently they accompany experienced officers on visits of inspection until they are considered competent to make independent inspections.

Article 3. Inspectors regularly meet workers' representatives and discuss with them any matter the latter wish to bring up.

Article 4. Section 8 of the Labour Ordinance provides the legal authority to exercise the powers referred to in paragraph 2 (a), (b) and (c) (ii). There is no expressed authority to interrogate employers in the presence of witnesses but inspectors do this in practice and no objections have been raised.

Article 5. Under instructions by the Commissioner of Labour the provisions of this Article must be complied with.

With regard to the request for further in-

formation by the Committee of Experts the Government indicates the number of persons covered by this Convention. The following further information is given:

The Commissioner of Labour or any authorised officer or inspector may enter and inspect by day or by night any place where persons in any undertaking are employed or housed.

As regards frequency of inspection, Suva Wharf is inspected monthly, large concerns annually, and smaller undertakings according to opportunity.

Gambia.

With reference to the request for information made by the Committee of Experts the Government states as follows:

About 5,000 workers are protected by legislation.

The Labour Officer has had no special training in labour inspection duties.

Labour inspections are normally carried out three times a year.

The Labour Officer is responsible for all inspections.

The Labour Officer has power under section 30 (b) of the Labour Ordinance "at all reasonable times" to enter upon any land or premises where workers enjoying legal protection under the Ordinance are employed.

There is no legislation laying down the duties of inspectors other than the Labour Ordinance.

Section 34 of the Labour Ordinance refers to the code of conduct of the Labour Officer. Article 5 (a) of the Convention is not specifically covered by legislation, but it is considered that Colonial Regulation No. 45 provides adequate safeguards at present.

Gibraltar.

Control of Employment Ordinance, 1956.
Shop Hours (Amendment) Ordinance, 1956.

With reference to the request for information made by the Committee of Experts the Government reports as follows:

The conditions of employment of every person employed under a contract of service are protected by legislation, and are therefore subject to inspection; the number of workers covered by the various enactments are given in the report.

All persons employed as inspectors have received training in the United Kingdom; there are no officers engaged wholly upon labour inspection.

All factories are inspected at least once in every year.

All complaints are investigated immediately, but the frequency of routine investigations is determined by available staff time.

No court decision has been given on the interpretation of "reasonable time" in relation to the powers of entry of inspectors. According to the departmental interpretation it covers any time at which workers are employed on the premises.

Posters prescribed under the Factories Ordinance and the Shop Hours Ordinance state that the inspector can be interviewed or communicated with at a specified address.

More workers are beginning to appreciate the means of protection offered by the inspection service.

Gilbert and Ellice Islands (First Report).

Labour Ordinance (Laws of the Gilbert and Ellice Islands, 1952, Cap. 13).

The Convention has been applied as far as practicable by the above-mentioned legislation, in particular Part II.

Article 1 of the Convention. The Ordinance provides for the appointment of authorised officers to assist the Resident Commissioner in the administration of the law. In view of the small size of the territory such officers are appointed from among the district administration staff.

Article 2. No special training is given apart from the normal administrative training.

Article 3. Where they are not stationed permanently on an island District Administrative Officers tour the islands regularly and all workers are afforded ample opportunity to communicate with them.

Article 4. It is part of the duties of the District Administration to satisfy itself that the law relating to employment of labourers is adequately complied with.

The powers of inspecting officers are prescribed by section 9 of Part II of the Ordinance.

Article 5. Government officers are, by general regulation, prohibited from having any direct interest in commercial undertakings; they are forbidden to communicate any information they may have obtained in the course of their duty.

Application of the legislation is entrusted to the District Administration of the territorial Government.

Grenada.

With reference to the request for information made by the Committee of Experts the Government reports as follows:

Only agricultural estates and business places are subject to labour inspection. Their numbers are stated in the report.

Two officers of the Labour Department act in the capacity of labour inspectors; both have received training in methods of labour inspection in the United Kingdom.

Centres of employment are visited at least once a year, but individual places of employment may be visited more often, as occasion demands.

The conditions of employment of all workers enjoying legal protection are supervised by labour inspectors.

Labour inspectors are empowered to enter workplaces "at all reasonable times". This does not rule out entry at any hour of the day or night.

There is no legal provision under Article 4, paragraph 2 (c) (iv). However, the need for such legislation has not arisen in agricultural estates and business places.

Apart from Colonial Regulations, there is no general order or regulation governing the conduct of inspectors; this is considered un-

necessary since the above-mentioned industries do not deal in anything of a confidential nature.

The powers of labour inspectors under the various enactments are set out in the report.

Hong Kong.

In connection with the request for further information made by the Committee of Experts the Government reports as follows:

Article 2 of the Convention. On appointment, Assistant Labour Officers are given practical instruction in the duties of the Labour Inspectorate.

Article 4. The conditions of employment of all workers enjoying legal protection under the Factories and Industrial Undertakings Ordinance are supervised by labour inspectors.

Labour inspectors can visit, at any time they deem appropriate, any premises or place in which they know or have reasonable cause to believe that an industrial undertaking is being carried on.

The total number of visits in the period under review has decreased in comparison with the preceding period.

Article 5. Regulations and Orders giving effect to this Article and applying to all members of the inspection staff are enumerated in a special annex to the report.

Article 9. The number, designation, ethnic origin and sex of members of the Labour Inspectorate on 30 June 1957 are given in the report.

Jamaica (First Report).

Labour Officers (Powers) Law (Cap. 203 of the Revised Laws of Jamaica, 1953).

Factories Law (Cap. 124).

Minimum Wage Law (Cap. 252).

Dock Workers (Protection against Accidents) Law (Cap. 103).

Women (Employment of) Law (Cap. 417).

Holidays with Pay Law (Cap. 149).

Juveniles Law (Cap. 189).

Shop Assistants Law (Cap. 359).

Article 1 of the Convention. Labour Officers are given power by section 3 of the Labour Officers (Powers) Law to enter into any premises, other than a dwelling house, for the purpose of inspection or inquiry which they may consider desirable for ensuring the proper observance of any relevant law.

Article 2. There are no facilities in Jamaica for formally training the inspectors. However, inspecting officers are placed, during the early days of their duties, under the supervision of the more experienced officers who instruct them in the appropriate procedure to follow. Moreover the Labour Officers are sent regularly to the United Kingdom for training which includes courses in labour inspection.

Article 3. Workers and their representatives are afforded every facility for communicating freely with inspectors.

Article 4. Labour Officers are provided with identification cards empowering them to exercise the powers conferred on them by section 3 of the Labour Officers (Powers) Law.

Inspections of factories as well as inspections

under the Minimum Wage Law and the Women (Employment of) Law are made at least once in every year. Other inspections are made when it is deemed necessary.

Section 12 (2) of the Minimum Wage Law empowers inspectors to demand the production of records for the purpose of examining or copying them. Section 11 of this Law (as amended by Law No. 58 of 1954 and Law No. 9 of 1956) gives power to enforce the exhibition of Proclamations made under the Law. Apart from this, inspecting officers have no power to enforce the posting of notices nor power to take samples of materials and substances for analysis.

Article 5. There is no law giving effect to this Article. However, the Labour Officers are civil servants who, by virtue of General Order No. 55 of the Government of Jamaica, are precluded from having any interest in the undertakings under their supervision. Under General Order No. 66 no public officer may, without the sanction of the Colonial Secretary, make public or communicate information obtained in his official capacity. Every public officer is bound by the provisions of the Official Secrets Acts of 1911 and 1920.

Kenya (First Report).

Employment Ordinance (Cap. 109).

Employment of Women, Young Persons and Children Ordinance (Cap. 111).

Resident Labourers Ordinance (Cap. 113).

Regulations of Wages and Conditions of Employment Ordinance No. 34 of 1956.

Factories (Form of Abstract) Order, 1956.

Factories Ordinance, 1950 (Extension of Application) Order, 1957.

Article 1 of the Convention. Labour inspection services are maintained as required by this Article.

Article 2. Inspecting officers without previous training and experience are trained within the Kenya Labour Department. They are not given responsible work until they have shown themselves fit to perform it. The Department provides a continuation of training even for relatively experienced officers. In addition, intensive courses of two months' duration in the United Kingdom have been attended by many of the Kenya Labour Officers.

Article 3. The opportunities for workers and their representatives to communicate freely with inspectors are assured by the wide distribution of Labour Offices.

Article 4. With regard to the request for further information made by the Committee of Experts in 1957 the Government states as follows :

The aim is that all substantial undertakings must be inspected at least once a year. With an expanding inspectorate staff it is possible to carry out at least an annual wages inspection of every undertaking affected, while factory inspections are annual in the case of nearly all undertakings, and biennial in the case of the smallest. In the agricultural sphere this frequency has not yet been achieved.

Under special clauses of the above legislation indicated in detail in the report the provisions of paragraphs 2 and 3 of this Article are generally complied with.

Article 5. Regulations governing the Civil and Public Service apply the principle that officers should not have any interest in the undertakings under their supervision.

Correspondence which has passed between departments, the results of inspections and sources of information must be treated as strictly confidential.

The application of the above legislation is entrusted to the Labour Department, under the general direction of the Minister of Education, Labour and Lands. Application is supervised by a Labour Commissioner and his staff consisting of inspectors and other officers whose exact numbers and designation are stated in the report. The Field Inspectorate is organised on a regional basis with 17 Labour Offices.

The report also gives detailed figures indicating the numbers of workers employed in the colony.

Malta.

In connection with the request for further information made by the Committee of Experts the Government reports as follows :

Article 4 of the Convention. For legislative provisions authorising Labour Officers to carry out examination, test or inquiry reference is made to Order No. 1 of 1950, section 28, of the Conditions of Employment (Regulation) Act, 1952, and section 49 of the National Insurance Act, 1956.

Paragraph 2 (c) (iii). The granting of these powers is not considered necessary.

Paragraph 2 (c) (iv). Labour inspectors are not empowered to take samples for purposes of analysis; for practical purposes, however, this is done by the medical and health authorities.

Mauritius.

In connection with the request for further information made by the Committee of Experts the Government reports as follows :

The conditions of employment of all workers enjoying legal protection are supervised by labour inspectors.

Article 2 of the Convention. Almost all inspectors have undergone training in the United Kingdom. Specialised training is given to officers according to their individual attachments.

Article 4. The reference in law to the power of entry "at all reasonable times" does not exclude entry both by day and by night. In the main industry—sugar production—inspectors are required to perform two field and one wages inspections every week in addition to their normal duties. Generally two inspections are performed during the intercrop period and two during the crop period on each estate. In all other trades or industries covered by agreements or Minimum Wages Orders regular inspections are performed twice a year.

The absence of specific provisions for the taking of samples other than water has not detracted from the application of the Convention, since regulations may be enacted under section 10 (1) of Ordinance No. 42 of 1946.

Article 5. There are no other written regulations or instructions relating to labour inspectors.

Montserrat.

Labour Ordinance of 1950 (Montserrat, No. 5 of 1950).

Labour (Amendment) Ordinance of 1954 (Montserrat, No. 5 of 1954).

In connection with the request for further information made by the Committee of Experts the Government reports as follows :

Supervision and inspection in connection with labour legislation is vested in a Labour Commissioner under the Labour Ordinance, but such an officer has not been appointed. The Labour Commissioner of Antigua or St. Christopher are invited to visit the colony when the occasion arises.

Nigeria.

With reference to the observations made by the Committee of Experts the Government reports as follows :

Labour Officers are empowered under section 5 of the Labour Code to inspect any place where "workers" are employed. A widening of the definition of the term "worker" is at present under consideration.

The number of Labour Officers and inspectors was considerably higher than in the preceding year.

Inspecting officers aim at visiting all the principal establishments at least twice a year, and in most cases this is achieved. The total number of inspections is stated in the report.

As regards the number of persons protected by the Labour Code no precise figures exist, but estimates are given in the report.

Nyasaland.

With reference to the observation made by the Committee of Experts the Government reports as follows :

When the African Employment Ordinance comes under review it is intended to consider the elimination of the provision entitling an employer to be present when a Labour Officer interviews an employee or recruited African (section 5 (2) (b) of the Ordinance).

North Borneo.

With reference to the observation of the Committee of Experts the Government reports as follows :

The declaration which will be made in due course applying the provisions of Convention No. 81 to North Borneo will supersede the declaration on Convention No. 85.

It is not possible to give an indication of the number of persons protected by the laws and regulations giving effect to Convention No. 85.

Northern Rhodesia (First Report).

Employment of Natives Ordinance (Cap. 171).

Minimum Wages, Wages Councils and Conditions of Employment Ordinance (Cap. 190).

Employment of Women, Young Persons and Children Ordinance (Cap. 191).

Shop Assistants Ordinance (Cap. 192).

Factories Ordinance (Cap. 193).

Mining Ordinance (Cap. 91).

The duties of labour inspection are carried out by Labour Officers, Inspectors of Factories and Boiler Inspectors.

Article 1 of the Convention. A special Mines Inspectorate is maintained for the inspection of mining operations.

Article 2. Unless they have had previous experience Labour Officers on first appointment are required to serve in rural areas to gain a background knowledge of the indigenous people and to learn a native language. This is followed by service as a junior under the supervision of an experienced Labour Officer. Inspectors of Factories and Boiler Inspectors are required to hold professional qualifications and to attend courses in the United Kingdom.

Article 3. Workers and their representatives have free access at all times to the Labour Officers who are stationed throughout the territory and who pay frequent visits to working places.

Article 4. Conditions of employment are inspected as frequently as possible.

Inspectors have the right to enter and inspect working places : in respect of African workers by section 55 of the Employment of Natives Ordinance which relates to farms, holdings, land, etc., and in respect of workers of all races under the relevant sections of the above legislation.

Under some of the above Ordinances inspectors have the right to inspect by day or night, under the remaining ones "at all reasonable times".

Under section 55 of the Employment of Natives Ordinance, inspectors are empowered to carry out examinations and inquiries, to require the production of workers, to require the production of books and registers and to take samples of food. Under the relevant sections of the remaining Ordinances inspectors have the power to order the production of books and wage records, to interrogate alone or in the presence of witnesses, to accompany police officers, to require the posting of certain notices and to exercise such other powers as may be necessary for carrying the Ordinances into effect. Under the Mining Ordinance there is no provision for the posting of notices ; as regards paragraph 2 (c) (iv), of this Article there are no provisions except those of section 70 (1) (c) of the Mining Ordinance.

Article 5. Labour inspectors are required by conditions attached to their contract and by administrative instruction to observe the general provisions of this Article.

St. Christopher-Nevis-Anguilla.

In connection with the request for further information made by the Committee of Experts the Government reports as follows :

As regards the Employment of Women, Young Persons and Children Act, 1938, and the Shops Regulation Ordinance, 1942, inspection of workplaces is carried out by authorised police officers.

Section 6 (1) of the Labour Ordinance No. 1 of 1950 confers upon the Labour Commissioner certain powers of entry and inspection ; however,

these powers do not appear to be as wide as the Convention requires.

It is not possible to state the number of persons protected by laws and regulations giving effect to this Convention.

The Labour Commissioner and police officers supervise the application of labour legislation; the former received training in the United Kingdom, the latter have had no special training in labour inspection work.

Labour inspections are carried out about three or four times a year.

There are no special regulations governing the code of conduct of inspectors, apart from the general code of behaviour for government officers.

St. Helena.

With regard to the request for further information made by the Committee of Experts the Government reports as follows:

The training of the Social Welfare Officer did not materialise as foreshadowed in the previous report. However, he receives advice from the Secretary of State's Labour Adviser on the discharge of his duties as labour inspector.

Although the requirements of Article 4, paragraph 2 (a), (b) and (c), are not covered by legislation, no case has arisen in which the labour inspector has been obstructed in the course of the discharge of his duties. Additional legislation is not considered necessary in view of the very small number of workers.

Every undertaking is inspected at least once every three months.

The number of workers covered by legislation is stated in the report.

St. Lucia.

With regard to the request for further information made by the Committee of Experts, the report gives full details of those parts of the Labour (Minimum Wage) Ordinance No. 3 of 1937, Wages Councils Ordinance No. 1 of 1952 and the Factories Ordinance No. 8 of 1943 which are relevant in connection with Article 4 of the Convention.

The Labour Commissioner and his assistant have each attended a general course in methods of inspection which forms part of the training course held in the United Kingdom for colonial labour officers.

Places liable to inspection are visited at least twice a year.

The conditions of employment of all workers enjoying legal protection are supervised by labour inspectors. Their number is given in the report.

The qualification that entry may be made "at all reasonable intervals" does not rule out entry at any hour of the day or night.

No public officer may make an investment which may influence him in the discharge of his duties (General Orders, Revised Edition, 1956, No. 147 (1)).

The absence of legislative provisions has in no way detracted from the application of the Convention.

St. Vincent (First Report).

Department of Labour (Powers and Duties of Labour Commissioner) Order No. 19 of 1943.

Wages Councils Ordinance No. 1 of 1953.

Employment of Women, Young Persons and Children Ordinance No. 20 of 1935.

Factories Ordinance No. 5 of 1955.

In connection with the request for further information made by the Committee of Experts the Government reports as follows:

Monthly inspections are made in places of employment and both workers and employers are encouraged to make free use of the inspection service.

The provisions of Article 4 (with the exception of paragraph 2 (c) (iv)) are applied by law.

The general provisions of Article 5 are strictly applied.

There are two officers responsible for inspection on a full-time basis. Figures giving the working population and persons under the inspection service are indicated in the report.

Sarawak (First Report).

Labour Ordinance of 1951.

Articles 1 and 2 of the Convention. Inspectors receive departmentally their instructions and training in commonsense safety principles. In addition, selected officers may be sent to the training course for colonial labour officers organised by the Ministry of Labour and National Service in the United Kingdom.

Article 3. No special measures are required to enable workers and their representatives to communicate freely with the inspectors. The workers' rights are assured under ordinary civil law and it would be difficult to imagine that their access to inspectors could be restricted in any lawful way. Unlawful restraint is an offence under the Penal Code.

Article 4. Inspections may be carried out by officers appointed by the Governor under section 3 (1) of the Labour Ordinance.

The powers of the Inspectorate are laid down in sections 4 and 5 of the Ordinance.

Inspections of places of employment are carried out at frequent intervals and it is departmental policy as far as practicable to inspect all places of employment with machinery at least once a year.

Article 5. An officer of the Government must disclose to the Chief Secretary particulars of any investment or shareholding which he may possess. If the Governor decides that by reason of the facts disclosed the officer's private affairs might be brought into conflict with his public duties, he may direct the officer to divest himself of such investments or interests.

No officer may, without the sanction of the Chief Secretary, make public or communicate information acquired in his official capacity.

The sources of complaints made to inspecting officers are strictly protected.

Articles 6 to 8. The Convention is applied without modification.

The application of the above-mentioned legislation is entrusted to the Commissioner of Labour.

Inspection powers cover all places of employment and all workers.

Seychelles (First Report).

Employment of Servants Ordinance No. 25 of 1945.
Employment of Servants (Outlying Islands) Ordinance No. 26 of 1945.

Article 2 of the Convention. The Labour Officer (who is also the Labour Inspector) was trained in the United Kingdom in all branches of labour organisation.

Article 3. Section 36 of Ordinance No. 25 of 1945 provides for free communication between the Labour Officer, the workers and their representatives.

Article 4. The Labour Officer appointed by the Government is responsible for the implementation of all its policies. He is authorised by section 33 (i) of Ordinance No. 25 and section 35 (i) of Ordinance No. 26 to exercise the powers referred to in paragraph 2 of this Article.

Article 5. The general provisions of this Article are applied by the Seychelles Civil Service Regulations, which prohibit a public officer from taking part in the management or proceedings of any commercial or agricultural undertaking or hold any investment which might bring his private interests into conflict with his duties.

The Labour Officer regularly visits places of employment, and also in outlying islands; he has free access to all types of workers. The majority of workers, most of whom are employed in agriculture, are covered by the relevant legislation.

Sierra Leone.

With regard to the request for further information made by the Committee of Experts the Government reports as follows:

The establishments covered by the existing legislation are, as a general rule, inspected at intervals not exceeding two years.

Inspectors have the power to enter and inspect workplaces at any time when workers within the scope of the regulations may be at work.

Restrictions placed on private interests of officers are mentioned in detail in the report. Sources of any complaint are, in practice, treated as absolutely confidential (Article 5, paragraph (c)).

There is no statutory provision authorising wages inspectors "to apply for information to any other person whose evidence they may consider necessary"; however, in practice an inspector would freely communicate with a trade union secretary if such a communication were considered necessary.

Singapore.

Shop Assistants Employment Ordinance No. 13 of 1957.
Clerks Employment Ordinance No. 14 of 1957.

In connection with the request for further information made by the Committee of Experts the Government reports as follows:

Article 4 (2) (c) of this Convention is complied with by section 139 of the Labour Ordinance No. 40 of 1955.

Ordinance No. 40 of 1955 does not incorporate

regulations governing the code of conduct of Labour Officers; however, General Orders and Colonial Regulations prohibit government servants from having interests in commercial undertakings, and if they do have such interests a full declaration has to be made.

There is no corresponding regulation for Article 5 (c), but all official matters come under regulations governing official secrets (General Order No. 143).

At present it is impossible to give an exact number of workmen who are subject to supervision by the Inspectorate; an approximate figure is given in the report.

Two Labour Officers are sent each year to the United Kingdom for training.

Large-scale establishments are inspected half-yearly. The majority of establishments are visited once a year. Most workers are under the supervision of Labour Officers. Labour Officers are empowered to visit workplaces at any hour of the day or night.

Southern Rhodesia.

In connection with the request for further information made by the Committee of Experts the Government reports as follows:

Article 4 of the Convention. Inspectors may enter without previous notice any premises and interrogate any person in order to satisfy themselves that the provisions of the relevant legislation are being observed. They are empowered to request the production of any book or document. In addition inspectors may enforce the posting of notices setting out conditions of employment.

The Factories and Works Act and the Workmen's Compensation Act provide for inspections to take place at any reasonable time; this means a time when workmen are actually working on the premises concerned. The Shop Hours Act provides specifically for inspections at any hour of the day or night, and the Native Labour Boards Act and the Industrial Conciliation Act impose no restriction as to the time of inspections.

All workers enjoying legal protection are supervised by inspectors. The intervals at which inspection visits are carried out vary from once a month to once a year, depending on circumstances.

Article 5. If an officer (or his wife) has any interest in any firm or company and such interest conflicts with his official duties he must report the facts and thereafter comply with such directions as the responsible Minister may from time to time give him. An officer is guilty of misconduct if he discloses or uses (except in the discharge of his official duties) any information acquired through his employment in the service. The revealing of information after leaving the service has become an offence under section 30 A (1) of a Bill to amend the Factories and Works Act, 1948, which received legislative assent in 1957.

Swaziland.

The provisions of this Convention are not applied in the territory.

Tanganyika (First Report).

Factories Ordinance No. 46 of 1950.
 Master and Native Servants Ordinance (Cap. 78 of the Laws).
 Master and Native Servants (Powers and Duties of Officers) Rules, 1949 (Government Notice No. 31 of 1949).
 Regulation of Wages and Terms of Employment Ordinance No. 15 of 1951.
 General Notice No. 585 of 21 March 1952: Appointments of Chief Inspector and Inspectors under the Factories Ordinance of 1950.
 General Orders Nos. 880-882 (governing conditions of service of civil servants).
 Employment Ordinance of 1955.
 Employment (Amendment) Ordinance of 1956.

Article 1 of the Convention. Labour inspection services are maintained.

Article 2. Labour Officers and inspectors are selected on the basis of their experience and qualifications. On conclusion of their first 2½ to 3 years of service, during which period they are attached to experienced officers, Labour Officers attend a three months' training course for colonial labour officers in the United Kingdom. Labour inspectors, in addition to training in the field, attend courses of from 2 to 3 months' duration held regularly at the headquarters of the Labour Department at both junior and senior levels.

Article 3. There are no provisions in any legislation which prohibit workers and their representatives from communicating freely with inspectors.

Article 4. Inspectors are appointed under the relevant legislation, and conditions of employment are inspected as frequently as possible.

The report refers to the relevant provisions of the Master and Native Servants (Powers and Duties of Officers) Rules, the Factories Ordinance and the Employment Ordinance providing for power of inspection.

With regard to the observations made by the Committee of Experts the Government states that section 9 (2) (a) of the Employment Ordinance does not empower officers to enter or inspect private dwelling houses without the consent of the occupier, in spite of the provisions of paragraph 2 (b) of this Article.

Overriding authority to enter private dwelling houses without prior consent of the occupier would incur the risk of seriously interfering with local religious practices.

Article 5, paragraph (a). Administrative instructions (General Orders Nos. 880-882) prohibit government officers from having a financial interest in any undertakings in the territory.

Section 11 (1) of the Employment Ordinance prescribes that a government officer shall not have any direct or indirect interest in any undertaking under his supervision.

Paragraphs (b) and (c). The Official Secrets Act covers these provisions, which are also dealt with in section 20 (3) of the Regulations of Wages and Terms of Employment Ordinance and section 68 of the Factories Ordinance.

Section 11 (1) of the Employment Ordinance prescribes that a government officer shall not reveal, even after leaving the service, any manufacturing or commercial secrets or working processes which may come to his knowledge in the course of his duties; he shall treat as

absolutely confidential the sources of any complaint bringing to his notice a defect or breach of legal provisions and shall give no intimation to the employer or his representative that a visit of inspection was made in consequence of the receipt of such a complaint.

The Labour Commissioner is responsible for the application of the legislation. The strength and the structure of the Inspectorate, as well as the number of inspections carried out, are stated in the reports both for 1955-56 and 1956-57. The number of persons covered by the Factories Ordinance and figures indicating the total of Africans employed are also given in both reports.

Trinidad and Tobago (First Report).

Wages Councils Ordinance No. 16 (Cap. 22).
 Factories Ordinance No. 2 (Cap. 30).
 Shop (Hours of Opening and Employment) Ordinance No. 14 (Cap. 31).

Article 2 of the Convention. Factory inspectors are trained by a senior Factory Inspector recruited for the purpose from the United Kingdom Factory Inspectorate. Labour inspectors are trained by senior officers of the Labour Department who have themselves had training in the United Kingdom.

Article 3. Workers and their representatives make free use of the labour inspection services.

Article 4. Inspections of conditions of employment are carried out on complaint as well as in the course of regular routine visits.

The provisions of paragraph 2 of this Article are in general covered by section 17 of Ordinance No. 16 (Cap. 22), sections 36 and 62 of Ordinance No. 2 (Cap. 30) and section 4 of Ordinance No. 14 (Cap. 31).

Paragraph 3 of this Article is observed in practice.

Article 5. The requirements of section (a) and (b) of this Article are met, in so far as the Factory Inspectorate is concerned, by sections 61 (3) and 60 respectively of Ordinance No. 2 (Cap. 30). The requirement that sources of complaints shall be treated as confidential is observed in practice.

In connection with the request for further information made by the Committee of Experts the Government states that the number of inspectors employed was sufficient to ensure adequate frequency of inspection throughout the territory. Full information on the number of persons protected by the laws and regulations giving effect to this Convention is not available.

Uganda.

In reply to the observations of the Committee of Experts the Government reports that the posting of notices is required in the case of vessels containing dangerous liquids (Factories Ordinance, section 27, paragraph 2).

As regards Article 5 of the Convention the Government accepts the application of the Convention without modification.

Zanzibar (First Report).

Factories (Supervision and Safety) Decree No. 8 of 1943.
 Labour Decree of 1946, as amended by Decrees Nos. 25 of 1951, 10 of 1952 and 27 of 1955.

Article 2 of the Convention. Labour inspectors are trained in the neighbouring mainland territories by experienced Labour Officers.

Article 3. Labour inspectors are immediately accessible during office hours; moreover, meetings are arranged after office hours, whenever necessary, to suit the convenience of workers and their representatives.

Article 4. Labour inspectors inspect conditions of employment at frequent intervals.

Labour Decree No. 11 of 1946 and the Factories (Supervision and Safety) Decree No. 8 of 1943 grant labour inspectors sufficient powers to give effect to paragraph 2 of this Article. There is no specific provision empowering an inspector to require the posting of notices but no such provision has been found necessary.

In connection with the request for further information made by the Committee of Experts the Government states as follows:

No information acquired in the course of

an officer's duty may be divulged to the public. Regular inspections are carried out at three-monthly intervals; special inspections are carried out when the occasion arises.

* * *

The following reports supply information on the practical effect given to the Convention or on minor changes in its application:

United Kingdom (Aden, Antigua, Cyprus, Gibraltar, Grenada, Hong Kong, Kenya, Malta, Nigeria, St. Helena, St. Vincent, Southern Rhodesia, Tanganyika, Trinidad and Tobago, Uganda, Zanzibar).

The following reports merely reproduce or refer to the information previously supplied:

Australia (Nauru, Norfolk Island), *United Kingdom* (Basutoland, Bechuanaland, British Somaliland, Falkland Islands, Solomon Islands).

86. Contracts of Employment (Indigenous Workers) Convention, 1947

This Convention came into force on 13 February 1953

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.

United Kingdom.

Aden.

In reply to an observation by the Committee of Experts the Government states that non-manual workers have not been specifically excluded from the application of the Convention under Article 2, paragraph 2, but since in practice the contracts of all workers covered by the Convention, other than clerical workers, are attested, it is considered that the present safeguards achieve the object of the Convention.

British Guiana.

See under Convention No. 64.

Fiji.

In reply to observations made by the Committee of Experts the Government states that section 49 of the Labour Ordinance of 1949, which prescribes the maximum period of contracts of service, is limited to manual workers. It is proposed that the exclusion of non-manual workers, as to which employers' and workers' organisations have not been consulted, should be discussed by the Labour Advisory Board.

Hong Kong.

See under Convention No. 64.

Kenya.

In reply to observations by the Committee of Experts the Government states as follows: it is intended to raise the ceiling of application of the general provisions of the Employment Ordinance, including section 14 which deals with the maximum duration of written contracts, to an earnings level of 200 shillings a month only. The general provisions of the Ordinance include special obligations with regard to less advanced workers and it is not feasible at present to raise the ceiling of application higher. The provision of a higher ceiling in respect of matters relevant to Convention No. 86 would therefore have to be dealt with separately and this aspect will be reviewed again in the light of the Committee's suggestions. It is emphasised meanwhile that (apart from contracts excluded under Article 2, paragraph 1 (b), and appointments to permanent posts) workers indigenous to Kenya are hardly ever engaged on written contracts of 12 months' duration or more or on foreign contracts for as long as two years. Even if such a worker were outside the protection of section 14 of the principal Ordinance and entered a contract for more than 12 months, or 24 months as the case may be, it is most unlikely that he would go without his family.

Northern Rhodesia.

In reply to observations made by the Committee of Experts the Government provides the following information:

Article 2, paragraph 2, of the Convention. Subject to consultation of the relevant em-

ployers' and workers' organisations, it is intended to exclude in terms of this Article contracts entered into by non-recruited literate workers.

Article 3, paragraph 2. The present administrative practice fully protects the worker in terms of paragraph 2. It is therefore not intended to amend the legislation at present, although consideration is being given to the inclusion of this provision in the new African Employment Bill.

Southern Rhodesia.

In reply to observations made by the Committee of Experts the Government states as follows :

Article 3 of the Convention. It is proposed to reduce the maximum period of oral contracts from 12 to six months in the General Employment Bill, which will be presented to the Legislative Assembly when a suitable opportunity occurs. Introduction of the Bill has had to be deferred in consequence of the introduction of a new Industrial Conciliation Bill.

Tanganyika.

Employment Ordinance No. 47 of 1955 (*L.S.* 1955—Tan. 1).

Article 1 of the Convention. Appropriate definitions are contained in section 2 of the Ordinance.

Article 2. No exemptions have been made.

Article 3. Under section 49 (1) of the Ordinance the maximum period of any contract of employment not involving a long and expensive journey is one year if the employee is not accompanied by his family and two years if he is so accompanied. Section 49 (2) extends these periods to two and three years respectively if a long and expensive journey is involved.

Article 4. Section 58 of the Ordinance gives effect to this Article.

Article 8. The Convention is now applied without modification.

Uganda.

In reply to observations by the Committee of Experts the Government states as follows :

Article 3, paragraph 2, of the Convention.

The Government will at the first suitable opportunity consider further amending the Employment Ordinance to bring it into full conformity with this paragraph. In the meantime, authorised officers use their powers under Rule 27 of the Employment Rules to disapprove any contract not involving a long and expensive journey which does not conform to the paragraph. In practice, all contracts for more than one month's service involve a long and expensive journey. The normal period acceptable to labour is six months, with an occasional contract of 12 months and a few of two or three years (only 355 in 1956).

Zanzibar.

Labour (Amendment) Decree No. 2 of 1957.

In reply to observations made by the Committee of Experts the Government provides the following information :

Article 3 of the Convention. Section 11 of the Labour Decree of 1946 has been amended by Decree No. 2 of 1957 so as to bring it into conformity with this Article.

Article 4. Asians of the artisan type do not come within the definition of "worker" in Article 1 (a) and they could be excluded under Article 2, paragraph 2, but since the numbers involved are not very great it is not thought necessary so to exempt them.

* * *

The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

United Kingdom (Aden, Kenya, Nigeria, Tanganyika, Uganda).

The following reports merely reproduce or refer to the information previously supplied :

United Kingdom (Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, Bermuda, British Honduras, British Somaliland, Brunei, Cyprus, Dominica, Falkland Islands, Gambia, Gibraltar, Gilbert and Ellice Islands, Grenada, Malta, Mauritius, Montserrat, North Borneo, Nyasaland, St. Christopher-Nevis-Anguilla, St. Helena, St. Lucia, St. Vincent, Sarawak, Sierra Leone, Singapore, Solomon Islands, Swaziland, Trinidad and Tobago).

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 1952.
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 modification¹ : Guernsey, Jersey and Isle of Man.

No declaration : all other non-metropolitan territories.

¹ See footnote 1 to Convention No. 2.

France.

Comoro Islands.

See under *French Equatorial Africa*.

French Equatorial Africa.

Act No. 56-416 of 27 April 1956 (promulgated by Order No. 1155/DPLC/4 of 24 March 1957).

This Act explicitly prohibits any employer from taking into account a person's membership of a union or engagement in trade union activity when deciding, *inter alia*, on engagement, organisation and allocation of work, vocational training, promotion, remuneration, grant of social benefits, disciplinary measures and dismissal.

Infringements of this Act are punishable with fines ranging from 4,000 to 24,000 francs. In case of a second offence within one year, proceedings are taken in the court of summary jurisdiction and a fine ranging from 24,000 to 240,000 francs may be inflicted.

New Caledonia.

Act No. 416 of 27 April 1956 (*Journal officiel*, 28 Apr. 1956), promulgated by Order No. 1071 of 8 June 1956.

*Netherlands.**New Guinea.*

Resident aliens have the same rights of association as workers and employers who are nationals.

As a general rule no authorisation from the authorities is required to form an association; moreover, the Governor has never been empowered to prohibit employers and workers' organisations.

Organisations acquire legal personality after their constitutions and rules have been ap-

proved. Such approval must be requested by means of a petition to the Governor.

Surinam.

Freedom of association has been granted without any sort of discrimination to any person resident in this territory. For reasons of public order, moral welfare or health, however, the exercise of this right may be regulated or restricted in certain respects by government decree.

To acquire legal personality organisations must submit an application to the Governor. Such an application is unsuccessful only if the objectives of the organisation are immoral or likely to cause a breach of the peace.

To submit a dispute to the conciliation board the organisation concerned must lodge an official document recognising its legal capacity (Official Gazette).

* * *

The following report supplies information on the practical effect given to the Convention:

France (French Equatorial Africa).

The following reports merely reproduce or refer to the information previously supplied:

Denmark (Faroe Islands, Greenland), *France* (Algeria, Cameroons, French Polynesia, French Somaliland, French West Africa, Guadeloupe, Madagascar, Réunion, St. Pierre and Miquelon, Togoland), *Netherlands* (Netherlands Antilles), *United Kingdom* (Guernsey, Jersey, Isle of Man).

88. Employment Service Convention, 1948

This Convention came into force on 10 August 1950

Australia. Ratification: 24 December 1949.
No declaration.

Belgium. Ratification: 16 March 1953.
Not applicable: Belgian Congo and Ruanda-Urundi.

France. Ratification: 15 October 1952.
Not applicable: French Guiana, Guadeloupe, Martinique, Réunion.

No declaration: all other non-metropolitan territories.

Italy. Ratification: 22 October 1952.
No declaration.

Netherlands. Ratification: 7 March 1950.
Applicable without modification: Surinam.
Applicable with modification: Netherlands Antilles.

Not applicable: New Guinea.

New Zealand. Ratification: 3 December 1949.
Not applicable: Cook Islands, Tokelau Islands.
Decision reserved: Western Samoa.

United Kingdom. Ratification: 10 August 1949.
Applicable *ipso jure* without modification¹: Guernsey, Jersey of Man.

Applicable without modification: Cyprus, Gibraltar, Kenya, Malta, Singapore, Tanganyika.

Applicable with modifications: British Guiana, Mauritius, Sierra Leone, Uganda.

Decision reserved: Aden, Bahamas, Basutoland, Bechuanaland, Bermuda, British Honduras, British Somaliland, British Virgin Islands, Brunei, Fiji, Gambia, Gilbert and Ellice Islands, Hong Kong, North Borneo, Northern Rhodesia, Nyasaland, Sarawak, Seychelles, Solomon Islands, Southern Rhodesia, Swaziland, Zanzibar.

Not applicable: Falkland Islands, St. Helena.

No declaration: Antigua, Barbados, Dominica, Grenada, Jamaica, Montserrat, Nigeria, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent, Trinidad and Tobago.

¹ See footnote 1 to Convention No. 2.

*France.**Algeria.*

Order of 30 April 1955 to set up an Advisory Full Employment and Manpower Committee attached to the Governor-General of Algeria.

Order of 16 March 1957 to establish Advisory Manpower Committees in the Départements.

The Advisory Full Employment and Manpower Committee meets under the chairmanship of the Governor-General and consists of representatives of the administration, employers, technical and supervisory staff, trade unions and persons having a special knowledge of manpower and employment matters. The Committee performs its duties by appointing working parties to study particular subjects.

In each Département an Advisory Manpower Committee has been set up. The function of these Committees is to advise on all manpower and vocational training matters. The Chairman is the prefect of the Département, or his representative, and the other members are

the Director of Labour and Manpower of the Département or a labour inspector appointed by him, two representatives of government departments, two representatives of local authorities, two representatives of employers, two representatives of technical and supervisory staff and two representatives of workers. The above-mentioned representatives are appointed by the prefect for a term of two years, and the appointment may be renewed. The Committees are called together at least once a year.

French Equatorial Africa.

Order of 9 January 1957 to establish a manpower office in the Chad (*Journal officiel A.E.F.*, 1 Feb. 1957).

French Polynesia.

Order of 3 August 1957 to set up a Regional Manpower Office.

The Manpower Office will begin its work as from 1 January 1958.

Madagascar.

As regards the work of the employment office see under Convention No. 2.

Réunion.

Articles 1 and 2 of the Convention. A Directorate of Labour and Manpower for the Département of Réunion was established in 1956, and this led up to the establishment of two employment offices operating under the Director of Labour and Manpower for the Département.

Article 6. The registration of applications for and offers of employment has been organised exactly in accordance with the methods used in metropolitan France.

Articles 7 and 8. In each office there are two services, one for men's and the other for women's jobs.

Article 9. The staff of the employment service is composed exclusively of persons belonging to the metropolitan corps of civil servants.

Article 11. There are no private employment agencies.

Togoland.

Decree of 16 July 1957 to establish a manpower service.

Order of 2 April 1957 to establish a vocational training and guidance committee.

Netherlands.

Surinam.

The Government submits the following information in reply to the observation made by the Committee of Experts last year :

Article 2 of the Convention. There is no co-ordination between the placement work in the districts and that of the Employment Office in the capital and surroundings.

Article 3, paragraph 2. There is for the time being no need for separate employment offices in the districts.

Articles 4 and 5. There has been no consultation between the Employment Office and employers' and workers' organisations since the establishment of an advisory body is not considered desirable.

Article 6, paragraph (b) (iv). Organised migration of workers does not occur.

Paragraph (c). No measures have been taken in this respect.

Paragraph (d). Unemployment insurance or relief schemes do not exist in Surinam, but other measures were taken to assist the unemployed, *inter alia*, by creating additional employment.

Article 9. After the departure of the expert who came from the Netherlands to set up the Employment Office, it has not appeared necessary to recruit new officials for this Office. Should this be necessary in future it is preferred to train new officials in the Office, after proper selection.

* * *

The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (Algeria, Cameroons, French Equatorial Africa, French Polynesia, Guadeloupe, New Caledonia, St. Pierre and Miquelon, Togoland), *United Kingdom* (Guernsey).

The following reports merely reproduce or refer to the information previously supplied :

France (Comoro Islands, French Somaliland, French West Africa), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa), *United Kingdom* (Jersey, Isle of Man).

89. Night Work (Women) Convention (Revised), 1948¹

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.
Applicable without modification : South West Africa.

*United Kingdom.*²

No declaration : Guernsey, Jersey and Isle of Man.
Decision reserved : all other non-metropolitan territories.

¹ This Convention revises the 1919 and 1934 Conventions. See Convention Nos. 4 and 41.

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

*Netherlands.**Netherlands Antilles.*

In response to an observation of the Committee of Experts as regards the definition of "night", the Government states that a draft modification of the Employment Decree has been completed to fix the period for women at 11 consecutive hours as required by the Convention.

At the request of the Committee the Government has also supplied information indicating the circumstances in which exceptions to the prohibition of night work are allowed.

Each individual case is judged by the tripartite committee set up under the above-mentioned Decree. Thus far, night work for women has been allowed in only two groups of non-industrial undertakings, namely in hospitals and in cafés, hotels and restaurants which may be licensed by the Chief of Police to employ women workers of 21 years or older until the closing hour of midnight.

Surinam.

Night work of women in industry does not occur in Surinam; should it occur in the future the provisions of the Convention will be taken into account.

* * *

The following reports supply information on the practical effect given to the Convention or on minor changes in its application:

France (Algeria, Togoland).

The following reports merely reproduce or refer to the information previously supplied:

France (Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Guadeloupe, Madagascar, New Caledonia, Réunion, St. Pierre and Miquelon), *Italy* (Trust Territory of Somaliland), *Netherlands* (New Guinea), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa).

90. Night Work of Young Persons (Industry) Convention (Revised), 1948¹

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.*²

No declaration: Guernsey, Jersey and Isle of Man.
Decision reserved: all other non-metropolitan territories.

¹ This Convention revises the 1919 Convention. See Convention No. 6.

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

*Netherlands.**Netherlands Antilles.*

The Government states that, in order to take account of an observation of the Committee of Experts, a draft modification of the Employment Decree has been prepared in which the "night" period for young persons has been fixed as the period between 7 p.m. and 7 a.m., thus giving the period of 12 consecutive hours required by the Convention.

In response to a further observation by the Committee relative to the scope of its legislation, the Government observes that the Stevedores Land Decree of 1946 is applicable to dock labour and that only persons aged 21 years

and over are engaged in dock work and at airports.

The Government states that in any period of national catastrophe it will take into account the observation of the Committee relating to the discrepancy between its legislation and the Convention as regards temporary suspension in such circumstances.

As regards the observation relating to derogations from the prohibition of night work of young persons for persons on specified types of work, the Government refers to its report on Convention No. 89.

Finally, the Government states that the position as regards non-punishment of contraventions does in fact correspond to that provided for in the Convention, that is, being confined to emergencies and affecting only young persons between the ages of 16 and 18 years.

Surinam.

Article 3 of the Convention. Children are not employed on night work in industry in Surinam.
See also under Convention No. 5.

* * *

The following report merely reproduces the information previously supplied:

Italy (Trust Territory of Somaliland).

92. Accommodation of Crews Convention (Revised), 1949¹

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.

¹ This Convention revises Convention No. 75 of 1946.

The following reports merely reproduce or refer to the information previously supplied :

Denmark (Faroe Islands, Greenland), *France* (Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland).

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 modification¹ : Guernsey, Jersey, Isle of Man.

Applicable without modification : Aden, Antigua, Bahamas, Barbados, Bermuda, British Guiana, British Somaliland, British Virgin Islands, Brunei, Cyprus, Dominica, Gibraltar, Gilbert and Ellice Islands, Grenada, Jamaica, Kenya, Mauritius, Nigeria, North Borneo, St. Lucia, St. Vincent, Sarawak, Singapore, Solomon Islands, Tanganyika, Uganda.

Applicable with modification : British Honduras, Malta, Trinidad, Zanzibar.

Decision reserved : Basutoland, Bechuanaland, Falkland Islands, Fiji, Gambia, Hong Kong, Montserrat, St. Christopher, St. Helena, Seychelles, Swaziland.

No declaration : Northern Rhodesia, Nyasaland, Sierra Leone, Southern Rhodesia.

¹ See footnote 1 to Convention No. 2.

Denmark.

Faroe Islands (First Report).

The provisions of the Convention are in principle being applied ; certain somewhat

different arrangements entered into by some local authorities would seem to be covered by the provisions of paragraph 2 of Article 1 of the Convention.

Greenland (First Report).

There is neither legislation nor administrative regulation dealing with the subject matter of the Convention.

Article 1 of the Convention. The provisions of the Convention are applicable also to contracts awarded by authorities other than central authorities.

Article 2. Reference is made to the agreement of 8 July 1956 between the Union of Greenland Workers, the Governor of Greenland and the Royal Greenland Trade Department, covering unskilled workers paid by the hour or by the week, skilled workers paid by the hour, and employees in commerce and offices.

Article 3. The provisions which are applicable to metropolitan Denmark are applied in Greenland in so far as they are capable of application.

Article 4. No special notification has been made.

Netherlands.

Netherlands Antilles.

It has been suggested to public authorities entering into contracts that they insert a clause providing that generally applicable statutory regulations in the field of labour legislation be complied with and that condi-

tions of employment shall not be more unfavourable than those applicable to private contracts.

* * *

The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (Algeria, Guadeloupe, Réunion).

The following reports merely reproduce or refer to the information previously supplied :

France (Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (Surinam), *United Kingdom* (Guernsey, Jersey, Isle of Man).

95. Protection of Wages Convention, 1949

This Convention came into force on 24 September 1952

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.
Applicable without modification : Aden, Bahamas, Barbados, British Guiana, British Somaliland, Brunei, Cyprus, Dominica, Gibraltar, Grenada, Jersey, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, North Borneo, St. Lucia, St. Vincent, Sarawak, Tanganyika, Uganda, Zanzibar.

Applicable with modifications : British Honduras, Sierra Leone, Solomon Islands.

Decision reserved : Antigua, Bermuda, British Virgin Islands, Falkland Islands, Fiji, Gambia, Gilbert and Ellice Islands, Hong Kong, Jamaica, Kenya, St. Christopher, St. Helena, Seychelles.

No declaration : Basutoland, Bechuanaland, Guernsey, Northern Rhodesia, Nyasaland, Singapore, Southern Rhodesia, Swaziland, Trinidad and Tobago.

France.

Comoro Islands.

Order of 28 May 1957 to promulgate the Decree of 8 April 1957 amending the Decree of 16 July 1955 respecting distraint, assignment and stoppage of wages and salaries.

French Equatorial Africa.

Decree of 8 April 1957, promulgated by Order of 23 April 1957 (*Journal officiel A.E.F.*, 15 May 1957) to amend the Decree of 16 July 1955 respecting distraint, assignment and stoppage of wages and salaries.

St. Pierre and Miquelon.

Decree of 8 April 1957 to amend the Decree of 16 July 1955 respecting distraint, assignment and stoppage of wages and salaries.

Netherlands.

Netherlands Antilles.

In reply to observations made by the Committee of Experts the Government provides the following information :

Article 4, paragraph 2, of the Convention. Section 1614 (*t*) of the Civil Code for Curaçao provides that, where wages are fixed in terms of board, lodging or other necessities, the employer must meet his obligations in accordance with the requirements of health and good morals, according to local custom, and that any stipulation excluding or restricting this obligation shall be void.

Article 13. Section 1614 (*k*) of the Code provides that, where the place of payment of wages is not determined by agreement, regulation or usage, payment shall be made at the place of work or at the employer's office (if this is on the island in which the majority of workers live), or in the workers' homes.

Section 1614 (*l*) of the Code regulates the time for payment of wages.

Article 15. The conditions of wage payment are laid down in the Civil Code, mainly in sections 1613 (*n*) to 1614 (*r*) inclusive. The provisions are enforced by the officers of the Department of Social and Economic Affairs. Penalties are prescribed, *inter alia*, in sections 1613 (*p*), 1613 (*r*), 1613 (*n*) 1614 (*d*) and 1614 (*j*) of the Code. The obligation to maintain appropriate records is provided for in section 2 of the Curaçao Commercial Code.

Netherlands New Guinea.

Ordinance respecting the employment of Native workers (Government Gazette of the Netherlands East Indies, 1911, No. 540; Government Gazette, 1954, No. 67).

In reply to observations by the Committee of Experts the Government states as follows :

Article 2 of the Convention. The provisions of Book III, Part 7 A, of the Civil Code relate to labour relations between Europeans as employers and non-Europeans as workers as regards work which is equal, or nearly equal, to work normally performed by Europeans. Under section 1603 they also apply to the labour relations between employers who are not subject to these provisions and workers who are. All other labour relations fall outside the scope of the said provisions.

Article 13, paragraph 2. Payment of wages in places referred to in this paragraph is not

customary. An express prohibition is therefore considered unnecessary.

Article 15, paragraph (d). Under section 1 (1) of the Ordinance respecting the employment of Native workers, employers must keep records of wages.

Surinam.

In reply to observations by the Committee of Experts the Government states that provisions in the field covered by the Convention are contained in the Civil Code, Part 7 A, sections 1613 (o) to 1614 (v).

United Kingdom.

Jersey (First Report).

Legislation to implement the Convention is in the course of preparation. However, most of the requirements of the Convention have long been satisfied in practice.

Isle of Man (First Report).

Preferential Payments Act of 1908.
Agricultural Wages Act of 1952.

There has been no necessity to enact legislation similar to the United Kingdom Truck Acts, as in practice the provisions of these Acts, as well as those of the Convention, are observed

Article 2 of the Convention. Under the Agricultural Wages Act the Agricultural Wages Board for the Isle of Man may fix wage rates.

Article 4. Under the same Act, the Isle of Man Board of Agriculture and Fisheries may make regulations (subject to the approval of Tynwald) to define the benefits or advantages which may be reckoned as payment of minimum wages in lieu of cash.

Article 7. There are no works stores or services as indicated in this Article.

Article 8. Deductions from wages can only

be permitted under conditions fixed by agreement, arbitration award or Act of Tynwald. National insurance contributions are deducted under the National Insurance Acts.

Article 10. Wages can only be attached under a judgment of the court, but may be voluntarily assigned. Provision is made for national assistance in cases of hardship.

Article 11. Wages constitute preferred claims, in accordance with the Preferential Payments Act.

Article 12. These matters are dealt with by collective or individual agreement. Wages are paid regularly, either weekly or monthly according to the nature of the employment. Wages may be recovered in the High Court.

Article 13. Wages are generally paid in cash on working days at or near the workplace.

Articles 14 and 15. Effective measures are taken under the respective collective agreements, and workers are informed by their unions of the terms of the agreements. Variations are usually published in the press.

The relevant provisions are enforced by the trade unions and the authorities previously mentioned. The Agricultural Wages Act may be enforced by inspectors.

* * *

The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (Algeria, French Equatorial Africa, French West Africa, New Caledonia, St. Pierre and Miquelon, Togoland).

The following reports merely reproduce or refer to the information previously supplied :

France (Cameroons, French Polynesia, French Somaliland, Guadeloupe, Madagascar, Réunion), *Italy* (Trust Territory of Somaliland).

96. Fee-Charging Employment Agencies Convention (Revised), 1949¹

This Convention came into force on 18 July 1951

France. Ratification²: 10 March 1953.
Not applicable: French Guiana, Guadeloupe, Martinique, Réunion.
No declaration: all other non-metropolitan territories.

Italy. Ratification²: 9 January 1953.
No declaration.

Netherlands. Ratification²: 20 May 1952.
Applicable without modification: Surinam.
Not applicable: Netherlands Antilles, New Guinea.

¹ This Convention revises Convention No. 34 of 1933.
² Part II.

Netherlands.

Surinam.

In reply to the observation made by the

Committee of Experts last year the Government states that measures will be taken in regard to prohibitions as soon as fee-charging employment agencies are established.

* * *

The following reports merely reproduce or refer to the information previously supplied :

France (Algeria, Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Guadeloupe, Madagascar, New Caledonia, Réunion, St. Pierre and Miquelon, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles).

97. Migration for Employment Convention (Revised), 1949¹

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.

¹ This Convention revises Convention No. 66 of 1936.

France.

Comoro Islands.

No collective recruitment of workers took place during the period under review.

French Somaliland.

Decree of 6 September 1956 respecting aliens in French Somaliland.

Réunion.

An employment service is being gradually established.

United Kingdom.

Guernsey (First Report).

Act of 1922 to issue regulations respecting the admission and registration of aliens, as amended by the Acts of 1924, 1926 and 1931.

Aliens Restriction Acts of 1914 (4 and 5 Geo. V, Ch. 12) and 1919 (9 and 10 Geo. V, Ch. 92).

Aliens Order of 1920 (S. R. and O., 1920, Vol. I) applicable to Guernsey.

Article 1 of the Convention. Guernsey is not a country of immigration. Some aliens are, however, engaged in the hotel industry mainly for the summer season, on the basis of a permit system.

Migration from the island means in practice migration to the British Commonwealth.

Article 2. The States Labour and Welfare Committee arranges interviews between emigrants and Australian and New Zealand immigration authorities in the United Kingdom.

Article 3. The question of immigration propaganda does not arise. If misleading emigration propaganda were introduced the matter would be dealt with by the British Government.

Article 4. Both immigrants and emigrants make their own arrangements.

Article 5. Migrants to Commonwealth countries need to satisfy the authorities of those countries that they are in good health. It is assumed that migrants to other countries have to comply with the medical requirements of those countries. A foreign immigrant must produce a medical certificate.

Article 6. In general, the laws of Guernsey apply alike to all persons resident in the island. In so far as subparagraph (a) is concerned, some of the subjects covered are neither regulated by law nor subject to government control. In fact, however, general practice in these matters is in conformity with the terms of the Convention.

Article 7. Immigration is strictly controlled on the basis of a permit system. There is no need for co-operation with other Members in this field. Services rendered by the public employment service to migrants for employment are rendered free of charge.

Article 8. Alien migrants are not admitted on a permanent basis.

Article 9. Emigrants are subject to the same currency restrictions as any other Guernsey resident. Immigrants are entitled to transfer their earnings at will.

Article 10. Migratory movements are small and no formal agreements are necessary.

Article 11. This Article is not applicable since Guernsey has no land frontiers.

All alien workers are normally admitted on a temporary basis in the first instance for a period not exceeding a year. Foreign artists do not come to Guernsey.

ANNEX II

The Government does not sponsor arrangements for the group transfer of migrants.

The Lieutenant-Governor is responsible for administering the legislation mentioned above. He consults the State Labour and Welfare Committee.

Jersey (First Report).

Aliens Act of 1937 making the Act of the Imperial Parliament, entitled "Aliens Restriction (Amendment) Act, 1919" (9 and 10 Geo. V, Ch. 92) applicable to Jersey.

Exchange Control Act of 1947, as amended.

Article 1 of the Convention. The policy regarding immigration of aliens is based on the reasonable requirements of local industry.

Annual agreements are negotiated with France for the recruitment of seasonal agricultural workers.

Article 2. The Immigration and Aliens Office assists, free of charge, migrants for employment.

Article 3. Appropriate action against misleading propaganda could and would be taken under the provisions of the Aliens Act.

Article 4. All approved immigrants are issued with a work permit prior to arrival. The permits facilitate the obtaining of a travel document and also serve as a written guarantee that specific employment is available. French "bulk scheme" immigrants are usually met by immigration officers at the ports of embarkation in France, where they receive travel tickets and are assisted in completing immigration facilities.

Article 5. Medical services are available.

Article 6, paragraph 1 (a). In accordance with section 4 of the Aliens Act, the Defence Committee has decreed that aliens shall enjoy remuneration and conditions of employment not less favourable than those generally accorded to British subjects engaged in similar work. Membership of trade unions is open to all persons regardless of nationality.

Paragraph 1 (b). Foreign nationals receive treatment generally no less favourable than that accorded to British subjects in respect of the matters referred to.

Article 7. The Aliens Office co-operates with alien labour attachés and consuls whenever necessary. No charge is made for services rendered to migrants for employment.

Article 8, paragraph 1. Few immigrants are admitted on a permanent basis, but the provisions of the Convention would apply to any who were so admitted.

Paragraph 2. Single aliens, and married aliens not living with their spouses, who have been resident in the British Isles for a period of less than five years, are repatriated, subject to the approval of the medical officer of health. Married aliens who are living with their spouses and have been resident in the British Isles for a period of not less than three years are treated locally as British subjects. Alien husbands of British subjects and aliens who have been exempted from the provisions of section 4 of the Aliens Act are treated as British subjects.

Article 9. The Exchange Control Act of 1947, as amended, makes provision for these facilities.

Article 10. This Article is not applicable.

Article 11. In so far as the longest period which is regarded as constituting "short-term" entry is concerned, each case is treated on its merits.

ANNEX II

Article 3. The supervision of these activities is vested in the Aliens Office.

Article 5. There have been no cases of collective transit transports.

Article 6. These provisions are not in force, although the Jersey Farmers' Union, in their bulk recruitment scheme, do act in accordance with the spirit of the Convention.

Article 7. This Article is not applicable since migrants are not generally admitted on a permanent basis.

Article 12. Contracts between employers and employees are not regarded as binding if they are in conflict with the Aliens Act or any regulations made thereunder. Work contracts

issued by the Farmers' Union in substitution for work permits are subject to the supervision of the Aliens Office.

The Defence Committee of the States is responsible for administering the legislation mentioned above.

Isle of Man (First Report).

Aliens Restriction Act of 1948.

Aliens Regulations of 1949.

Aliens Employment Order of 1949.

Aliens (Landing and Embarkation) Order of 1949.

Employment Act of 1954.

Family Allowance Acts.

Article 1 of the Convention. Apart from the Aliens Act and the Orders mentioned above there is no restriction on immigration.

Emigration means migration to the British Commonwealth usually through the appropriate department of the country concerned with, if required, the assistance of the Isle of Man Employment Exchange.

Article 2. Services rendered by the employment exchange are free of charge.

Article 3. Immigration is negligible and consequently the question of immigration propaganda does not arise.

Article 4. Both emigrants and immigrants make their own arrangements.

Article 5. Emigrants are entitled to the benefits of the National Health Services up to the time of departure; immigrants from the time of arrival. There are special limiting features dealing with temporary residents.

Emigrants need to satisfy the authorities of the countries of immigration that they are in good health.

Alien immigrants are subject to medical examination.

Article 6. There is no discrimination against immigrants. Some of the subjects covered by this Article are neither regulated by law nor subject to government control. In fact, however, general practice in these matters is in conformity with the terms of the Convention.

Article 7. The Isle of Man Employment Exchange has liaison arrangements with the Ministry of Labour and National Service.

Article 8. Alien workers are normally admitted only on a temporary basis in the first instance. Thereafter they may apply to remain without any restriction. They will therefore not normally be returned to their country of origin on the sole ground that they are unable to support themselves owing to ill-health.

Article 9. Temporary immigrants are entitled to transfer their earnings at will, subject to a liability for income tax. Permanent immigrants are subject to the same currency restrictions as any other United Kingdom or Isle of Man resident.

Article 10. No formal agreements with other countries are necessary.

Article 11. This Article is not applicable, since the Isle of Man has no land frontiers.

Alien workers are normally admitted in the first instance for a permit not exceeding one year. Artists are normally admitted for a specific engagement.

ANNEX II

The entry of alien workers is strictly controlled but, in case of shortage of labour, the Government is prepared to facilitate the recruitment of suitable alien manpower at the employers' expense.

The Government has not sponsored any arrangements for group transfer during the period covered by the report.

* * *

The following reports supply information on

the practical effect given to the Convention or on minor changes in its application :

France (Guadeloupe, New Caledonia, St. Pierre and Miquelon), *United Kingdom* (Guernsey, Jersey).

The following reports merely reproduce or refer to the information previously supplied :

France (Algeria, Cameroons, French Equatorial Africa, French Polynesia, French West Africa, Madagascar, Togoland), *Italy* (Trust Territory of Somaliland), *Netherlands* (Netherlands Antilles, Surinam), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa).

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 modification¹ : Guernsey, Jersey and Isle of Man.
No declaration : all other non-metropolitan territories.

¹ See footnote 1 to Convention No. 2.

Denmark.

Faroe Islands (First Report).

The right to organise and bargain collectively applies also to the Faroe Islands. Freedom of association is guaranteed by virtue of section 78 of the Danish Constitution.

Greenland (First Report).

Constitution of Denmark of 5 June 1953, section 78.

Article 1 of the Convention. No special measures of protection have been taken.

Article 2. The Government refers to the Act on the Constitution of the Kingdom of Denmark.

Articles 3 and 4. No measures have been taken.

Article 5. Members of the armed forces and of the police stationed in Greenland come from metropolitan Denmark.

* * *

The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (Cameroons, French Equatorial Africa, Guadeloupe, Réunion).

The following reports merely reproduce or refer to the information previously supplied :

France (Algeria, Comoro Islands, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon, Togoland), *United Kingdom* (Guernsey, Jersey, Isle of Man).

99. Minimum Wage Fixing Machinery (Agriculture) Convention, 1951

This Convention came into force on 23 August 1953

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.
Decision reserved : 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, Isle of Man, Nyasaland.
Decision reserved : Northern Rhodesia, Southern Rhodesia.
No declaration : all other non-metropolitan territories.

*France.**Guadeloupe.*

Article 4, paragraph 1, of the Convention. With reference to observations made by the Committee of Experts the Government states that provisions relating to minimum wages are made known to the interested parties through the official gazette of the French Republic, the bulletin of administrative decisions of the Département, local newspapers, and radio announcements by the Labour Inspectorate.

New Caledonia.

Overseas Labour Code of 15 December 1952 (L.S. 1952—Fr. 5), sections 95 and 163.

Réunion.

With reference to observations made by the Committee of Experts the Government states that minimum wage rates are the subject of press and radio announcements, and are also communicated to agricultural organisations by the Labour Inspectorate.

*Netherlands.**Surinam.*

The application of minimum wage arrangements to the many small establishments in the territory would not be practicable at the present time.

*United Kingdom.**Jersey (First Report).*

Agricultural wages are fixed by collective agreements. If the parties are unable to agree the matter is referred to arbitration. Implementation of the Convention by legislation is considered to be unnecessary.

In reply to observations made by the Committee of Experts the Government provides the following information :

In 1956 there were 1,989 permanent agricultural workers (including farmers and family workers); in addition, about 2,000 permits were issued for entry of seasonal workers. The conditions of employment in agriculture are subject to agreement between the Jersey Farmers' Union and the Transport and General Workers' Union and to any arbitration award. It is a condition of the agreement that no employer shall pay less than the minimum rates fixed for the different types of work. Any attempt by an employer to do so would undoubtedly result in strong action by the unions. As regards seasonal workers, if it were found that an employer was continually attempting to pay less than the minimum rate, the Committee of the States dealing with the issue of labour permits would give very serious consideration the following year to whether the employer should be permitted to engage foreign labour. Provision for supervision, inspection and sanctions to ensure that minimum rates are paid is made through the control exercised by the two unions.

Isle of Man (First Report).

Agricultural Wages Act of 1952.

Article 1 of the Convention. The Agricultural Wages Act provides for the establishment of an Agricultural Wages Board composed of a Chairman, two impartial members and three representatives each of workers and employers in agriculture. The Board's function is to fix minimum wages for workers in agriculture.

The undertakings and occupations to which the wage fixing machinery applies are determined by the Act, which defines agriculture as including dairy farming, the use of land as grazing, meadow or pasture land, orchards, woodland, market gardens or nursery ground. No categories of persons are excepted from this definition.

Article 2. The Act empowers the Isle of Man Board of Agriculture and Fisheries to define the allowances in kind which may be reckoned as part payment of minimum wages, as well as to determine their value.

Article 3. See under Article 1. The Board must give public notice of any proposed Order and of the manner in which and the time (at least 14 days) within which objections to the proposals may be lodged. After considering any objections the Board may make an Order.

It is a contravention of the Act to pay wages at less than the minimum rates to any worker employed under a contract of service or apprenticeship. Any agreement to pay wages in contravention of the Act is void.

The Wages Board may grant permits of exemption in respect of workers who by reason of physical or mental infirmity are incapable of earning the full rates. Conditions (including appropriate minimum rates) may be specified in such permits.

Article 4. The Wages Board is required by the Act to give public notice of their Orders; in practice, notices are published in Manx newspapers. Copies of Orders are available to the public, free of charge.

The Isle of Man Board of Agriculture and Fisheries may, with the consent of the Governor, appoint officers for investigating complaints and otherwise securing observance of the Act.

Article 5. The report contains detailed information on the number and categories of workers employed in agriculture. Copies of the Agricultural Wages Order of 1956 and the Agricultural Wages Regulations of 1954 are appended to the report.

* * *

The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (New Caledonia, St. Pierre and Miquelon, Togoland).

The following reports merely reproduce or refer to the information previously supplied :

France (Algeria, Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar), *Netherlands* (Netherlands Antilles), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa).

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.
Decision reserved.

*France.**New Caledonia.*

There is now absolute equality of remuneration between men and women workers for work of equal value. The minimum wage rates for each class in the occupational classification have

been determined by collective agreement, without distinction of sex, in accordance with the statutory provisions.

* * *

The following reports supply information on the practical effect given to the Convention or on minor changes in its application :

France (French Somaliland, Guadeloupe, Togoland).

The following reports merely reproduce or refer to the information previously supplied :

France (Algeria, Cameroons, Comoro Islands, French Equatorial Africa, French Polynesia, French West Africa, Madagascar, Réunion, St. Pierre and Miquelon).

101. Holidays with Pay (Agriculture) Convention, 1952

This Convention came into force on 24 July 1954

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.
Decision reserved.
New Zealand. Ratification : 24 July 1953.
Not applicable : Tokelau Islands.
Decision reserved : Cook Islands, Western Samoa.
United Kingdom. Ratification : 25 June 1956.
Decision reserved : Northern Rhodesia, Nyasaland, Southern Rhodesia.
No declaration : all other non-metropolitan territories.

*France.**French Equatorial Africa.*

For the Government's reply to the observation made by the Committee of Experts in 1957 see *Report of the Committee*, p. 691.

French Polynesia.

Act No. 56-332 of 27 March 1956 to amend the system of annual holidays with pay (*Journal officiel*, No. 78, 31 Mar. 1956).

The minimum duration of annual holidays with pay has been fixed at 1½ working days per month of service. Young people below 18 years of age are entitled to 2 working days. The Act provides for the following increase in the length of holiday in accordance with length of service : 2 days after 20 years

of service, 4 days after 25 years and 6 days after 30 years.

Provision has been made for the taking of leave in two or more instalments ; every instalment must comprise at least 12 working days.

French Somaliland.

See under Convention No. 52.

French West Africa.

See under Convention No. 52.

Guadeloupe (Reports for 1955-56 and 1956-57).

Act No. 56-332 of 27 March 1956 to amend the system of annual holidays with pay (*Journal officiel*, No. 78, 31 Mar. 1956.)
Prefectorial Decree No. 56-1267 of 15 June 1956 respecting the application of the Act of 27 March 1956.

The stipulations of a collective agreement covering industrial and agricultural workers in the sugar industry contain more favourable provisions than those laid down in the legislation.

The supervision of the application of the provisions relating to the Convention is carried out by the Labour Inspection Service.

Between 35,000 and 40,000 agricultural workers, many of whom work only part of the year as wage earners, are subject to the legislation on annual holidays with pay.

New Caledonia.

Order No. 1684 of 4 September 1956 to apply Act No. 56-332 of 27 March 1956 to amend the system of annual holidays with pay (*Journal officiel*, No. 78, 31 Mar. 1956).

Articles 1 and 2 of the Convention. The Order cited above fixes the paid holiday to which a worker becomes entitled after a year's effective services at a day-and-a-half for each month of service, save in case of more favourable provision by collective agreement.

Article 3. The minimum duration of the annual paid holiday is 18 working days.

Article 4. All employed persons, whatever the occupational group to which they belong, are covered by the same scheme.

Article 5, paragraph (a). Young workers under 18 years of age, including apprentices, have two working days' holiday for each month of effective service, i.e. 24 working days' annual paid holiday.

Paragraph (b). The holiday is increased by 2 days after 20 years' service, whether continuous or not, in the same undertaking, by a further 2 days after 25 years, and again by 2 days after 30 years.

Paragraph (c). There is no regulation providing for a proportionate holiday; a cash payment in lieu of the holiday may only be given in case of breach of the engagement or cancellation before expiry.

Paragraph (d). Legal public holidays, Sundays and days of sickness certified by a medical practitioner are not included in the annual paid holiday.

Article 6. Division of the annual paid holiday is authorised; it cannot be applied without the formal consent of the two parties, and the principal holiday may in no case be less than 12 working days.

Article 7. The employer is required to pay

the worker, for the whole duration of the holiday, an allowance equal to the wages and emoluments which the worker was receiving at the beginning of the holiday, except output bonus.

Article 8. The paid holidays is an acquired right and cannot be renounced

Article 9. In case of breach or expiry of the engagement before the worker has qualified for a holiday, the employer must pay compensation for a holiday based on right which the worker has acquired by that time.

Togoland.

Decree of 26 July 1957 to regulate annual holidays with pay.

Workers who have completed one year's service are entitled to an annual holiday with pay of 18 working days. In the case of young workers and apprentices under 18 years of age, the length of the holiday is increased to two working days for each completed month of service.

* * *

The following reports supply information on the practical effect given to the Convention or on minor changes in its application:

France (French Polynesia, New Caledonia, St. Pierre and Miquelon, Togoland).

The following reports merely reproduce or refer to the information previously supplied:

France (Algeria, Cameroons, Comoro Islands, Madagascar, Réunion), *New Zealand* (Cook Islands and Niue, Tokelau Islands, Western Samoa).

102. Social Security (Minimum Standards) Convention, 1952

This Convention came into force on 27 April 1955

Denmark. Ratification: 15 August 1955.
Not applicable: Greenland and Faroe Islands.
Italy. Ratification: 8 June 1956.
Decision reserved: Trust Territory of Somaliland.
United Kingdom. Ratification: 27 April 1954.
No declaration.

Denmark.

Faroe Islands (First Report).

Unemployment insurance does not exist in

the Faroe Islands. The health services, the sickness insurance service, as well as invalidity and old-age benefit schemes, are regulated under national laws and regulations laid down by the Danish national authorities.

Greenland (First Report).

The Convention continues to be inapplicable to Greenland; the provisions relating the unemployment benefit and invalidity benefit accepted by Denmark are not applied in Greenland.

104. Abolition of Penal Sanctions (Indigenous Workers) Convention, 1955

This Convention came into force on 7 June 1958

New Zealand. Ratification : 28 June 1956.
Applicable without modification : Cook Islands,
Tokelau Islands, Western Samoa.

New Zealand.

Cook Islands (Voluntary Report).

See under Convention No. 104, *New Zealand*,
pp. 145-146.

Tokelau Islands (Voluntary Report).

See under Convention No. 104, *New Zealand*,
pp. 145-146.

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.

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 Polynesia, French Somaliland, Madagascar, New Caledonia and Dependencies, St. Pierre and Miquelon and Togoland.*

There are no representative organisations of employers and workers in the *Comoro Islands*.

Italy: Trust Territory of Somaliland. Copies of the reports have been communicated to the representative local workers' organisations. In the absence of representative employers' organisations, copies of the reports have been communicated to the local Chamber of Commerce, to which belong the most important employers of the territory (agricultural, commercial and industrial undertakings).

Netherlands: Netherlands Antilles. Copies of the reports have been communicated to local employers' and workers' organisations.

New Zealand. Copies of the reports have been communicated to the organisations in New Zealand.

United Kingdom. Copies of the reports have been communicated to the representative em-

ployers' and workers' organisations in the following territories : *Aden, Antigua, Barbados, British Guiana, British Honduras, Cyprus, Dominica, Falkland Islands, Gambia, Grenada, Guernsey, Jersey, Kenya, Malta, Isle of Man, Mauritius, Montserrat, Nigeria, Nyasaland, St. Christopher-Nevis-Anguilla, St. Lucia, St. Vincent.*

In the territories listed below copies of the reports have been communicated to the organisations indicated :

Labour Advisory Board : *Gibraltar, Hong Kong, North Borneo, Northern Rhodesia, St. Lucia, Singapore, Tanganyika, 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, Fiji, Sierra Leone, Southern Rhodesia, Trinidad and Tobago.*

The reports from the following territories state that at present there are no representative employers' or workers' organisations : *Basutoland, Bechuanaland, Bermuda, British Somaliland, Brunei, Gilbert and Ellice Islands, 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.

United States. Copies of the reports have been communicated to the organisations in the United States.

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INTERNATIONAL LABOUR CONFERENCE

FORTY-SECOND SESSION

GENEVA, 1958

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, 1957

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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 paragraph 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 a Recommendation on minimum wage fixing machinery in industry and commerce, and a Convention and a Recommendation on minimum wage fixing machinery in agriculture. The governments of Members

were requested to send in their reports to the International Labour Office in Geneva before 1 July 1957. 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 1957.

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, are presented to the Conference each year.¹

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 42nd Session, will include general remarks made by the Committee on the reports on the above-mentioned Conventions and Recommendations.

¹ These summaries have been presented to the Conference, in the case of the Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), from the 15th Session (1931) onwards and, in the case of the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99), from the 36th Session (1953) onwards. The summary of reports on ratified Conventions is now presented to the Conference as Report III (Part I).

Minimum Wage-Fixing Machinery Convention, 1928 (No. 26)¹

Albania.

Constitution of Albania.

Labour Code (L.S. 1956—Alb. 2).²

Penal Code.

Articles 1 and 2 of the Convention. Article 25 of the Constitution lays down the principle of remuneration of workers according to the quantity and quality of their work. This principle is implemented by Chapter VI of the Labour Code and various government measures. The minimum wage fixing machinery applies to all branches of the economy and all types of work, including homework.

Article 3. Wage rates are fixed by the Government, under section 97 of the Labour Code, for the various classes of workers. As regards piece rates, account is taken of the differences between light and heavy work and between skilled and unskilled work, and of the importance of the work for the national economy; as regards time rates, the amount of work, skill and seniority are taken into consideration. In addition to actual rates, minimum rates are laid down for every class of workers.

In fixing wage rates the Government consults the Central Council of Trade Unions which, under section 229 of the Labour Code, has the right to participate in the preparation of all measures concerning wages, etc.

Neither individual nor collective agreements may contravene the fixed wage rates. Section 14 of the Labour Code makes void any agreement contrary to law.

Under section 121 of the Labour Code one-half or two-thirds of the remuneration must be paid to workers who are prevented from working by a stoppage of work outside their control. Special provision is made for workers under 16 years of age by sections 104 and 105 of the Code. Increased rates apply to night work.

If disputes between a worker and the management arising out of legislation or the contract of employment (including wage matters) are not settled by the mediation of the trade union representative, they are decided by the conciliation board, the people's court or the higher administrative authority (section 191 of the Labour Code). Labour legislation is enforced by the Public Prosecutor's Office, the State

Control Department, and, in accordance with sections 162 to 172 of the Labour Code, by the trade unions and labour inspectors.

Contraventions of minimum wage provisions constitute an offence, in virtue of section 198 of the Penal Code.

The application of the Convention gives rise to no difficulties, as the existing laws are in no way contrary to its provisions.

Austria.

Collective Agreements Act No. 76 of 26 February 1947 (L.S. 1947—Aus. 1).

Act No. 156 of 4 July 1951 respecting the making of minimum wage awards (L.S. 1951—Aus. 1).

Home Work Act of 10 March 1954 (L.S. 1954—Aus. 1).

Article 1 of the Convention. Under section 1 of the Act of 1951 respecting the making of minimum wage awards, minimum wages may be fixed for employees covered by the Collective Agreements Act whose wages cannot be regulated by collective agreement because there is no body of employers with legal capacity to make collective agreements.

Under section 34 (1) of the Home Work Act, minimum wages may be fixed by the various homework committees for the branches of homework for which they are respectively responsible, but only where the workers concerned are not subject to any collective homework agreement.

Neither the Act of 1951 nor the Home Work Act is limited to particular trades.

Article 2. No provision is made for the consultation of employers' and workers' organisations before the procedure for fixing minimum wages under the Act of 1951 is initiated. However, the members of the wage fixing committees are nominated by these organisations. An application for the fixing of minimum wages under the Act of 1951 can be made only by a workers' organisation with capacity to conclude collective agreements.

Article 3. Minimum wage awards under the Act of 1951 are made by the conciliation boards for their respective administrative districts, or, if the awards are to operate in more than one such district, by the Central Conciliation Board. The decisions are made by committees of these boards, comprising an equal number of employers' and workers' representatives nominated by their respective organisations, provision also being made for equality of voting strength. Under section 3 of the Act of 1951, the provisions of a minimum wage award are deemed to form part of every contract of employment falling within its scope, whether concluded before the making of the award or during its currency, and cannot be altered by individual agreement, except in favour of the employee.

¹ This Convention came into force on 14 June 1930. Thirty-five ratifications had been registered up to 30 November 1957. 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 42nd Session of the Conference (*Summary of Reports on Ratified Conventions*).

² Throughout this summary the abbreviation L.S. is used for the *Legislative Series* of the International Labour Office.

As stated above, minimum wages under the Home Work Act are fixed by the respective homework committees. Section 35 of the Act makes the minimum rates binding on the parties concerned and incapable of variation by individual agreement, except in favour of the employee.

However, both under the Act of 1951 and under the Home Work Act, the fixed rates may be reduced by collective agreement.

Article 4. Minimum wage awards under the Act of 1951 are published in the official supplement to the *Wiener Zeitung* and are displayed on the public notice boards of the conciliation boards. Determinations under the Home Work Act are also published in the official supplement of the *Wiener Zeitung*, and must be displayed by employers. Such awards and determinations may also be inspected at the offices of the conciliation boards or homework committees. Moreover, employers' and workers' organisations inform their members of rates under the two Acts through the issue of copies of the awards or determinations, notices in trade journals and circulars.

Observance of the above-mentioned provisions is enforced by the Labour Inspectorate.

A worker may claim in the Labour Court underpayments of wages due under the Act of 1951 or the Home Work Act within three years or such shorter period as may be stated in the award or determination.

Two difficulties stand in the way of ratification of the Convention, as follows :

(1) Article 3, paragraph 2 (1), of the Convention provides that the representatives of employers and workers and of their organisations shall be consulted before minimum wages are fixed for a trade or part of a trade. Under section 4 of the Act of 1951 the minimum wage fixing procedure can be initiated only on application by a workers' organisation having capacity to conclude collective agreements. Thus no provision is made for consultation of employers, although their views can be put forward by their representatives on the wage fixing committees, who enjoy equality of voting strength.

(2) Under Article 3, paragraph 2 (3), of the Convention, fixed minimum rates may not be abated by individual agreement nor, except with the competent authority's authorisation, by collective agreement. Both the Act of 1951 and the Home Work Act, on the principle that collective agreements should take precedence over official wage determinations, provide that a collective agreement, within its scope, supersedes minimum rates fixed under the statutory provisions. It is thus conceivable that a collective agreement might supersede more favourable rates fixed under these two Acts.

Ceylon.

Wages Boards Ordinance No. 27 of 1941, as amended by Ordinance No. 40 of 1943, Ordinance No. 19 of 1945 and Act No. 5 of 1953.

Shop and Office Employees (Regulation of Employment and Remuneration) Act No. 19 of 1954 (*L.S.* 1954—Cey. 1).

Article 1 of the Convention. Under the Wages Boards Ordinance, the Government can,

in respect of trades or industries in which no arrangements exist for the effective regulation of wages, appoint a wages board to determine minimum wages and other conditions of employment (overtime rates, holidays, etc.). The Ordinance covers all trades including manufacture and commerce. For employees in particular commercial undertakings like shops, similar provision has been made by way of remuneration tribunals under the Shop and Office Employees Act.

Article 2. Although there is no direct provision requiring the Government to consult employers' and workers' organisations before setting up a wages board, the Minister must, before a decision to appoint a wages board is made, give notice of his intention in the press and invite objections. Workers' and employers' organisations can make representations in reply to such notification.

Article 3. Consultation with employers' and workers' organisations is done through the notice in the press, as mentioned above. The wages board consists of representatives of employers' and workers' organisations as well as nominated members, under the chairmanship of the Commissioner of Labour. Provision has been made to ensure that representative members are always equal in number and voting strength.

Rates of wages fixed by the board have the force of law. The Wages Boards Ordinance makes illegal any private contracting contrary to the board's determinations.

Article 4. The decisions of wages boards or wages tribunals relating to minimum wages are enforced through the inspectorate of the Department of Labour. Powers of entry, of inspection of books and of questioning of workers have been vested in the inspectorate and the supervising staff in the laws referred to above.

Wages due on the basis of decisions made by wages boards or tribunals for shop employees may be recovered by civil action and also on conviction of an employer in a criminal action filed by the Department of Labour. Amending legislation now before Parliament would empower trade unions to bring civil actions to recover the amounts due by means of a simplified procedure.

The legislation is administered by the Department of Labour of the Ministry of Labour, Housing and Social Services.

The ratification of the Convention is under consideration.

Costa Rica.

Labour Code (*L.S.* 1943—C.R. 1).

Political Constitution of the Republic of Costa Rica (*L.S.* 1949—C.R. 3).

Legislative Decree No. 832 of 4 November 1949 respecting minimum wages (National Wages Board Act (*L.S.* 1949—C.R. 4)).

Executive Decree No. 6 of 30 March 1951 (National Wages Board Regulation).

Minimum Wages Decree No. 16 of 29 September 1956.

Article 1 of the Convention. The Political Constitution of Costa Rica states that every worker is entitled to a minimum wage (to be fixed periodically) for the working day, which

will assure his well-being and a decent mode of existence (article 57).

Article 2. This provision does not exist in Costa Rican legislation.

Article 3. The law does not require the National Wages Board to consult the employers and workers concerned before applying the wage fixing procedure to any individual industry. Nevertheless the Board may do so whenever it thinks fit and in practice it has held a number of inquiries for this purpose.

Both workers and employers are represented on the National Wages Board which fixes minimum wages. Under the revision procedure both workers and employers also take part in the fixing of minimum wage rates.

The Labour Code stipulates that wages may not be lowered even if the workers concerned are willing to waive the regulations (section 11). The Code also states that, if minimum wages are fixed, any contracts in which lower wage rates are specified must be amended accordingly (section 191).

Wages may be fixed by collective agreement independently of the National Wages Board, although they must be equal to, or higher than, the minimum wage rates in force at the time.

Article 4. The General Inspectorate of Labour is responsible for enforcing the provisions dealing with minimum wages.

Denmark.

No minimum wage fixing machinery as prescribed in the Convention exists in Denmark. There is no need for such machinery, as wages and other conditions of work, including minimum wages, are determined by collective agreement negotiated by employers' and workers' organisations. Minimum rates fixed by collective agreement for a particular trade are largely applicable also to the unorganised workers of the trade. The rule has been established by the Permanent Court of Arbitration that an employer who or whose organisation is a party to a collective agreement is bound to observe its minimum wage provisions even in respect of employees who are not members of the workers' organisation which concluded the agreement.

As to the procedure followed in the conclusion of collective agreements and the lodging of complaints on their breach, reference is made to the reports submitted in 1955 on the Right to Organise and Collective Bargaining Convention, 1949 (No. 98) and the Collective Agreements Recommendation, 1951 (No. 91).¹

In August 1956, after discussion by the central employers' and workers' organisations and in Parliament as to the adequacy of the existing rules on the conclusion, denunciation and renewal of collective agreements, the Government set up a commission to formulate new rules of negotiation between the central organisations and to consider the advisability of revising the basic labour agreement of 1899

and other labour agreements, with a view to avoiding or reducing strikes and lockouts in fields of vital importance to the community and to ensuring the freedom of the press during labour conflicts. The commission is composed of representatives of the major parties in Parliament, the Permanent Court of Arbitration, the Conciliation Board, the Ministry of Labour and employers' and workers' organisations.

*Dominican Republic.*¹

Labour Code, sections 420 to 434 (*L.S.* 1951—Dom. 1).

Article 1 of the Convention. Minimum wages are fixed by the National Wages Board, and cover workers in all branches of the economy. The National Wages Board is assisted by an advisory committee which carries out technical studies and investigations.

Article 2. Employers' and workers' organisations are represented on the National Wages Board. In addition, one employers' representative and one workers' representative attend the meetings of the Board, with the right to speak but not to vote. The representative organisations may also apply to the Board to fix minimum wage rates.

Article 3. The National Wages Board consists of five members, of whom two are nominated by the most representative national confederations of employers and workers respectively. The Board may consult other specially qualified persons, civil servants and official or semi-official bodies; officials may also be asked to attend the Board's meetings.

The fixed minimum rates are binding and cannot be abated either by individual or by collective agreement.

Article 4. Section 185 of the Labour Code provides that the wages agreed between employer and worker shall in no case be less than the fixed minimum wage. Section 434 of the Code provides for publication of minimum wage resolutions in the official gazette or in national newspapers; the resolutions must also be displayed in workplaces.

The Labour Inspectorate enforces the minimum wage legislation and may take proceedings in respect of underpayments. A worker paid less than the minimum wage may complain to the Labour Department and may take proceedings in the ordinary courts.

In order to improve the minimum wage fixing machinery, the services of a United Nations technical assistance expert on minimum wages have been requested.

Egypt.

Military Order No. 99 of 1950.

There are no legislative or other provisions in respect of the matters dealt with in the Convention.

However, Military Order No. 99 of 1950 prescribes a minimum wage for workers in industrial and commercial undertakings. Its application is entrusted to the Labour Department.

¹ See International Labour Conference, 39th Session, Geneva, 1956, Report III (Part II): *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)* (Geneva, I.L.O., 1955), pp. 7 and 22.

¹ The ratification of this Convention by the Dominican Republic was registered on 5 December 1956.

Finland.

There is no legislation providing for minimum wages. However, the Minister of Social Affairs continually controls wages in forest and timber floating work, one purpose of which is to watch that earnings are not unduly low.

In view of the relatively powerful trade unions and the position of the labour market organisations in the country's economic policy, no change in the present situation is to be expected, and the ratification of Convention No. 26 and the application of Recommendation No. 30 do not appear feasible. In general, wage levels in unorganised trades reflect the level of earnings established by collective agreements.

Greece.

Civil Code, section 680.

Act No. 3239 of 18 May 1955 to prescribe the manner of settling collective labour disputes, to set up a National Advisory Board on Social Policy and to amend and supplement the provisions of certain labour Acts (*L.S.* 1955—Gr. 2).

Section 680 of the Civil Code provides for free bargaining between labour and management with a view to the conclusion of collective agreements. The methods of drawing up collective agreements, their legal validity, etc., are regulated by Act No. 3239 of 1955. This Act also provides for compulsory arbitration by administrative bodies when the parties cannot agree. Section 15 of the Act lays down that the arbitration tribunals shall, in disputes relating mainly to the fixing of remuneration, consider "the social and economic needs served by the undertakings in question, their financial stability and technical efficiency, the level of salaries and wages in relation to the cost of living, the conditions and nature of the employment and the general interests of the national economy". Section 28 of the Act provides for a National Advisory Board on Social Policy, with tripartite representation, to be set up at the Ministry of Labour with a view to determining labour and social policies.

The Ministry of Labour is responsible for implementing the above laws.

The ratification of the Convention is under consideration.

Haiti.

Act of 15 September 1947 respecting the notification of the setting up of undertakings.

Act of 9 December 1947 to fix a minimum wage.

Act of 5 May 1948 to revise certain provisions of the Act of 16 December 1947 respecting conditions of employment (*L.S.* 1948—Hai. 2).

Act of 30 November 1950 on the organisation of the Labour Department.

Order of 20 January 1951 creating a Central Wages Council (*L.S.* 1951—Hai. 1).

Act of 23 September 1952 respecting contracts of employment (*L.S.* 1952—Hai. 1).

In the Labour Office there is a Wages Service. Its functions, as defined in section 9 of the Act of 30 November 1950, cover the protection of wages and investigations on questions relating to minimum wage fixing, such as family expenditures, classification of categories of workers and establishment of wage levels within the different categories, disputes on wage questions, the relation of prices and wages, and the level

and distribution of the national income, as well as the formulation of recommendations for the amelioration of the conditions of life and work.

The Act of 9 December 1947 fixes a minimum wage of 3.50 gourdes per working day for salaried employees, wage earners and day labourers in the public services and all private undertakings (agricultural, industrial and commercial). Section 13 of the Act of 5 May 1948 entitles every manual and non-manual worker to a minimum living wage sufficient to supply his needs and those of his family. The Act also contains provisions governing wage payments. Payments in kind are permitted in the form of food, lodging, clothing and other articles intended for the immediate personal use of the worker or his family. In agricultural undertakings the land which the employer cedes to the worker for sowing and harvesting the produce cannot be considered as a payment in kind. In industries where partial payments in kind are customary, this mode of payment may only relate to what can be used by the employee or his family, and such payment in kind may not be assessed at more than its real value. Payments in kind can be made only with the worker's agreement and the Labour Department's permission.

The register of employees to be maintained under the Act of 15 September 1947 must show the wages agreed to be paid.

The Order of 20 January 1951 created a Central Wages Council whose principal function is to study and interpret data on wages paid in the different commercial, industrial and agricultural undertakings and to make the necessary recommendations to the Secretary of State for Labour for the fixing of minimum wages for each branch of activity or occupational group. The Council consists of two representatives each of the Government, employers and workers. The Wages Service collaborates with the Council and supplies it with the relevant information to enable it to fix minimum wage rates.

The report sets out the minimum wage rates which have been officially fixed up to the present.

Honduras.

Legislative Decree No. 50 of 16 February 1955 : Charter of Labour Guarantees (*L.S.* 1955—Hon. 1).

Legislative Decree No. 224 of 20 April 1956 to promulgate an Act respecting individual contracting for employment (*L.S.* 1956—Hon. 1).

Although at present there is no general system for fixing minimum wages a number of provisions make possible the establishment of minimum rates.

Section 19 of the Charter of Labour Guarantees lays down that every worker has the right to a minimum wage to meet the material, moral and intellectual requirements of his home and family. Section 20 provides that the minimum wage shall be fixed periodically to raise the standard of living, account being taken, *inter alia*, of the conditions in each region, of the industrial, commercial and agricultural activities and of the cost of living, and that the minimum wage shall be fixed by boards composed of representatives of employers, workers and the State.

Section 62 of the Act respecting individual contracting for employment provides that the wage agreed between the employer and the

worker shall not be less than the minimum fixed by law. Section 73 provides that the minimum wage shall be fixed in accordance with regulations to be issued by the Ministry of Labour, Social Welfare and the Middle Classes, or by collective agreements, and that a minimum wage, once fixed, shall automatically amend all contracts providing for a lower wage.

The Executive Power is at present considering the adoption of new legislation (including a legislative decree respecting collective bargaining and agreements) which would make possible the ratification of a number of Conventions.

Iceland.

Minimum wages are fixed only by collective agreements between trade unions and employers. Practically all workers are organised, except agricultural and domestic workers, but even in these trades wages conform more or less to those paid under collective agreements.

In every workplace with at least five workers the trade union concerned can obtain the appointment of one worker as its representative responsible for the enforcement of collective agreements. Breaches of collective agreements can be brought before the Labour Court.

No modifications have been made in national legislation or practice with a view to giving effect to the Convention.

Indonesia.

Act No. 22 of 1957 respecting the settlement of labour disputes.

Minimum wage fixing machinery in Indonesia is only in its early stages. Wages are usually fixed by collective negotiation. If no agreement is reached the parties can invoke the mediation of the Regional Board for the Settlement of Labour Disputes, which, under Act No. 22 of 1957, may make a recommendation or a binding decision.

Iran.

Labour Act.
Minimum Wage Regulations.

Articles 1 and 2 of the Convention. Section 10 of the Labour Act provides for the fixing of minimum wages for each region—and, if necessary, for each industry or occupation—whenever the competent council considers it necessary, and at least once a year.

Article 3. The wage fixing councils consist of the Governor of the Department or his representative, the chairman of the municipal council or his representative, the director of the local branch of the National Bank, the local director of justice or his deputy, the head of the local labour office, and two representatives each of workers and employers.

Minimum wage rates are binding on the employers and workers concerned.

Article 4. The minimum wage provisions are enforced by the Wages Service of the Labour Control Department.

The Convention has been submitted to Parliament for ratification.

Japan.

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

Wage Council Order (Cabinet Order No. 175 of 1947).
Enforcement Ordinance of Labor Standards Law (Ministry of Welfare Ordinance No. 23 of 1947).

Apprenticeship Ordinance (Ministry of Labor Ordinance No. 14 of 1954).

Article 1 of the Convention. Section 28 of the Labor Standards Law provides that “when the competent office considers it necessary, it can fix minimum wages for the worker employed in certain enterprises or in certain occupations”. The Law applies to the enterprises or offices of all industries employing workers, but it does not in principle cover home-working trades (section 8).

Articles 2 and 3. The procedure for fixing minimum wages is laid down in sections 28 to 30 of the Law. When the competent office wishes to fix minimum wages, it must first request the Wage Council to make investigations and recommendations. The competent authority must hold public hearings on the recommendations and fix the minimum wages on the basis of the recommendations and public opinion. The decisions of local offices require the Minister's approval. There are two kinds of wage council—the Central Wage Council and the Local Wage Council, whose respective jurisdictions are defined by the Wage Council Order. The councils are composed of members equal in number representing workers, employers and public interest. The employers' and workers' representatives are appointed on the recommendation of the parties concerned.

When the Wage Council thinks it necessary, it may make recommendations regarding wages to the administrative office concerned.

An employer must not employ a worker at less than the fixed minimum wage, subject to exceptions, with official approval, as regards handicapped workers, workers on probation or workers whose work schedule is remarkably short (section 31 of the Labor Standards Law). Separate provision is made as regards apprentices, whose minimum wages are to be determined by the Minister of Labor in consultation with the Apprenticeship Council, under the Apprenticeship Ordinance.

Article 4. Necessary measures will be taken to inform the employers and workers concerned of minimum wage rates. In addition, employers must inform workers of the fixed minimum rates by displaying them in the workplace and by other means (section 106 of the Labor Standards Law).

Any condition in a contract of employment inferior to the standard set by the Labor Standards Law is invalid (section 13). A worker may therefore recover underpayments of minimum wages. The court may also order the employer to pay to the worker twice the amount underpaid (section 114). An employer who pays less than the minimum rates is subject to certain penal regulations.

The authorities responsible for the enforcement of minimum wages are the Labor Standards Bureau in the Ministry of Labor and Prefectural Labor Standards Offices and Labor Standards Inspection Offices in each prefecture.

Labour and management are consulted about the application of the Labor Standards Law through the Central and Prefectural Labor Standards Councils, which are composed of members representing employers' organisations, workers' organisations and public interest.

No modifications have been made in the national legislation or practice with a view to giving effect to all or some of the provisions of the Convention.

The application of a minimum wage system is made difficult by the existence of a large number of medium and small-scale enterprises and the great differences in economic strength between them and large-scale enterprises. Prior to the application of the minimum wage system, consideration must be given to these special features of the industrial structure lest the stability of the general economy be prejudiced.

The Central Wage Council, created in accordance with the Labor Standards Law in November 1950, made recommendations on a minimum wage system in May 1954. The enforcement of its recommendations, however, was difficult in view of the economic situation at that time. With subsequent improvements in the Japanese economy it has been decided to resume the meetings of the Central Wage Council, which prepare to give effect to the minimum wage system.

Jordan.

No minimum wage legislation exists, pending the enactment of a new comprehensive labour law, which is now under consideration.

Luxembourg.

The Convention is in course of ratification ; the relevant Bill is likely to be passed by the Chamber of Deputies early in its session beginning in November 1957.

Morocco.

Decree of 18 June 1936 respecting the minimum remuneration of wage-earning and salaried employees (*L.S.* 1936—Mor. 3), as amended by Decrees of 1 September 1937 (*L.S.* 1937—Mor. 3), 23 June 1938 (*L.S.* 1938—Mor. 1), 16 June 1952 and 26 January 1956.

Decree of 20 December 1939 respecting the determination of homeworkers' wages.

Decree of 24 January 1953 respecting the calculation and payment of remuneration, etc. (*L.S.* 1953—Mor. (Fr.) 1).

Article 1 of the Convention. Under the Decree of 18 June 1936 minimum wages are fixed by Cabinet Decree for wage-earning and salaried employees in industry, commerce and the liberal professions ; the Decree further provides that minimum rates for workers employed on public works or construction works for the State, other public authorities, or undertakings carrying on a public service under concession, are to be fixed by provincial committees. The Decree of 20 December 1939 provides that minimum rates for homeworkers in the clothing and military outfitting trades (the only ones in which home work is to be found in Morocco) are to be fixed by regional committees.

Minimum wage provisions are also contained in 11 collective agreements, enumerated in the report.

Article 2. All wage-earning and salaried employees in industry, commerce and the liberal professions are covered by the Decree of 1936.

Article 3. The Decree of 1936 makes no provision for consultation of employers' and workers' organisations before the issue of minimum wage decrees. However, in practice, employers' and workers' representatives are called to a meeting presided over by the Minister of Labour and Social Affairs before the latter submits his proposals to the Prime Minister and the Cabinet.

The provincial committees which fix minimum rates for workers on public works, etc., consist of the governor of the province as chairman, officials, representatives of employers' and workers' organisations, and the labour inspector.

The committees which fix minimum rates for homeworkers under the Decree of 1939 are presided over by the governor of the province and comprise from five to nine members chosen from the members of the provincial economic committees, which consist of employers' and workers' representatives. The committees can consult individual employers and workers.

Fixed minimum rates cannot be abated, either by individual or collective agreement.

Article 4. Minimum wage decrees are published in the official gazette and in all Moroccan newspapers ; they are also communicated to all employers' and workers' organisations. The minimum rates for workers on public works, etc., are posted up at the office of the provincial administration and notice thereof is given in the local press.

Minimum wage provisions are enforced by officials of the Labour Inspectorate, the local authorities and the judicial police. Under the Decree of 24 January 1953 labour inspectors may be present when wages are paid, and employers must keep specified records (open to inspection by the inspectorate at all times) ; where there is no written contract, employers must supply workers with work cards, containing specified particulars, from which wage payments can easily be checked.

Fines are prescribed for non-observance of the Decree of 1936. Workers may recover underpayments in the labour courts, but frequently report the matter to the Labour Inspectorate in the first instance. As regards workers employed on public works, etc., section 3 of the Decree of 1936 provides that the authority concerned shall compensate workers paid less than the fixed minimum and recoup itself out of money due to the contractor.

Article 5. Morocco is divided into four wage zones. The current minimum rates were fixed by Decree of 27 January 1956 ; particulars are set out in the report. The report also indicates the reductions in the minimum rates for workers under 18 years of age. The minimum rates are reduced by one-sixth for women workers in certain industries.

The Government considers that national law and practice are in conformity with the Convention.

Pakistan.

There are at present no legislative or other provisions in Pakistan relative to this Convention.

In its labour policy, announced in August 1955, the Government accepted the principle that standards of wages should be established. By a resolution of 10 April 1957 (a copy of which is appended to the report) a Wages Board consisting of representatives of workers and employers has been set up to advise the Government on questions of the fixing of minimum wages in industries to be specified by the Government.

Philippines.

See under Recommendation No. 89.

Poland.

Act of 14 April 1937 respecting collective agreements.
Act of 18 July 1950 laying down general civil law provisions.

Order No. 454 of 11 June 1955 of the Council of Ministers respecting the fixing of wages and the establishment of the National Wages Board.

Order No. 190 of 16 April 1956 of the Council of Ministers respecting the increase in the wages of inadequately paid workers.

Order No. 724 of 17 November 1956 of the Council of Ministers placing the National Wages Board under the Ministry of Labour and Social Welfare.

Ordinance No. 30 of 2 February 1957 of the President of the Council of Ministers respecting the submission of draft legislation on wages and other social questions to the Council of Ministers and the President of the Council of Ministers.

Salaries in the civil service are fixed by the regulations of the public authorities.

As regards workers in nationalised undertakings in industry, commerce, transport and other services, and in state agriculture, minimum rates are prescribed by the Order of the Council of Ministers of 16 April 1956 (2.60 zlotys per hour for workers paid by the hour or day, 500 zlotys for workers paid monthly). Actual wage rates, which exceed these minima, are determined by collective agreements concluded in accordance with the Act of 1937 and the Ordinance of the President of the Council of Ministers of 2 February 1957; all collective agreements and other provisions concerning wages, working conditions and social benefits require the approval of the Council of Ministers to ensure that they conform to existing legislation.

The above-mentioned provisions do not apply to workers in private undertakings, but in practice the wages of these workers are not less than the minimum rates fixed for workers in the public sector, due to a shortage of labour (particularly of manual labour) which enables workers to obtain good conditions in private employment. Further, section 41 of the Act of 18 July 1950 provides that all legal acts contrary to the principles of social relations adopted by a people's democracy are void, and consequently any contract providing for wages at less than the minimum rates fixed for the workers in the public sector would be annulled by the courts, which would of their own right substitute a wage equal to the said minimum rates.

The National Wages Board is responsible for the general wages policy. It is placed under the authority of the Minister of Labour and Social Welfare and consults the Central Council of Trade Unions before making its decisions.

While Order No. 190 of 16 April 1956 of the Council of Ministers, which establishes minimum

rates for workers in the public sector, meets the requirements of the Convention to a considerable extent, it cannot, in the absence of the direct application of its provisions to workers in private employment, serve as a basis for ratification of the Convention. Having regard to the satisfactory conditions which obtain in practice there seems no need for further official intervention in individual employment relationships, except as regards legal enforcement of the provisions in force.

Portugal.

National Labour Code (*L.S.* 1933—Por. 5).

Contracts of Employment Act No. 1952 of 10 March 1937.

Legislative Decree No. 32749 of 15 April 1943 respecting the minimum wage (*L.S.* 1943—Por. 1).

Legislative Decree No. 36173 of 6 March 1947 respecting collective agreements (*L.S.* 1947—Por. 1).

Under Portuguese law wages are regulated by collective agreements negotiated between workers and employers in the same branch of the economy. Such collective agreements are binding on all undertakings and workers in the branch of the economy concerned, whether they belong to the appropriate employers' or workers' organisations or not.

Legislative Decree No. 36173 lays down the principles governing collective agreements and delimits their scope; it also stipulates that in the public interest the legislation introduced for the workers' protection must be observed.

Under Legislative Decree No. 32749 the Ministry of Corporations and Social Welfare may make an order regulating conditions of remuneration and wage rates, whenever this is necessary in the general interest of the economy, and prescribing the factors that must be taken into account in fixing wages, e.g. the normal needs of a worker having regard to age, sex, occupation and local living conditions, the nature and risks of his work, output and length of service, the cost of the goods produced and their labour content, the ability of the undertaking to pay the needs of the national economy, the wages paid in identical or similar occupations or (where information of this kind is not available) the average level of earnings, the value of any tools supplied by the worker and the value of board, lodging or any other forms of payment in kind.

Section 26 of Decree No. 37268 gives the Labour Inspectorate responsibility for enforcing the provisions dealing with wages. In addition to the foregoing, joint committees are set up by collective agreement, with a representative of the National Institute of Labour and Social Welfare as chairman; their duties under section 12 of Legislative Decree No. 36173 are to promote the enforcement of collective agreements, to settle difficulties of interpretation, to improve the agreements wherever possible and to endeavour to conciliate the parties.

Portuguese legislation does not conflict with either the spirit or the letter of the Convention, which has now been submitted to the appropriate authorities who are examining the possibility of ratifying it.

El Salvador.

There are no legislative or other provisions (including collective agreements) relative to the

matters covered by the Convention. Appropriate studies regarding these matters are, however, in progress.

Sweden.

There is no legislation relating to minimum wages. The general feeling is that a minimum wage would tend to become a maximum wage and would introduce an undesirable rigidity into the wage structure. There is a preference for the determination of wages by negotiation and collective agreement, arrangements for which are highly developed. In these circumstances, Sweden cannot be said to have any interest in minimum wage legislation.

Tunisia.¹

Decree of 4 September 1943, amended by Decrees of 29 June 1944, 19 June 1947, 26 February 1948 and 25 December 1952.

Order of 7 February 1948.

Articles 1 and 2 of the Convention. The law allows minimum wages to be fixed in industry and commerce.

Article 3. The bodies responsible for fixing minimum wages are : the Central Wages Revision Board meeting in Tunis, which is chiefly responsible for co-ordinating and guiding the work of the local boards ; two local boards, one covering the north of the country and meeting in Tunis, and the other covering the south of the country and meeting in Sfax. Employers and wage earners are equally represented on these boards (see also under Recommendation No. 30).

Article 4. Regulations dealing with wage fixing are published in the official gazette. The minimum wage rates are binding on all concerned. The labour inspectors and supervisors are responsible for bringing to light any infringements of the wage regulations ; officials of the judicial police also help to enforce the law. Any infringements are punished by the courts. The workers are entitled to apply for any wages owing to them, either to the joint conciliation board or to the civil court, provided they do so within an interval of not more than one year.

Turkey.

Labour Act No. 3008 of 8 June 1936 (*L.S.* 1936—Tur. 2), as amended by Act No. 5518 of 25 January 1950 (*L.S.* 1952—Tur. 1B).

Minimum Wage Fixing Regulations of 8 January 1951. Journalists Act No. 5953 of 1952, as amended by Act No. 6253 of 1954.

Maritime Labour Act No. 6379 of 10 March 1954 (*L.S.* 1954—Tur. 4).

Article 1 of the Convention. Section 32 of the Labour Act provides for the fixing of minimum wages by local boards in places and for operations designated by the Ministry of Labour in view of economic and social exigencies.

The Act applies to undertakings normally employing ten or more employees (or four or more employees in prescribed categories of work in cities with at least 50,000 inhabitants). The

Act in general does not apply to sea and air transport, agriculture and home work, but section 32 expressly covers persons employed in home work and in agriculture.

Provisions for the fixing of minimum wages for journalists and seamen, similar to those in the Labour Act, are contained in the Journalists Act and the Maritime Labour Act.

Article 2. Although it is the Minister of Labour who makes the appropriate designation, employers and workers may ask him to direct minimum wages to be fixed for particular occupations or categories of persons.

Article 3. The local wage fixing boards are composed of one representative each of employers and workers, a representative appointed jointly by the chambers of industry and the chamber of agriculture (if any), a member appointed by the municipal council, the state medical officer for the locality, and a trade union representative. They are presided over by a local official of the Ministry of Labour.

Employers and workers and their organisations or representatives may appeal to the Ministry of Labour against decisions taken by the local boards. Such appeals are considered by a committee of officials representing various ministries.

Employers may not pay less than the fixed minimum wages (regulation 4 of the Minimum Wage Fixing Regulations).

Article 4. Minimum wages fixed by local boards must be published in local newspapers (regulation 11 of the Minimum Wage Fixing Regulations); decisions by the board of appeal must be similarly published and must also be communicated to the employer and worker members of the local board and to the local trade unions and trade union federations (regulation 17).

Fines for underpayment of wages are prescribed by section 108 (10) of the Labour Act. Workers may recover underpayments by judicial proceedings, and the directors of regional labour offices may also bring an action in the labour court against the employer, on the worker's application.

The Ministry of Labour enforces the above-mentioned legislation.

United States.

The Convention is regarded as appropriate, under the constitutional system, partly for federal action and partly for action by the constituent states.

Collective bargaining agreements, which cover between 17 and 20 million workers in the United States, include wages as a basic part of the agreement.

Federal Legislation and Practice.

Fair Labor Standards Act, 1938, as amended (*L.S.* 1938—U.S.A. 1 ; 1949—U.S.A. 1A ; 1955—U.S.A. 1).

Walsh-Healey Public Contracts Act, 1936, as amended.

Davis-Bacon Act, 1931, as amended.

National Housing Act, 1939.

Hospital Survey and Construction Act, 1946.

Federal Airport Act, 1946.

Housing Act, 1949.

School Survey and Construction Act, 1950.

¹ The ratification of the Convention by Tunisia was registered on 15 May 1957.

Defense, Housing and Community Facilities and Services Act, 1951.

Federal-Aid Highway Act, 1956.

Article 1 of the Convention. The Fair Labor Standards Act establishes minimum wage and overtime standards for employees engaged in inter-state commerce or in production of goods for inter-state commerce, including homeworkers. Certain categories of workers are excluded, e.g. workers in retail or service establishments, administrative and professional personnel, salesmen, employees of taxi-cab operators and local streetcar and bus carriers, employees working in woods for small lumbering establishments, and employees engaged in handling certain agricultural products in rural areas.

The Act is enforced also in Alaska, Hawaii, Puerto Rico, the Virgin Islands and American Samoa, and, under a Supreme Court decision of 1948, in all areas and leased bases where there is the necessary degree of legislative control over wages and hours. The Act applies to about 24 million workers.

The Fair Labor Standards Act, as amended, lays down a minimum wage rate of one dollar an hour. Rates below this may be fixed for Puerto Rico, the Virgin Islands and American Samoa; for these territories, wage orders are made by the Secretary of Labor on an industry basis, on the recommendation of industry committees. The law is aimed at gradually bringing these lower rates up to the mainland standard, and this is already the case in certain industries in Puerto Rico.

Under the Fair Labor Standards Act the Secretary of Labor may regulate or prohibit home work. Home work is restricted in seven industries (e.g. jewellery, knitted outerwear or women's apparel) where it was frequently found and where abuses were most widespread. Individual home work certificates must be procured, the main condition for their issue being that the workers cannot adjust to factory employment or must remain at home to care for an invalid. These restrictions do not apply to Puerto Rico and the Virgin Islands, but in those territories piece rates for homeworkers are laid down by regulations.

The Public Contracts Act provides for the payment of the "prevailing minimum wage", as determined by the Secretary of Labor (which may be considerably above the minimum rates under the Fair Labor Standards Act), to workers employed on contracts made with federal agencies for the manufacture or furnishing of materials, supplies, articles and equipment of a minimum value of \$10,000. Certain contracts are excluded (e.g. contracts for agricultural produce processed for first sale by the original producer, for perishable products, or for personal services), and regulations made by the Secretary of Labor exclude professional and administrative personnel. Home work is prohibited on contracts covered by the Act, as the definition of "manufacturer" refers to the production "on the premises" of the supplies required under the contract.

The Davis-Bacon Act requires the "prevailing rate" to be paid to labourers and mechanics employed on government construction contracts of \$2,000 or more. Similar "prevailing rate" provisions are contained in certain other statutes dealing with government or government-

aided construction projects (see list above). Under all these Acts, the Secretary of Labor determines the prevailing rate for each classification of labourer and mechanic in the area.

Articles 2 and 3. The Fair Labor Standards Act applies to all covered workers not specifically exempted. This Act and all other wage fixing laws or wage provisions of general laws were adopted after hearings by Congressional committees, at which representatives of the interested parties were invited to appear to furnish data and to urge the inclusion or exemption of the groups represented.

The minimum rates under the Fair Labor Standards Act for Puerto Rico, the Virgin Islands and American Samoa are determined by industry committees, which must be composed of equal numbers of representatives of employers, employees and the public. The employer and employee members are generally suggested by their respective organisations. The Department of Labor furnishes an economic report on the industry to the committee. After a hearing at which interested parties may appear or submit evidence, the committee recommends minimum rates which the Secretary makes effective through a wage order.

Under the Public Contracts Act, a pre-hearing panel of representatives of interested parties is convened to advise the Secretary of Labor. After a wage survey and a public hearing at which all interested parties may appear, the Secretary of Labor issues a proposed "prevailing minimum wage" finding. After considering comments thereon submitted by interested organisations and individuals, the Secretary issues a final wage determination, which is reviewable by the Courts.

Under the Davis-Bacon and the federal construction Acts, employers' and workers' organisations and the public are encouraged to submit wage rate data. If a hearing is held the procedure is similar to that under the Public Contracts Act.

The legal minimum rates may not be abated either by collective or individual agreement under any of the federal statutes. Subminimum wages may, however, be paid to learners, apprentices and handicapped workers, under certificates issued by the competent authority to the extent necessary to prevent curtailment of employment opportunities, or, in the case of certain "prevailing minimum" wage determinations, under conditions specified in the particular wage order.

Article 4. The Fair Labor Standards Act and the Public Contracts Act are administered by the Secretary of Labor through the Administrator of the Wage and Hour and Public Contracts Divisions. The Divisions provide information about the application of these laws through posters, pamphlets, newspaper and magazine articles, radio broadcasts, speeches before interested groups, etc. Summaries of the statutes or wage orders must be posted in a conspicuous place in the place of business. The Divisions have field offices throughout the country, from which information is disseminated. Investigators go from field offices into establishments to carry out inspections. Employers must keep records of hours and earnings of employees available for inspection. Under the Fair Labor

Standards Act all homeworkers are supplied with books in which their hours of work are recorded by the employer.

Enforcement of the federal construction statutes is the responsibility of the agency making the contract. Under the Federal Reorganization Plan No. 14 of 1950, the Department of Labor must obtain co-ordinated and consistent enforcement by these agencies. Regulations require certified copies of the weekly payrolls to be submitted to the agency concerned. The Labor Department inspectors may also carry out inspections and request production of records under these statutes.

Under the Fair Labor Standards Act the Secretary of Labor may, in certain circumstances, bring suit for underpayment at the written request of the employee. The latter may himself bring suit, and is entitled to the amount underpaid, plus an equal amount as damages, and to reasonable fees and costs. The Act also forbids the transport or selling in inter-state or foreign commerce of goods produced in violation of the minimum wage provisions, except by common carriers or purchasers acting in good faith on written statements of compliance. Fines are prescribed for wilful violation of the Act; a second conviction may result in imprisonment.

Under the Public Contracts Act underpayments of wages are recovered by the Secretary of Labor and paid to the employees concerned; the latter cannot themselves sue. The Government may also cancel a contract if violations are found, and it will not normally, for three years, grant another contract to a firm responsible for violations. The Davis-Bacon and other construction statutes contain similar provisions.

The minimum rate under the Fair Labor Standards Act has been raised twice since 1950 (from 40 cents to one dollar per hour). In 1955 the Act was modified to provide for annual review of rates in Puerto Rico and the Virgin Islands, and a further amendment in 1956 provided for the establishment of minimum rates in American Samoa by means of industry committees. These developments may be expected to continue as the laws are amended and strengthened in the light of an expanding economy.

*State Legislation and Practice.*¹

Article 1 of the Convention. The following 33 jurisdictions have minimum wage or wage and hour laws: Alaska, Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Hawaii, Idaho, Illinois, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, Utah, Washington, Wisconsin and Wyoming.

Originally, these laws applied only to women and minors, but the recent trend is towards including men also, and at present 11 minimum wage laws apply to men as well as women: Alaska, Connecticut, Hawaii, Idaho, Massachu-

setts, New Hampshire, New Mexico, New York, Puerto Rico, Rhode Island and Wyoming.

While the minimum wage laws, as such, lay no particular emphasis on homeworking trades, about half the laws on industrial home work set minimum wage standards. The usual requirement is that homeworkers must be paid not less than the factory rates for similar work and that their working time be regulated by laws applicable to similar factory workers. Provisions regarding home work lay emphasis on restriction of home work rather than minimum wages, with a view to protecting the standards of factory workers; in some cases, home work is prohibited altogether on specific articles.

State minimum wage laws cover various "trades" as defined in the Convention and also services. The majority of state laws cover all occupations except agriculture and domestic service. A few states cover specific industries or occupations. Since the Federal Fair Labor Standards Act was passed in 1938 covering inter-state industries, the states have tended to confine their wage orders to the retail or service trades, e.g. laundries, retail stores, restaurants.

Article 2. The state legislatures, when considering minimum wage legislation, generally take into account the testimony of labour, management, civic organisations, public officials and others interested in social legislation.

Article 3. In eight states the legislature itself sets the minimum wage rate: Alaska, Arkansas, Hawaii, Idaho, Nevada, New Mexico, South Dakota and Wyoming.

In 20 states minimum wages are fixed by wage boards: Arizona, California, Colorado, District of Columbia, Illinois, Kansas, Kentucky, Louisiana, Maine, Minnesota, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Utah, Washington and Wisconsin. The wage boards are usually composed of representatives of employers and workers, in equal numbers, and representatives of the public. The boards, in addition to setting minimum wage rates, have also established various related standards to safeguard the minimum wage and to stabilise and improve working conditions.

In five states (Connecticut, Massachusetts, New Hampshire, Puerto Rico and Rhode Island) legislation sets a statutory minimum rate, but the Labor Commissioner also has authority to call wage boards to establish rates for particular industries or occupations.

Minimum wage rates set by law are not subject to abatement by individual or collective agreement.

Article 4. Minimum wage laws are generally enforced by the State Labor Departments. Employers and workers are informed of minimum rates by the enforcing agency, which supplies posters giving details of the law or wage order. These must be displayed where all workers can see them. Also, the State Labor Departments have inspectors to visit workplaces and inspect payrolls to determine compliance with the law.

The laws provide penalties for non-compliance, which are generally applied by the court in cases of repeated or flagrant violations.

Under almost all of the laws employees may sue employers for underpayments (also

¹ Alaska, the District of Columbia, Hawaii and Puerto Rico are referred to as "states" in the report.

attorneys' fees, etc., in most states). They may also generally request the State Labor Commissioner to assist in collecting wages due and, if necessary, to sue for them.

A copy of Women's Bureau Bulletin 247 (and supplements), containing summaries of all state minimum wage laws and orders, is appended to the report.

There has been substantial progress in minimum wage legislation and in revision of minimum wage orders during the past decade. Most of the legislation bringing men under the minimum wage laws has come during this period, as has also most of the legislative action setting a statutory minimum in the law. In general, state laws, where they exist, meet the standards set by the Convention. There are 19 states which still do not have minimum wage laws. Many of these states are considering such legislation. In the first three months of 1957, 34 states introduced Bills in their legislatures to enact new laws where none now exist or to strengthen existing legislation. Ten of these Bills, if enacted, would establish a minimum wage law in states that do not now have such legislation.

The Labor Department's programme of technical assistance to the states on labour law and administrative practice provides an effective means for promoting action by the states in implementing the standards of the Convention. In 1956 assistance on labour law and administrative practice was given by the Bureau of Labor Standards to 45 states (including minimum wage legislation and administration in many cases).

U.S.S.R.

Constitution of the U.S.S.R.

Labour Code of the R.S.F.S.R., 1922 edition (*L.S.* 1936—Russ. 1) and Labour Codes of the other Union Republics.

Ukase of 31 January 1957 of the Praesidium of the Supreme Soviet to approve regulations respecting the settlement of labour disputes (*L.S.* 1957—U.S.S.R. 1).

Articles 1 and 2 of the Convention. Article 12 of the Constitution of the U.S.S.R. enunciates the following principles: "from each according to his ability, to each according to his work."

Section 59 of the Labour Code of the R.S.F.S.R. and the corresponding provisions of the Labour Codes of the other Union Republics provide that remuneration shall not be less than the compulsory minimum wage fixed by the competent authorities for the class of work in question. The minimum wage provisions cover all classes of workers and salaried employees throughout the Union, without exception (and thus include industry, commerce, transport, agriculture, teaching, the civil service, etc.).

Article 3. Since the beginning of the Soviet régime laws and regulations have been adopted fixing guaranteed minimum wage rates. The authorities associate the trade unions in the preparation of all measures relating to wages and other questions concerning workers. Wage rates are fixed in agreement with the Central Council of Trade Unions and the central committees of the trade unions for particular occupations, all these bodies being elected by the members of the unions. At the level of each undertaking wage measures are decided upon in collaboration with the wages committee of the undertakings and of each workshop.

Under sections 19 and 28 of the Labour Code of the R.S.F.S.R. and the corresponding provisions of the Labour Codes of the other Union Republics the fixed minimum rates cannot be waived or reduced either by collective or individual agreement.

Article 4. Workers are informed of laws, decrees and other provisions concerning wages through the press, special official and non-official publications, pamphlets, talks, etc. The wage rates applying to the various grades are set out in the collective agreement concluded in each undertaking, a copy of which is given to every worker. Moreover, under section 29 of the Labour Code, every worker engaged for a week or more must be issued with a wages book in which all payments are entered.

Labour legislation, including minimum wage provisions, is enforced by the Labour Inspectorate. General control over the maintenance of public order is exercised by the judicial authorities. Responsibility for ensuring compliance with wage laws and regulations also rests with the Council of National Economy and the various ministries and public bodies, and in particular with the State Committees for labour and wage questions attached to the Council of Ministers. The trade unions also play an important part in enforcement. Managements must supply trade unions, on request, with all necessary information and documentary evidence regarding wages.

Under the Ukase of 31 January 1957 a worker may claim underpayments of wages before the competent authorities (in particular, the judicial authorities). There is no time limit for presenting such claims.

Article 5. The current minimum rates were fixed by an Act of 8 September 1956, particulars of which are given in the report.

It follows from the foregoing that legislation and practice in the U.S.S.R. give full effect to the provisions of the Convention.

Matters concerning minimum wage fixing machinery are appropriate in part for action by the Union and in part for action by the constituent Republics.

Yugoslavia.

Decree of 29 March 1952 respecting the remuneration of wage and salary earners employed by private employers (*L.S.* 1952—Yug. 1).

Decree of 8 April 1952 respecting the remuneration of wage and salary earners employed by co-operatives.

Decree of 27 April 1957 respecting the remuneration of workers in nationalised undertakings.

Nationalised undertakings. Wage rates are fixed each year for each group of undertakings and for each individual undertaking by regulations made by the producers' councils, in agreement with the local people's committee and the trade union. As the producers are directly represented on the producers' councils these regulations, to some extent, have the character of collective agreements. The participation of the people's committee is intended to establish a correct balance in remuneration as between the various nationalised undertakings of the district. The participation of the trade unions is designed to ensure a proper balance in remuneration as between the various industries and

the various grades of workers over a larger area. The three parties participate on an equal footing, and, in default of agreement, a final decision is made by an arbitration board appointed by the Executive Council of the Republic.

The draft wage rates must be published and every worker has the right to submit observations ; these must be discussed by the managing committee of the undertaking, and, if they are not approved by it, must be referred to the workers' council for final decision. In this way the workers participate directly in the determination of wage rates.

The basic remuneration of all workers, as laid down in the above-mentioned regulations, is guaranteed to the extent of 75 per cent., and, if the profits of an undertaking are insufficient to cover this guaranteed remuneration, the local people's committee (which otherwise receives a part of the profits) must provide the necessary funds out of its own resources.

Co-operatives. The remuneration of wage and salary earners in co-operatives with more than two employees must be determined by collective agreements concluded by the managing committee of the co-operative with the trade union (or, if most of the employees do not

belong to the trade union, directly with the employees). The rates so fixed cannot be less than the minimum rates prescribed for workers in nationalised undertakings.

If the parties fail to agree on the terms of the collective agreement, the matter is referred to an arbitration board consisting of a person appointed by the local people's committee (as chairman) and one representative each of the trade union and the co-operative. The decisions of this board are binding.

Private employment. The remuneration of private employees is determined by collective agreement in a manner similar to that applicable to employees of co-operatives, except that the arbitration board consists of the labour inspector of the local people's committee (as chairman) and one representative each of the employer or employers concerned and the trade union.

In view of the above indications it may be said that a proper balance is maintained as regards the remuneration of workers in nationalised undertakings, in co-operatives, and in private employment. There is no branch of the economy nor any region in which wages are not effectively regulated or are exceptionally low.

Minimum Wage-Fixing Machinery Recommendation, 1928 (No. 30)

Albania.

See under Convention No. 26, subject to the following additional information :

Section 98 of the Labour Code provides that piece rates shall be based on output standards. Uniform standards, applicable to a large number of economic sectors, are fixed by the Government. Particular standards are fixed by the Ministries concerned in consultation with the workers' representatives on the basis of recommendations by the employing undertaking, institution or organisation. In both cases the Central Council of Trade Unions is consulted.

In addition to the wage based on output standard there is an output bonus, calculated in accordance with sections 99 to 103 of the Labour Code. Under section 100 of the Code the price corresponding to the output standard cannot be less than the appropriate fixed rate.

The Labour Code provides that the output standards may be revised or altered at intervals of not less than a year, or at shorter intervals by decision of the Government.

The rates fixed for the various classes of work apply throughout the country. When a worker is engaged he is informed of his wage, and its amount is noted in his workbook. Thus, each time he is paid, a worker can check that the correct rate is being applied.

Article 17 of the Constitution guarantees women the same rights as men. For equal work women are entitled to the same remuneration as men. The provisions of the Labour Code apply without distinction to men and women.

The Recommendation is fully implemented, there being no legislative provisions contrary to it.

Argentina.

Decree No. 33302 of 20 December 1945, confirmed by Act No. 12921.

Act No. 14250 of 13 October 1953 respecting collective labour agreements (*L.S.* 1953—Arg. 1).

Decree No. 2739 of 1956.

Decree No. 33302, which is the principal minimum wage legislation, has never been put into effect, as the wage fixing body provided for (the National Wages Institute) has not been set up. In default of wage fixing under this decree, wages in the main branches of production and in commerce have been fixed principally under Act No. 14250 and Decree No. 2739.

Part I of the Recommendation. No provision is made in existing legislation for the carrying out of investigations in accordance with this Part of the Recommendation.

Part II. Decree No. 33302 provides for the establishment, by zones and branches of industry, of wage committees composed of an equal number of employers' and workers' representatives appointed by the Board of the National Wages Institute on the recommendation of their respective organisations, with an official, also appointed by the Board, as chairman. These committees are to recommend the basic wage rates to the Board of the National Wages Institute, indicating the statistical data and all other factors on which their decisions are based. The committees' decisions are by majority vote. The chairman has no vote, but, in case proposals fail to obtain the required majority, he makes a full report on the various arguments put forward and states his own views thereon.

The Board of the National Wages Institute consists of a chairman and six representatives each of employers and workers. The representative members are appointed by the Executive on the recommendation of their respective organisations.

Act No. 14250 and Decree No. 2739 also provide for the direct and equal participation of the interested parties in the fixing of minimum wages by collective agreements which, when approved by the Minister of Labour and Welfare, become binding in the area and trade concerned. The agreements must be concluded by the most representative organisations of the employers and workers concerned.

No provision prevents women workers from participating in the wage fixing machinery, and this occurs regularly in trades where a large number of women are employed.

Decree No. 2739 sets up an arbitration court with power to fix minimum wages where the parties fail to reach agreement. The court consists of three officials representing various Ministries.

Part III. With regard to the factors to be taken into consideration for the fixing of basic wage rates under Decree No. 33302 and the revision of these rates, see under Recommendation No. 89 (Parts I and III).

Act No. 14250 and Decree No. 2739 do not make provision for revision of collective agreements before the expiry of their term.

Part IV. Decree No. 33302 provides for the maintenance by employers of specified employment records, which must be produced on request to officials of the National Wages Institute, and for the posting up of wage rates in undertakings.

Act No. 14250 provides for the publication of collective agreements by the Ministry of

Labour and Welfare or by the interested parties. The Ministry is responsible for enforcing collective agreements.

Workers may take legal proceedings for underpayments of wages, without prejudice to any action which may be taken by the Ministry of Labour and Welfare.

No substantial discrepancies exist between national legislation and practice and the provisions of the Recommendation.

Austria.

For legislation see under Convention No. 26.

Part I of the Recommendation. Any conciliation board or home work committee may obtain particulars of wages actually paid, for purposes of comparison, from the appropriate sickness insurance office.

Part II. Under the Act of 1951 respecting the making of minimum wage awards, every application for the making of such an award must contain particulars showing the need for the award. Similar provisions apply to proceedings under the Home Work Act.

Both the conciliation boards and the home work committees act through committees consisting of a chairman or vice-chairman and equal numbers of employers' and workers' members. The latter are appointed by the Federal Minister of Social Affairs on the nomination of their respective organisations. The chairmen of conciliation boards are judges, appointed by the Federal Minister of Justice in agreement with the Federal Minister of Social Affairs, and after consultation of the employers' and workers' organisations concerned. The chairmen of home work committees are appointed by the Federal Minister of Social Affairs on the joint recommendation of the employers' and workers' organisations. This ensures that in both cases the chairman is an impartial person enjoying the confidence of the parties. In case of a tie the chairman has a casting vote.

Part III. Collective agreements and collective home work agreements have to be filed with the conciliation boards and home work committees respectively, so that the latter are always in possession of information on wage rates paid for similar work.

Both the Act of 1951 and the Home Work Act contain provisions permitting the amendment or revocation of fixed rates.

Part IV. Section 8 of the Home Work Act provides for the display of notices containing specified particulars (including wage rates) on premises where work is given out, received or paid for. Section 10 of the Act requires the provision to homeworkers of paybooks containing prescribed particulars.

The verification of wages and determination of the wage rates applicable in particular cases are effected by wage accounts subcommittees, on the application of the persons concerned, their organisations or the Labour Inspectorate. These subcommittees consist of an independent chairman and equal numbers of employers and workers in homeworking trades.

Enforcement of the observance of statutory wage provisions is the responsibility of the

Labour Inspectorate. If an inspector discovers any underpayment of wages, he may, on refusal of the employer to pay the amount in question, refer the matter to the wage accounts subcommittee. In the case of serious or repeated underpayments, the inspector must report the matter to the district administrative authority with a request for the imposition of a penalty, which, under section 64 of the Home Work Act, may be a fine of up to 6,000 schillings or imprisonment for up to six weeks.

Belgium.

Legislative Order of 9 June 1945 (*L.S.* 1945—Bel. 5). Royal Order of 5 April 1952 consolidating the Acts regulating home work (*L.S.* 1952—Bel. 2).

Part I of the Recommendation. Minimum wages in all branches of industry and commerce are generally fixed by the national joint committees. Under the Order of 1945 the committees consist of an equal number of employers' and workers' delegates belonging to the most representative organisations. The committees' decisions may be made generally binding by Royal Order.

The joint committees, made up as they are of persons belonging to the industries concerned, may be regarded as in practice constituting permanent committees of inquiry for ascertaining operative wage rates.

Two classes of workers may be considered as less protected, because they are less organised: domestic workers and homeworkers. No joint committee for domestic workers exists and their wages are not fixed; as, however, there is a shortage of domestic workers, their wages are generally fairly high. As regards homeworkers, in so far as they are not covered by decisions of joint committees, their wages are fixed by the National Homework Committee under the Royal Order of 1952.

Part II. The parties chiefly interested in the fixing of minimum wage rates are in practice always consulted and the employers and workers participate directly in the deliberations and decisions. The employers' and workers' representatives are chosen by the King from lists presented by their organisations. The chairmen of the committees are always persons unconnected with the industry or trade in question, and are frequently public officials. In recent years workers' representatives on certain committees have included women.

Part IV. The provisions governing minimum wages are enforced by the Labour Inspectorate.

With a view to solving wage problems in all branches of industry and commerce, the Belgian Government, in collaboration with employers' and workers' organisations, is proposing to double the number of joint committees in 1957. Special auxiliary committees will be set up for workers not covered by any particular joint committee.

The Government considers that modification of the Recommendation is not indicated.

Bulgaria.

See under Convention No. 99.

Burma.

Minimum Wages Act, 1949 (L.S. 1949—Bur. 1).

Administrative Regulations.

Minimum Wages Order for the Cigar and Cheroot Manufacturing Industry (Rangoon and Pegu Districts) (came into force on 1 January 1954).

The Ministry of Labour consults the representatives of the employers' organisations and the trade unions before setting up a minimum wages council for an industry. The Minimum Wages Act 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.

So far two minimum wages councils have been set up, one for the cigar and cheroot manufacturing industry and another for the rice milling industry. The first of these councils consists of three employers' representatives, three workers' representatives and three impartial persons one of whom acts as chairman. The second council consists of six employers' representatives, six workers' representatives and three impartial persons, one of whom acts as chairman. The Minimum Wage Act requires the representative members to be equal in number and to be appointed on the nomination of employers' and workers' organisations.

The rates fixed in minimum wages orders are binding on the employers and workers concerned and are not subject to abatement either by individual or by collective agreement.

A system of supervision for the enforcement of minimum wages orders has been established within the Inspectorate of Factories and General Labour Laws. By the posting of the relevant wages order at the establishments and by inspection visits, workers are kept informed of the minimum wage rates. The checking of wage records ensures that wages are paid in accordance with the order.

If a worker is paid less than the fixed minimum rates, legal proceedings may be taken by the worker himself or the inspector to recover the amount underpaid.

Under the constitutional system of the Union of Burma the provisions of the Recommendation are regarded as appropriate for federal action.

The Minimum Wages Act adequately ensures implementation of the measures outlined in the Recommendation.

Canada.

Part I, Paragraph (1), and Part II, Paragraph (1) of the Recommendation. For the most part, except in British Columbia, general orders covering most male workers, most female workers or most workers of both sexes in the province are in effect; hence the extension of minimum wage fixing machinery to new trades is limited. General orders only are in effect in Manitoba, Newfoundland and Ontario. In Alberta, New Brunswick, Nova Scotia, Quebec and Saskatchewan there are a few orders covering particular trades, occupations or classes of workers, in addition to general minimum wage orders. The trend is towards fewer special orders and a widening of the coverage of general orders. Prince Edward Island, with its largely rural population, has no minimum wage law.

In British Columbia, where minimum wages are fixed on an industry or occupation basis, an

order is occasionally made for a trade or occupation not previously regulated.

The means employed by minimum wage authorities to ascertain actual wage rates and conditions in any area of employment for which the setting or revision of minimum wages is contemplated are as follows:

(a) *Inquiries.*—In British Columbia and Nova Scotia and (subject to the Minister's request) in Newfoundland, the board must hold an inquiry. In Ontario the Minister of Labour may authorise the Industry and Labour Board to conduct a public inquiry for the purpose of procuring information on wage rates, etc. In Manitoba a board must make appropriate inquiries and receive representations from interested persons; at the direction of the Minister, it must inquire into the labour conditions, hours and wages in any occupation; finally, a majority of the board may require a board meeting to be convened with a view to recommending to the Minister that an inquiry be held. The Saskatchewan board may make inquiries, and is required by statute to apply definite criteria in fixing minimum rates. In Alberta, New Brunswick and Quebec the board may and, as a matter of policy, does make an inquiry before amending orders or making new orders.

In the making of such inquiries the boards in Alberta, British Columbia, Manitoba, New Brunswick, Nova Scotia, Ontario and Saskatchewan have the powers of commissioners under the Public Inquiries Act or corresponding legislation. The Newfoundland board has the power of a civil court to enforce the attendance of witnesses and to compel them to give evidence.

The report quotes from several annual reports of provincial Labour Departments, referring to the fixing of wages, for example, after "a thorough survey of wages and working conditions for female employees" or "after making an extensive study of prevailing rates existing in urban and rural areas within the province". In British Columbia the reports of the Board of Industrial Relations include tables which provide comparative information for a five-year period concerning the employment, earnings and hours of work of female employees in various occupations covered by minimum wage orders and of male workers in some of the more important occupations covered by the Male Minimum Wage Act. The information is obtained through an annual survey made by the Department. In Nova Scotia the Minister of Labour stated in 1949 that, before minimum wages were established, sample surveys were conducted to determine the cost of board and lodging and the ordinary commodities of life in the area to be covered by the order, and that, in establishing the rate, due consideration was also given to the average wage rates paid in the area.

(b) *Public hearings and consultation with employers and employees.*—The boards of Alberta, Manitoba, Saskatchewan and British Columbia make a practice of holding public hearings, the first three when any general revision of minimum rates is considered, and the British Columbia board in connection with each proposed new order or revision of an order. Hearings are usually advertised and are frequently held in different centres in the province. Apart from public hearings, and particularly in pro-

vinces where such hearings are not customary, interested organisations make representations to the boards or to the Government. Consultation with employer and employee groups is a regular feature of minimum wage fixing in most provinces. The New Brunswick board regularly consults with employers' and workers' representatives before fixing minimum wages. In British Columbia the board makes known the details of a draft minimum wage order to the parties affected, through their organisations, and invites suggestions which are carefully considered before the order is placed before the Minister for approval. In Saskatchewan representatives of employers and workers or of their organisations are consulted through public or private hearings. In Quebec, where the Minimum Wage Commission is required by statute to collaborate with employers and employees in establishing minimum wages, the views of the unions and employers' organisations concerned are sought before the adoption of an ordinance.

(c) *Conferences.*—Three Acts, those of Newfoundland, Ontario and Quebec, confer upon the boards discretionary power to hold a conference of employers and employees (in Quebec, of employers, employees and the public) for the purpose of obtaining necessary information, and the New Brunswick board may hold conferences to ascertain wages, hours and other labour conditions.

(d) *Records.*—While the statutory requirements in all provinces regarding the keeping of specified records by employers are primarily for enforcement purposes, they are also a means of obtaining information regarding the actual wages paid.

Part I, Paragraph (2). The early minimum wage laws applied to women workers and until the 1930s minimum rates were generally set for women only. All minimum wage legislation except that of Nova Scotia now applies to males as well as females. In Ontario, however, the board has set minimum rates for women workers only, and in New Brunswick male workers have been made subject to a minimum wage to a very limited extent.

Part II, Paragraph (2). In Manitoba, Newfoundland and New Brunswick the board is required by statute to be equally representative of employers and employees. The legislation of British Columbia requires the members of the board, excluding the chairman, to be representative of organised groups of employers and employees and of the general public. In Ontario the board is a purely government agency, consisting of three officers of the Department of Labour. The only statutory requirement in the remaining provinces is that two members of the Nova Scotia and Saskatchewan boards must be women. In practice, however, the boards are representative bodies, representing the interests of employers and employees and, in some cases, the public. The board in every province has an impartial chairman, frequently a government officer; in British Columbia he must be an officer of the Department of Labour.

In establishing a minimum wage board, or in appointing members of a board, the provincial government usually consults organisations repre-

sentative of various sections of the community. Thus, the Alberta Department of Industries and Labour approached the two large trade union organisations, employer organisations and farm organisations for suggestions as to persons whom they considered qualified to act as members of the Board of Industrial Relations; the board consists of two representatives of labour, one of employers' organisations, a woman member and a civil servant as chairman. In Nova Scotia the five members of the board are drawn from various areas of the province; of the two male members, one is an employer and the other a trade unionist; the two women members have no definite industrial category. The Quebec Minimum Wage Commission has been made up since its inception of a chairman, two members belonging to workers' organisations and two employers' representatives. The Saskatchewan board consists of two employer members and two employee members, with an independent chairman.

Although only the British Columbia legislation requires representation of the public on the board, in practice several boards have members who may be said to represent women and/or the public. Four boards have a woman or women members. The British Columbia legislation makes the appointment of one woman obligatory. There is also a woman on the Alberta board, although this is not required by law. In Nova Scotia and Saskatchewan two members must be women; in Saskatchewan one of these has been associated with workers' groups and the other with employers' organisations.

Part III. The Acts of only two provinces—Manitoba and Saskatchewan—now contain definite criteria for the fixing of minimum wages. The Saskatchewan board is required to determine the minimum wage on the basis either of what it deems adequate to furnish the necessary cost of living to employees or of what it deems fair and reasonable, having regard to the wages generally prevailing in the class of employment affected. The latter method was introduced by amending legislation in 1957 to provide greater protection not only for employees but also for employers who pay fair wages. In Manitoba the board must take into consideration, and be guided by, the cost to an employee of purchasing the necessities of life and health.

Although not based on systematic cost-of-living studies, minimum rates in Canada are generally determined with reference to the cost of living of the workers concerned. The policy of the boards is to set a basic wage, an amount which will assure the subsistence of the employee, leaving it to unions and employers (where trade union organisation exists) to negotiate collectively for a higher standard. For the most part, minimum wages are set in Canada for workers who are not organised or who are organised to a limited extent, and primary consideration is not given to union rates in the trades concerned. Wage rates in trades covered by collective agreements are, however, employed as a standard in the setting of minimum rates under industrial standards legislation, and the general level of wages in the province or locality is normally a standard of reference in setting minimum rates. Wage rate data compiled by

the federal Government and in some cases by the provincial government are available to the boards.

There is no provision in any law for a review of minimum rates at the request of worker or employer members of the board. In Newfoundland the board must review each minimum wage order every two years and may do so at lesser intervals. In Manitoba a majority of the members may require a meeting of the board to be convened to recommend to the Minister an inquiry into prevailing conditions, and this may lead to a review of minimum rates.

Part IV. The posting of minimum wage orders in workplaces is required in all provinces but Manitoba. In Manitoba copies of minimum wage regulations must be furnished to each employee, except where they are covered by a subsisting collective agreement filed with the Manitoba Labour Board. The legislation of British Columbia stipulates that the board must supply copies of minimum wage orders to an employer on request. Other boards in practice also distribute, free of charge, copies of orders on request. In some provinces, e.g. New Brunswick and Newfoundland, it is the practice to send copies of new orders to all employers. In Ontario copies of the minimum wage order are sent to new employers noted by the Unemployment Insurance Commission, unless they obviously do not employ women. The Newfoundland orders are also sent to new employers as they become known. In all provinces considerable publicity is given in the press to new or revised minimum wage orders. In Quebec the order is sometimes published in the daily papers. Publication of orders in the provincial official gazette is required in all provinces except New Brunswick. During inspections, inspectors inform employers of new legislation.

Official supervision of the rates actually paid is maintained in all provinces through regular inspection staff. In Quebec, Nova Scotia and Newfoundland inspectors are appointed for the specific purpose of enforcing minimum wages. In the other six provinces departmental inspectors check on compliance with other legislation as well as minimum wage legislation. In several provinces auditors of the Unemployment Insurance Commission report contraventions to the Department of Labour. Employers' and workers' organisations are not called upon to co-operate in the supervision of the application of the legislation. In Quebec employers are subject to a levy of 0.1 per cent. of wages and salaries paid to their employees, to be used in meeting the costs of enforcing the Act.

Employers are required under the minimum wage legislation of all provinces to keep specified records which must be made available for inspection. The legislation of Alberta, British Columbia, Ontario and Manitoba requires employers to keep a register of homeworkers, which, except in Alberta, must record wages paid. Quebec is the only province in which minimum wage legislation refers to home work, the Quebec Act applying to employees working at home.

The legislation of all provinces except Manitoba and Quebec provides for the prosecution of employers for underpayment of minimum wages. Penalties for such underpayment are provided in each Act. An employer found guilty may be ordered to pay the amount underpaid in addition

to the fine. In Quebec the Minimum Wage Commission may bring an action against an employer on behalf of an employee for underpayment of minimum rates. In all provinces the minimum wage authorities collect, or direct the payment of, arrears of wages on behalf of employees, and in most cases obtain settlement without resort to proceedings. In Saskatchewan inspectors are authorised to determine wages owing under the Minimum Wage Act and to obtain the agreement of the employer and worker as to the amount; where a written agreement is reached, the amount is payable within two days to the Department of Labour, which in turn pays it to the worker. In Alberta, British Columbia, Nova Scotia, New Brunswick, Newfoundland and Quebec a worker may bring a suit against his employer to recover underpayments of minimum wages; in the first three of these provinces he may also recover the costs of the action.

It is considered that most of the provisions of the Recommendation are covered by legislation or practice.

Ceylon.

For legislation see under Convention No. 26.

Under the Wages Boards Ordinance of 1941, the Commissioner of Labour may call for any relevant information on wages and other conditions of employment in any trade.

Before a decision to establish a wages board is made, the views of employers' and workers' organisations are sought through a press notice intimating the Minister's intention to set up a board. Representations made in reply thereto are taken into consideration before a final decision is made.

The boards must comprise employers' and workers' representatives in equal number. They must also include one or more independent persons whose votes ensure effective decisions being reached in the event of disagreement between employers' and workers' representatives. The independent members are not selected in consultation with the employers' or workers' organisations, but are chosen by the Minister from among persons who are competent and who have no interest either as an employers' or as a workers' representative in the trade concerned. The representatives of employers' and workers' organisations must be chosen after consultation with such organisations.

Women need not be included as representative or as independent members of boards for trades where women predominate as workers.

The wage fixing machinery does in practice take into account rates paid to similar workers in other trades and the general level of wages prevailing in the country before determining the minimum rates of wages on which workers can maintain a suitable standard of living.

Wages fixed by a board can be reviewed at any time by a resolution brought before the board by employers' or workers' representatives.

Provision is made for publication of the decisions of wages boards in the newspapers and for their posting-up at workplaces.

With regard to the enforcement of minimum wage decisions and recovery of wages, see under Convention No. 26.

Chile.

Labour Code of 13 May 1931 (*L.S.* 1931—Chile 1).

Decree No. 276 (*Diario oficial*, 12 September 1932), as amended by Decree No. 182 of 25 February 1939.

Act No. 7295 of 30 September 1942 (*L.S.* 1942—Chile 1).

Act No. 12006 (*Diario oficial*, 23 January 1956).

Act No. 12033 (*Diario oficial*, 20 August 1956).

Act No. 12432 of 29 January 1957.

Sections 43 et seq. of the Labour Code, which regulate the minimum wage fixing procedure, have only limited practical application because workers prefer to resort to the widely used system of collective bargaining, which is regulated by Part II of Book IV of the Labour Code.

Act No. 12006 lays down the minimum wage for manual workers (other than apprentices) in industry, commerce and public services (50 pesos an hour).

Under Act No. 12033 the wage rates for workers employed in the nitrate industry are fixed in each district or region by joint committees of employers and workers, presided over by the governors of the respective departments, with an inspector of labour acting as secretary in each case. Wage rates are fixed having regard to general conditions in the industry, workers' qualifications and their needs (based on the assumption that they have to support a wife and up to two children under the age of 14), the conditions in which the work is carried out, etc.

Act No. 7295 lays down, *inter alia*, the minimum living wage for salaried employees in private undertakings, including mining and agriculture.

Act No. 12432 deals with the procedure for adjusting the wages of non-manual workers during 1957. This Act also stipulates that the wages of manual workers in industry, mining, commerce and large-scale copper mining concerns must be increased on the expiry of the relevant agreements, arbitration awards or collective contracts by a proportion equal to 80 per cent. of the increase in the cost of living during the period in which the agreements or awards in question were in force. The increase in the cost of living is calculated on the basis of the statistics compiled by the Central Bank of Chile and the National Statistical Service. The wages of workers who are not covered by agreements or awards will also be increased. In either case the Act states that undertakings which already have systems whereby wages are increased in step with the cost of living and which have in fact increased their workers' wages by a proportion equal to or higher than the statutory percentage will not be required to pay this increase.

Decree No. 276 of 12 September 1932 (amended in 1939) approves the regulations setting up joint minimum wages boards and prescribing their procedure. Decisions reached by these joint minimum wages boards are communicated to the employers and workers concerned by written notification from the Labour Inspectorate.

The workers are entitled to take legal proceedings to ensure that their minimum wages are paid, irrespective of the way in which they were fixed.

The Labour Department is responsible for enforcing the foregoing provisions.

The Chilean Government submitted this Recommendation to the National Congress on 9 December 1954 and its consideration is pending.

Costa Rica.

Act No. 1860 of 21 April 1955 respecting the organisation of the Ministry of Labour and Social Welfare. See also legislation under Convention No. 26.

Part I of the Recommendation. The National Wages Board is kept informed of the need for adequate fixed minimum wages by direct inquiries among employers and workers and by requests for revision of minimum rates made by the interested parties (Act No. 1860 of 1955, Title III, Chapter IV; Decree No. 832 of 1949, section 19). By virtue of section 167 of the Labour Code differences in wages based on sex are not permitted.

Part II. Economic conditions are investigated by means of special questionnaires, in accordance with section 177 of the Labour Code and Decree No. 832 of 1949.

The composition of the National Wages Board ensures that employers and workers participate directly and on an equal footing in the deliberations and decisions of the Board. The representatives of the State are independent persons, whose votes have in practice always been decisive in cases of equal division of employers' and workers' votes (Decree No. 832 of 1949, section 4; Decree No. 16 of 1956, section 5). In practice, the chairman of the Board has always been a representative of the State.

The employers' and workers' representatives are appointed from among persons nominated by the employers' and workers' organisations (Decree No. 832 of 1949, section 6). The representatives of the State do not have any direct interest in the trades under consideration, although there is no legal requirement to this effect.

The composition of the National Wages Board does not make possible the implementation of Paragraph (2) (*d*) of Part II of the Recommendation.

Part III. The wage statistics of the Wages Office and the Statistics Office make it possible to give effect to this Part of the Recommendation. Minimum rates are revised periodically.

Part IV. Information regarding minimum rates is given through the newspapers, radio, brochures and leaflets setting out the minimum wage decrees. The display of minimum rates in establishments is ensured where rules of employment exist (Labour Code, section 68 (*c*)).

The payment of minimum wages is supervised and enforced by the Labour Inspectorate (Act No. 1860 of 1955, section 88). Every employer with at least ten workers must keep a wages register authorised and stamped by the Ministry of Labour, and open to inspection (Labour Code, section 176 and Act No. 1860 of 1955, section 89). The Labour Inspectorate has power to take proceedings for the recovery of underpayment of wages (Act No. 1860 of 1955, section 91).

Article 57 of the Constitution and section 167 of the Labour Code provide for equal remuneration for men and women for work of equal value.

Cuba.

Legislative Decree No. 727 of 30 November 1934 to set up a minimum wage board (*L.S.* 1934—Cuba 6).
 Constitution of the Republic of Cuba, 1940, article 61 (*L.S.* 1940—Cuba 1A).
 Decree No. 2692 of 1954.

Minimum wages are fixed for all economic activities, with the exception of domestic service.

In order to fix wage rates the National Wages Board and its subcommittees consult the parties concerned, both verbally and in writing. The employers' and workers' organisations have a direct voice (on an equal basis) in the discussions preceding the fixing of a minimum wage; they recommend persons for appointment to the National Board itself and to the subcommittees. Women are also eligible, without discrimination of any kind, to take part in the discussions.

The law makes provision for rates to be revised and the new rates must be published in the official gazette. Employers are compelled to keep accounts of wages paid. Claims for underpayments of minimum wages, which constitute privileged debts, are enforceable by distress. The Social Defence Code (section 575) lays down penalties for any person breaking the minimum wage regulations.

Czechoslovakia.

For legislation see under Convention No. 99.

Proposals for the regulation of wages are prepared by the various Ministries on the basis of detailed statistical investigations and after consultations with the respective trade unions and specialists from individual enterprises.

In fixing wages, regard is had to the rates applicable in certain key industries for which higher earnings are envisaged by the economic plan.

Wage regulations are published in the official gazette (if of a general nature or applying to a large number of employees) and in the form of pamphlets, etc. They are also displayed in workplaces. The standard labour-management relations code provides for managements to inform workers of wage regulations and conditions regarding remuneration. On payment of wages, workers receive wage-slips giving an exact break-down of their earnings.

Besides government bodies, the observance of wage regulations is supervised by the individual ministries, the Ministry of Finance, the State Bank and the Ministry of State Control.

Penal sanctions are prescribed by Act No. 88 of 1950 for infringements of wage regulations. Claims by individual workers may be asserted against the managements, either through the works union committee of the trade union concerned, or directly by civil proceedings.

Denmark.

See under Convention No. 26.

Dominican Republic.

Labour Code, sections 420 to 434 (*L.S.* 1951—Dom. 1).

Part I of the Recommendation. Minimum wages are fixed by the National Wages Board. Its functions are set out in section 427 of the

Labour Code. It is empowered to carry out all investigations necessary for its work.

The wage fixing machinery applies without distinction to men and women.

Part II. The National Wages Board, in order to obtain necessary information, may travel to any part of the Republic or send one or more of its members to collect data; it may also carry out investigations into the records and documents of private offices where this is essential.

With respect to the participation of employers' and workers' representatives in the wage fixing process and their nomination by their organisations, see under Convention No. 26.

The provisions of the Labour Code governing the appointment of members of the National Wages Board make no distinction according to sex.

Part III. Section 425 of the Labour Code enumerates the factors to be taken into account in fixing minimum wages. These include the average cost of living of employees as well as their normal material, moral and cultural requirements. The review of minimum rates may at any time be requested by the interested parties or undertaken by the Board on its own initiative.

Part IV. See under Convention No. 26.

Egypt.

See under Convention No. 26.

Finland.

See under Convention No. 26.

Federal Republic of Germany.

Homework Act of 14 March 1951 (*L.S.* 1951—Ger. F.R. 1) and regulations of 9 August 1951 made thereunder.

Act of 11 January 1952 respecting the prescribing of minimum conditions of employment (*L.S.* 1952—Ger.F.R. 1).

Collective Agreements Act of 11 January 1952.

Part I of the Recommendation. Minimum wages are normally fixed by collective agreement, from which contracting-out is prohibited by the Collective Agreements Act (section 4).

Under section 1 (2) of the Act respecting minimum conditions of employment, minimum remuneration and other conditions of employment may be prescribed if (a) workers' or employers' organisations do not exist in the industry or class of employment, or group only a minority of the workers or employers and (b) the prescribing of minimum conditions is necessary to satisfy the essential social and economic needs of the workers and (c) there has been no declaration under the Collective Agreements Act making the provisions of a collective agreement applicable. The Federal Minister of Labour determines the industries or classes of employment for which minimum conditions are to be fixed, in agreement with the General Committee provided for by section 2 of the Act (section 3 (1)).

Under the Homework Act determinations of rates of remuneration, etc., for homeworkers and other persons subject to the Act may be made for all industries and classes of employ-

ment in which home work is performed to any considerable extent. They are made by the competent home work committee, subject to the approval of the competent labour authority.

Part II. Under section 2 (2) of the Act respecting minimum conditions of employment the General Committee, which must be consulted in determining the industries or classes of employment for which minimum conditions are to be prescribed, is composed of five representatives each of workers' and employers' organisations, with the Federal Minister of Labour as chairman. Section 5 (1) of the Act provides for the appointment in each case of a special committee consisting of from three to five representatives each of workers' and employers' organisations, with a chairman appointed by the Federal Minister of Labour. Under section 7 of the Act, the workers and employers concerned and their organisations have the right to express their views in writing or orally at public hearings of the special committee before minimum conditions are prescribed.

The procedure for making determinations under the Homework Act is laid down in sections 19 and 22 of the Act and by regulations 5, 7 and 8 of the regulations made thereunder. Provision for hearing the interested parties is made in sections 5 (1), 19 (1) and 22 (3) of the Act and regulations 4 (4) and (5), 7 and 8 of the regulations.

Part IV. The Collective Agreements Act (section 7) and the Act respecting minimum conditions of employment (section 11 (1)) require the posting-up in undertakings of applicable collective agreements and minimum conditions of employment respectively. Under section 11 (2) of the latter Act employees and employers must also supply the enforcing authorities with all appropriate information, on request. The labour authorities of the Länder are responsible for the enforcement of the Act respecting minimum conditions of employment (section 12). Employers may be ordered by the authorities to meet claims under the Act within a specified time (section 13). The authorities may take proceedings in respect of wages, whether these are due under a collective agreement or minimum conditions of employment. The labour courts have exclusive jurisdiction in such cases.

The Homework Act contains similar provisions regarding the posting-up of notices, enforcement, and recovery of wages (sections 19 (2), 22 (2) and 23 to 25).

To date, no minimum conditions of employment have been prescribed, as the need therefor has not arisen. Minimum wages are generally fixed by collective agreements. The provisions mentioned above are designed to make possible the fixing of minimum wages by the State in exceptional cases only. No further legislation is envisaged, nor do any measures to apply the Homework Act, other than those already taken, appear necessary.

Greece.

See under Convention No. 26.

Haiti.

See under Convention No. 26.

Honduras.

See under Convention No. 26.

Iceland.

See under Convention No. 26.

India.

Minimum Wages Act of 15 March 1948 (*L.S.* 1948—Ind. 2) and the Rules made thereunder by the Central and State Governments.

Part I of the Recommendation. Section 5 of the Minimum Wages Act provides for the appointment of committees to hold inquiries to advise the appropriate government in regard to the fixing of minimum rates of wages. The Government is required to publish their proposals in the official gazette in order to elicit public opinion.

Scheduled employments under the Act cover some of the industries where women are employed in considerable numbers, e.g. rice mills, flour mills, dal mills, bidi making, plantations, road construction, building, stone breaking or crushing, and agriculture.

Part II. Section 9 of the Act provides that the various committees and boards constituted under the Act shall consist of persons nominated by the appropriate government to represent employers and workers in equal numbers and independent persons not exceeding one-third of the total number, one of the latter to be chairman. Members representing employers and employees are nominated in consultation with their organisations wherever they exist. Every attempt is made to ensure that independent persons nominated to those committees and boards possess the necessary qualifications for their duties and are acceptable to the interests concerned.

There is no specific provision for the inclusion of women among the workers' representatives or among the independent persons to be appointed to the Minimum Wages Committees. However, there is no objection under the Act to such appointment.

Part III. The Act does not lay down specific principles to be taken into account in fixing minimum wages. However, the committees appointed under the Act are expected to take into account the various factors such as the standard of living of the workers, the wages prevailing in the country or in the locality, etc.

The Minimum Wages Act provides for advisory committees and subcommittees to inquire into conditions prevailing in any scheduled employment and to advise the appropriate government for the purpose of revising the existing minimum rates. Such review and revision is to be made at intervals not exceeding five years.

Part IV. The rates of wages fixed under the Act are to be notified in the official gazette. The Minimum Wages (Central) Rules, 1950, provide for the posting-up of minimum rates, together with extracts from the Act and rules thereunder and the address of the local labour inspector, the maintenance of wages registers, and the issue of wage-slips to workers.

Section 19 of the Act provides for the appointment of inspectors with necessary powers for

carrying out the purposes of the Act and to ensure effective enforcement of minimum wage rates.

Section 22 of the Act lays down penalties for the infringement of the provisions of the Act. The Act also provides for the recovery of underpayments of minimum wages, and (in section 20) authorises governments to appoint claims authorities before whom the workers' claims can be preferred.

The responsibility for the enforcement of the Act is divided between the central and state governments in their respective spheres.

Labour is a concurrent subject under the Constitution of India and both the central and state governments are empowered to take action to give effect to the provisions of the Recommendation. The Minimum Wages Act, 1948, has been enacted by the central Government while rules under the Act have been framed by the state governments on the basis of the Model Rules circulated by the central Government.

The Government states that the provisions of the Recommendation are being complied with. A continuous review of the implementation of the Minimum Wages Act is undertaken both by the central and the state governments and annual reports on the working of the Act are published. Any shortcomings or lacunae found in the Act in the course of its implementation are rectified by necessary amending legislation from time to time.

Indonesia.

See under Convention No. 26.

Iran.

For legislation see under Convention No. 26.

Part I of the Recommendation. Minimum wages are fixed for every region and, if necessary, for every industry and occupation.

Part II. As to the composition of wage fixing councils, see under Convention No. 26. Although there is nothing in the relevant provisions to prevent it, women have not so far been members of any such council.

Part III. Section 10 of the Labour Act provides that the minimum wages shall be fixed so as to ensure the subsistence of the worker and his family (one wife and two children). Minimum rates must be revised at least once a year and whenever the competent council deems it necessary. Furthermore, regulation 4 of the Minimum Wage Regulations provides that if in any district the cost of goods essential for the worker's maintenance is higher than the minimum wage the employer must provide such goods directly to the worker, under the control of the works council.

Part IV. Appropriate measures are taken to keep employers and workers informed of current minimum rates and to check actual wage payments. This supervision is exercised by the inspectors of the Labour Control Department.

A note to section 10 of the Labour Act provides that the wages of men and women working under the same conditions shall be equal.

The regulations to be issued following ratification of Convention No. 26 (now before Parliament) will, as far as possible, implement the provisions of the Recommendation not covered by existing legislation.

Ireland.

Industrial Relations Act, 1946 (*L.S.* 1946—Ire. 1) and Regulations made thereunder (*S.I.* No. 258 of 1950).

Part I of the Recommendation. The Act of 1946 provides for the establishment by the Labour Court of joint labour committees for the regulation of wages and conditions of employment generally for any class, type or group of workers. A joint labour committee may submit proposals regarding rates of remuneration for the workers in question; if the proposals are approved by the court, they are incorporated in an Employment Regulation Order, which has the force of law.

Section 37 of the Act provides that a joint labour committee may not be established unless the Labour Court is satisfied that the existing machinery for effective regulation of remuneration and other conditions of employment of the workers concerned is inadequate or is likely to be inadequate or that, having regard to the existing rates of remuneration, etc., of the workers or any of them, the establishment of a committee is expedient.

There are 17 joint labour committees in operation; they are listed in the report. Although the Act contains no special provisions regarding trades in which women are ordinarily employed, women in fact form approximately 70 per cent. of the workers in respect of whom committees operate.

Part II. Under paragraph 2 of the Second Schedule to the Act of 1946, a joint labour committee consists of an independent chairman and not more than two other independent members and an equal number of representatives of the employers and workers for whom the committee operates. The employers' and workers' representatives are appointed by the Labour Court, which must as far as practicable consult their respective organisations beforehand. The independent members are appointed by the Minister of Industry and Commerce; they are chosen in accordance with the criteria contained in Paragraph (2) (c) of Part II of the Recommendation. The consultation of the employers' and workers' representatives regarding the selection of independent members is not required by the Act, but in practice the independent members have proved acceptable to the employers and workers concerned.

Although there are no special arrangements to this effect, the joint labour committees do comprise a number of women members.

Part III. The Act does not specify criteria for wage rate proposals but in practice the factors mentioned in the Recommendation do influence the committees.

Under section 42 (3) of the Act proposals to amend an Employment Regulation Order may be made after it has been in force for six months.

Part IV. Under the regulations of 1950 notice of the making of an Employment Regulation Order must be published in the official gazette and in the press and sent to employers appar-

ently affected (paragraph 4); employers must post up in a prominent position a notice in a form approved by the Labour Court containing full details of the Order (paragraphs 6 and 8). Employers must keep appropriate records to prove compliance with the Act (section 49 (1) of the Act).

The observance of Employment Regulation Orders is supervised by inspectors appointed by the Minister of Industry and Commerce. An employer who fails to pay the minimum rates is liable to a fine (section 45 of the Act). Offences are prosecuted by the Minister (section 7 of the Act).

There is no legislation on the subject of equal remuneration for men and women workers for work of equal value. Single men and women employed in central or local government or in teaching generally receive the same pay for equal work. Women in such employment are normally required to retire on marriage.

It is considered that national legislation and practice give effect to the Recommendation.

Italy.

Minimum wages are at present determined by collective agreements. However, the principles contained in the Recommendation are observed as regards investigations into conditions in the trade concerned, as well as consultation of employers' and workers' organisations, the nomination and participation of employers and workers on the minimum wage fixing bodies (Part II of the Recommendation), the review of minimum rates (Part III), and the protection of wages, etc. (Part IV).

The principle of equality of remuneration between men and women workers is laid down in article 37 of the Constitution.

The observance of collective agreements is supervised by the signatory organisations, but this will presumably become the responsibility of the Labour Inspectorate when legislation giving binding force to collective agreements comes into force.

In those branches of industry where the organisations of employers and workers are strong the provisions of collective agreements tend to be applied to persons who are not members of the signatory organisations.

It would appear that effect is given to the Recommendation but it will be more fully implemented when the Bill on trade unions, which is being drafted, is enacted.

Japan.

See under Convention No. 26, subject to the following additional information :

Part II of the Recommendation. The Wage Council is composed of an equal number of representatives of employers, workers and the public interest. The chairman must be elected from the members representing the public interest (Wage Council Order, section 5). The decisions of the Council are made by majority vote; in case of a tie the chairman decides (Wage Council Order, section 6). The procedure for nomination of the employers' and workers' representatives by their respective organisations is prescribed by section 3 (3) of the Wage Council Order.

While there are no specific provisions giving effect to Paragraph (2) (c) of Part II of the Recommendation, the factors there mentioned received due consideration.

The Wage Council may establish a Special Deliberation Council regarding a certain enterprise or occupation. If more than half the workers in the enterprise or occupation are women, the labour unions concerned must recommend at least one woman as workers' representative of the Special Deliberation Council and at least one of the public representatives must also be a woman (Wage Council Order, section 7 (5)).

Part III. The Labor Standards Law lays down the general principle that working conditions must be those which should meet the need of the worker who lives a life worthy of a human being (section 1 (1)). In case of determination of minimum wage rates, this principle is respected and due account is taken of the matters mentioned in this Part of the Recommendation.

There is no provision for wage fixing bodies to review minimum rates at the request of their members. Under section 30 of the Labor Standards Law, if the Wage Council thinks it necessary, it may make recommendations regarding wages to the administrative offices concerned.

Part IV. The Labor Standards Law requires the keeping by employers of workers' rosters and wage ledgers, which must be preserved for three years (sections 107 to 109).

Jordan.

See under Convention No. 26.

Luxembourg.

Grand Ducal Order of 30 December 1944 to fix minimum wages.

Grand Ducal Order of 6 August 1948 to fix a minimum social wage.

Grand Ducal Order of 18 August 1951 to adapt the minimum social wage to the cost of living and to establish a uniform rate for women workers at 90 per cent. of the rate for men.

Grand Ducal Order of 31 December 1956 to adapt minimum social wages to the cost-of-living index.

The Grand Ducal Order of 31 December 1956 raised the minimum social wage to 22 francs per hour and linked it to the cost-of-living index. A draft order, submitted to the legislative authorities in June 1956, would replace the existing hourly minimum social wage by a guaranteed weekly minimum wage and would establish complete equality in the rates for men and women for work of equal value.

Mexico.

Constitution of Mexico.

Federal Labour Act, Title VIII, Chapter IX (L.S. 1933—Mex. 2).

Federal Labour Inspection Service Regulations.

Chapter IX of Title VIII of the Federal Labour Act, which governs the fixing of minimum wages, contains provisions corresponding to those of the Recommendation.

Further, article 123 of the Constitution provides that the minimum wage to be paid to

workers shall be such as, having regard to conditions in each region, will suffice for the necessities of life, education and reasonable pleasures of the worker, considered as head of a family ; it also provides for equal pay for equal work irrespective of sex.

Under the Federal Labour Inspection Service Regulations (regulation 14), the inspectorate's functions include the enforcement of minimum wage rates.

The authorities responsible for the execution of the relevant provisions are the Conciliation and Arbitration Boards, the Labour Inspectorate, the Ministry of Labour and Social Welfare, the Department of the Federal District, the municipal chairmen, the governors of the states and the Supreme Court of Justice. Copies of the Recommendation are to be sent to these authorities with a view to its implementation as far as possible ; special attention is to be drawn to Part II, Paragraph (2) (*d*), and Part IV, Paragraphs 1 and 2.

The Government considers that, under the constitutional system, the Recommendation is appropriate both for federal action and for action by the governments of the constituent states.

Morocco.

See under Convention No. 26, subject to the following supplementary information :

Part II of the Recommendation. The consultation of employers' and workers' organisations and of members of the liberal professions before minimum wage decrees are issued takes place at a meeting presided over by the Minister of Labour and Social Affairs. The organisations are represented on an equal footing ; in addition to their representatives, the committee comprises representatives of the economic ministries and individual employers and workers with special knowledge of conditions in the industries of trades concerned. The representatives of employers and workers are in agreement with the choice of the official representatives in view of the latter's qualifications and impartiality. At the present time, there are no other qualified and disinterested persons whose views might usefully be sought.

Part III. Before minimum wages are fixed there is always a thorough investigation into the cost of living in the various wage zones, and the official findings are compared with figures supplied by the employers and workers. Extensive use is made of the quarterly statistics published by the Ministry of National Economy.

Netherlands.

The Netherlands has ratified Convention No. 26, and the Government refers to its annual reports on the Convention. Generally speaking, the present system of wage determination works satisfactorily, and exceptionally low wages do not occur. In these circumstances, the Recommendation is no longer essentially of interest to the Netherlands.

Netherlands Antilles.

Wage Regulations, 1946 (P.B. 1947, No. 2).

The Government may, after hearing a committee consisting of an equal number of em-

ployers' and workers' representatives (with a minimum membership of four), fix minimum wages for the whole or part of the territory and for one or more groups of workers, for not more than one year. So far, minimum rates have been fixed only for shop assistants in the island area of Curaçao. In 1956 an extensive budget examination was made, on the results of which the fixing of further minimum wages will depend.

The Labour Inspectorate of the Department for Social and Economic Affairs is responsible for the enforcement of the Regulations. Workers' organisations co-operate with the inspectorate by reporting any offences.

Effect is given to practically all the provisions of the Recommendation. However, the above-mentioned committees do not fix the minimum wages, but only give advice. Nor do they comprise independent persons, although in practice this has not created difficulties.

Surinam.

No minimum wage legislation exists as yet but the Government intends to submit to Parliament, in the near future, a Bill concerning the fixing of wages and other conditions of employment. This Bill as far as possible takes into account the provisions of the Recommendation, which has served as a guide in its drafting.

However, to settle labour disputes, the Conciliation Board has power to make binding agreements, which may fix minimum wages.

Netherlands New Guinea.

In the present stage of development in this territory, it is hardly possible to apply to the autochthonous population the term "workers" in the sense in which this is used in the Recommendation. There is a serious shortage of unskilled labour, making the fixing of minimum wages unnecessary. On the contrary, the authorities are concerned to check excessive wage increases.

New Zealand.

Labour Disputes Investigation Act, 1913.

Post and Telegraph Amendment Act, 1933.

Finance Act, 1938.

Wages Protection and Contractors Liens Act, 1939.

Minimum Wage Act, 1945 (*L.S.* 1945—*N.Z.* 7).

Factories Act, 1946 (*L.S.* 1946—*N.Z.* 4).

Apprentices Act, 1948 (*L.S.* 1948—*N.Z.* 2).

Government Service Tribunal Act, 1948.

Government Railways Act, 1949.

Minimum Wage Amendment Act, 1952.

Shipping and Seamen Act, 1952.

Economic Stabilisation Regulations, 1953.

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

Shops and Offices Act, 1955 (*L.S.* 1955—*N.Z.* 1).

Part I of the Recommendation. Most workers are subject to minimum wage rates specified in awards and industrial agreements made under the Industrial Conciliation and Arbitration Act. Wage rates in government employment are fixed by Government Service Tribunals which follow the lead of the Court of Arbitration. Relatively few workers have their wage rates determined by other wage fixing machinery (the relevant provisions regarding which are cited in the report).

Behind the various methods of wage fixing there stands the Minimum Wage Act, which provides for the setting of universally applicable and compulsory minimum rates for adult males and females.

The legislative provisions cover both male and female workers.

Part II. Investigation into trade conditions normally precedes any change in minimum wage provisions. Thus regulation 3 (3) of the Economic Stabilisation Regulations lays down various criteria to be taken into account by the Court of Arbitration in making any general order (see Part III below) which necessitates the making of investigations, and also requires that, before such an order is made, the representatives of interested parties shall be afforded an opportunity to be heard. Section 141 of the Industrial Conciliation and Arbitration Act provides that the Court of Arbitration may refer any matters before it to the Council of Conciliation for investigation and for giving interested parties an opportunity to be heard.

It is traditional to consult employers' and workers' organisations. Apart from the provisions mentioned in the preceding paragraph, section 164 of the Industrial Conciliation and Arbitration Act gives the right to interested employers' and workers' organisations of not less than 15 members to appear before and be heard by the Council of Conciliation or the Court of Arbitration.

Under section 22 of the Industrial Conciliation and Arbitration Act, the Court of Arbitration includes one member appointed on the recommendation of the unions of employers and one member appointed on the recommendation of the unions of workers; the same section also lays down the balloting procedure for the selection of these nominees. The Court of Arbitration is presided over by a judge skilled in industrial conciliation and arbitration procedure and independent of trade interests.

There is no legal barrier to the appointment of women as members of wage fixing bodies.

Part III. The Economic Stabilisation Regulations prescribe the matters to be taken into account by the Court of Arbitration in making any general order: changes in the official retail price index, the economic conditions affecting finance, trade and industry, changes in the volume and value of production in primary and secondary industries, relative income movements, and all other relevant considerations.

The minimum rates under the Minimum Wage Act are to be fixed having regard to any applicable standard wage pronouncement or general order of the Court of Arbitration (Minimum Wage Amendment Act, 1952, section 2 (2)).

Statutory provision is made for periodical review of wage levels. Section 162 of the Industrial Conciliation and Arbitration Act empowers the Court of Arbitration to amend the provisions of an award at any time where such review is desired by all the original parties or by any party bound by the award. Under regulation 3 of the Economic Stabilisation Regulations the Court of Arbitration may of its own motion or on the application of employers' or workers' organisations amend any award or industrial agreement, but a general order may not be made to take effect less than six months after a previous general order.

Following the issue of general orders by the Court of Arbitration it is also usual for remuneration in the government service to be reviewed, in accordance with section 103 (3) of the Government Railways Act and section 9 (e) of the Government Service Tribunal Act. The appropriate rate under the Minimum Wage Act is also determined following the issue of any general order of the Court of Arbitration.

Part IV. Employers and workers are informed of changes in minimum rates through their respective organisations, through information available from the Department of Labour, and through newspaper publicity. Section 183 of the Industrial Conciliation and Arbitration Act requires the relevant award or industrial agreement to be displayed, and the rates paid are supervised by the inspectors of the Labour Department. Under section 181 of the Industrial Conciliation and Arbitration Act, employers bound by an award or agreement must keep a wages and time book, and penalties are provided for infringement of this requirement and for payment of remuneration at less than the legal minimum. Similar requirements, with penalties for infringement, are to be found in the Minimum Wage Act (section 4), Factories Act (sections 15 and 18), Apprentices Act (sections 39 and 42), Shipping and Seamen Act (sections 89 and 90), and Shops and Offices Act (sections 30 and 33).

The Department of Labour maintains an adequate and fully trained staff of inspectors to ensure that the provisions of these various Acts are complied with. Apart from the right of the person concerned to institute proceedings himself to recover underpayments of minimum wages, inspectors may take proceedings on their behalf (Industrial Conciliation and Arbitration Act, sections 211 and 212, Factories Act, section 34 (b), Apprentices Act, section 42 (4) and (5)).

Nicaragua.

Labour Code (L.S. 1945—Nic. 1).

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

Sections 326 to 333 of the Labour Code prescribe the machinery and procedure for fixing minimum wages. The minimum wage boards are composed of the local mayor (chairman) and two employers' and two workers' representatives.

The last paragraph of section 79 of the Labour Code states that in districts where no minimum wage is fixed it must be reckoned at three-quarters of the normal wage.

In practice the minimum wage was fixed in industry, and particularly in mining, during the period 1956-57, by means of direct settlements between employers and wage earners or salaried employees, following discussions in which the labour inspectors acted as chairmen and mediators. In difficult cases the head of the Department of Social Welfare intervenes in the process of fixing the wage rates. The same procedure has been followed with regard to the fixing of minimum wages in commerce.

Sections 251 to 267 of the Labour Code regulate the appointment of standing conciliation boards to which workers can apply for a solution of their economic and social problems, including an increase in their wages whenever the latter are too low.

Section 327 (1) and (3), and section 330 of the Labour Code require minimum wage rates to be fixed each year and provide for their revision.

Section 95 (4) of the Constitution lays down the principle of equal pay for work of equal efficiency, irrespective of sex.

Section 95 (5) of the Constitution provides that the minimum wage must take account of the needs of the inhabitants of different parts of the country and must ensure a reasonable degree of well-being for the worker.

Norway.

Act of 15 February 1918 respecting industrial home work, as amended (*Bulletin of the International Labour Office* (Basle), Vol. XIII, 1918, p. 55).

The Act of 1918 provides for the fixing of minimum wages for home industries connected with the production of clothing and sewn goods. It established a Homework Council consisting of a chairman and two other members, one being an employer and the other an employee.

The Council may itself, or through the Labour Inspectorate, investigate wage conditions in occupations covered by the Act, and, if it finds conditions unsatisfactory in any trade, may decide to set up a wage board for that trade. If it is difficult to set up such a board, the Council may itself fix minimum wages.

Each wage board consists of a chairman and at least four members. The chairman may not be a shopkeeper, industrialist or homemaker, or have any interest in the board's decisions. The other members must comprise an equal number of workers and employers, chosen as far as possible from the trade concerned. The chairman is appointed by the Homework Council, the other members by the municipal council after employers' and workers' organisations and other interested bodies have had an opportunity to express their views.

In fixing minimum wages, wage boards are to take account of the general wage level in the locality for the same or similar work.

The decisions of wage boards have to be approved by the Homework Council after workers, employers and other interested persons have had an opportunity to express their views. After approval, the minimum rates are published in a manner determined by the Council.

Minimum wages have been fixed for those towns and districts where home work is particularly common. Largely on account of the general post-war labour shortage, actual wages have exceeded the minimum rates.

The Homework Council, the Labour Inspectorate and the wage boards, and their officials, have access to premises where home work is effected, and to the employers' premises. They may inspect wage records, etc., and take copies of payrolls. In this connection the Act does not specifically provide for the participation of employers' and workers' organisations, it being intended rather for cases where such organisations do not exist.

If a collective agreement is made in a trade for which minimum rates have been fixed the Homework Council may suspend the latter during the currency of the agreement.

It is not intended to provide minimum wage fixing machinery for trades not covered by the

Act of 1918. It is considered that the system of free collective bargaining between the parties and mediation makes reasonable provision for fixing wages in such trades; the workers in these trades are on the whole organised and their wages appear reasonable.

Pakistan.

See under Convention No. 26.

Philippines.

See under Recommendation No. 89.

Poland.

For legislation see under Convention No. 26.

The Chairman of the Central Council of Trade Unions takes part in meetings of the Government at which decisions on wage matters are taken. In addition, section 6 of Order No. 454 of the Council of Ministers, dated 11 June 1955, provides that before administrative regulations governing wages in nationalised undertakings are issued the trade union concerned shall be consulted. Under section 9 of the same Order, a representative of the Central Council of Trade Unions takes part in meetings of the National Wages Board at which questions concerning wages are discussed.

In practice, there is close collaboration between the direction of nationalised undertakings and the trade unions in determining wages and other working conditions, the proposals for which are often initiated by the trade unions.

El Salvador.

There are at present no provisions in the legislation of El Salvador implementing Recommendation No. 30.

When minimum wage fixing machinery is introduced the principles laid down in the Recommendation will be borne in mind.

Spain.

Labour Charter of 9 March 1938 (*L.S.* 1938—Sp. 1).

Act of 16 October 1942 to lay down rules governing the drawing up of employment regulations (*L.S.* 1942—Sp. 2).

Act respecting contracts of employment (*L.S.* 1944—Sp. 1).

Charter of the Spanish People of 17 July 1945.

Regulations of 22 March 1947 respecting trade union elections.

Regulations of 11 September 1953 respecting works councils.

Various employment regulations.

Parts I and II of the Recommendation. The Act of 16 October 1942 provides that, when consideration of employment regulations is initiated by a trade union, the union must supply full particulars of the matters considered to justify the new regulations or modifications proposed.

The Regulations of 11 September 1953 (regulation 51) provide for the participation of workers in determining incentive schemes and in the fixing of wages for exceptionally heavy, unhealthy or dangerous work.

The provisions concerning minimum wage fixing apply to men and women without distinction.

The Act of 1942 provides for the consultation, when employment regulations are to be made, of the National Trade Union Organisation, and of ministries and bodies or persons qualified to give advice; where the proposed regulations would considerably increase the cost of living and thus have repercussions on the national economy, the Minister of Finance must also be consulted (sections 9 and 10). At present minimum wage rates are fixed by the Minister of Labour, after the direct participation of workers' representatives. However, a Bill respecting collective agreements is pending in Parliament.

Employers' and workers' representatives are in all cases chosen by free election (regulations of 22 March 1947 and of 11 September 1953), men and women workers being on an equal footing.

Part III. The Labour Charter and the Charter of the Spanish People contain provisions requiring wages to be sufficient to guarantee to the worker and his family a fitting and honourable life (see under Recommendation No. 89).

Part IV. Employment regulations must be published in the official gazette, or the gazette of the province in question. They are displayed in undertakings, and express provision for this is made in some regulations.

The minimum wage provisions are enforced by the National Labour Inspectorate. Individual claims are also dealt with by the labour courts.

Sweden.

See under Convention No. 26.

Switzerland.

Federal Act of 12 December 1940 respecting home work (L.S. 1940—Switz. 2-3), brought into operation by Order of the Federal Council of 16 December 1941.

Regulations of 16 December 1941 issued under the Act of 12 December 1940.

Federal Act of 28 September 1956 to permit the extension of the scope of collective labour agreements (L.S. 1956—Switz. 2).

Under the Swiss Constitution the Recommendation is appropriate for action by the Confederation.

As regards the general provisions for the extension of collective agreements reference is made to the report supplied in 1955 on the Collective Agreements Recommendation, 1951 (No. 91)¹; however, the relevant provisions are now contained in the Act of 28 September 1956. The present report is confined to the provisions regarding home work.

Under section 12 of the Act respecting home work the Federal Council may itself fix minimum wage rates or may declare collective agreements generally binding in specified occupations. The fixing of minimum wages is, if necessary, preceded by an inquiry carried out by the Federal Office of Industry, Arts and Crafts, and Labour (regulation 17 of the regulations of

1941); an expert's report must be prepared before the binding force of a collective agreement may be extended (regulation 18). In all cases, the employers' or workers' organisations concerned and the cantonal governments are consulted directly. Indirect consultation of employers' and workers' organisations also takes place through the Federal Homework Committees, which are official advisory bodies (sections 11 and 12 of the Act). These committees, of which there are five at present, are each responsible for a particular trade; they are composed of two official representatives and from two to seven representatives each of employers and workers, appointed on the recommendation of their respective organisations. Of the five committees one includes one woman and another two women among its members.

The cantons are responsible for the enforcement of the Act respecting home work by inspection and prosecution of offenders. They appoint enforcing agencies and report to the Federal Council at two-yearly intervals. Particulars of proceedings must be reported to the Federal Office immediately. Ultimate supervision of enforcement, in so far as it is not exercised by the Federal Council, is the responsibility of the Federal Department of Public Economy and the Federal Office of Industry, Arts and Crafts, and Labour. Reference is made to the reports of the Federal Factory Inspectorate for 1953 and 1954 and to the cantonal inspection reports for 1952 and 1953, copies of which have been communicated to the I.L.O.

All provisions regarding minimum wages are published in the official collection of federal laws and communicated to the cantonal authorities and to the central employers' and workers' organisations. Draft orders are, moreover, published in the official commercial gazette so as to give an opportunity for representations to be made.

Workers may sue for wages due under minimum wage orders within a period of five years (Code of Obligations, section 128).

Section 20 of the Act respecting home work prescribes fines for contraventions of its provisions on minimum wages.

At present no amendment of the Act respecting home work is contemplated.

Tunisia.

Decree of 7 February 1940, as amended and completed. See also legislation under Convention No. 26.

Part II of the Recommendation. Under section 4 (2) of the Decree of 4 September 1943 the local wages committees, which draw up minimum wage regulations, comprise four permanent employers' representatives and four permanent workers' representatives, appointed by the Prime Minister on the recommendation of their local organisations. Three further representatives each of employers and workers are appointed by the chairman of the local committee on the recommendation of the most representative organisations in the trade for which minimum wages are to be fixed. Official representatives are also on the committee.

The legislation makes no distinction of sex as regards the appointment of employers' and workers' representatives, and the official repre-

¹ See International Labour Conference, 39th Session, Geneva, 1956, Report III (Part II): *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)* (Geneva, I.L.O., 1955), pp. 33-34.

sentatives could also be women, seeing that there are women labour inspectors.

Part III. In fixing minimum wage rates the local wages committee must respect the minimum rate officially fixed, as the minimum living wage, for unskilled workers. They also take into consideration wages paid in comparable undertakings and the standard of living in the area concerned. Section 6 of the Decree of 1943 enables employers' and workers' organisations to ask the local committee for a review of minimum wage rates.

Part IV. All regulations concerning wages are published in the official gazette. Sections 4 and 5 of the Decree of 1940 provide for the maintenance by employers of wages records (open at all times to inspection by the labour inspector) and for the handing of wage-slips to workers on payment of wages. Section 6 of this decree prescribes fines for the underpayment of wages, and in addition a sum of three times the amount underpaid must be paid to a state "solidarity" fund. These penalties are without prejudice to the worker's right to recover any wages due to him. Claims for minimum wages may be brought before the joint conciliation boards, free of charge.

Wage provisions are enforced by the labour inspection service of the Ministry of Labour.

It is considered that the legislation conforms to the Recommendation, except that independent persons do not participate in the wage fixing process. In practice, the votes of the chairman or the responsible Minister have made it possible to reach a decision in cases where employers' and workers' representatives were equally divided.

Turkey.

See under Convention No. 26, subject to the following additional information :

Parts I and II of the Recommendation. Under regulation 11 of the Minimum Wage Fixing Regulations the local boards, in fixing minimum wages, are required to conduct inquiries into wages actually paid, the cost of living and standard of living of the workers and other related matters in the trade concerned. The regional offices possess such information.

Special regard is had to trades or occupations in which a large number of women are ordinarily employed, e.g. cotton hoeing and picking, textiles and the tobacco industry. Both Act No. 5518 (section 2) and the Minimum Wage Fixing Regulations (regulation 2) provide for the payment of equal wages to men and women engaged in the same type of work and producing equal results.

Under regulation 5 of the Regulations, workers and employers are equally represented on the local boards. Their representatives are chosen by their organisations (regulation 6). In addition, the local trade union has a representative on the board. The members of the boards must be persons qualified to deal with wage questions (regulation 5). Women are eligible for election to the boards, the regulations making no distinction of sex.

Part III. The Regulations provide that the minimum wages fixed should be sufficient to

enable the workers to meet their normal needs for such necessities of life as food, housing, clothing, medical care, fuel and lighting (regulation 1).

Under section 32 of the Labour Act the employer and worker members of the local boards may appeal against the boards' decisions.

Part IV. The rules of employment which every employer must draw up include minimum rates of wages as well as wages actually paid ; labour inspectors are empowered to ascertain whether these rates are paid. Employers must keep wages records, open to inspection by the labour inspectors.

The Government considers that the provisions of the Recommendation are fully covered by existing legislation and practice.

Union of South Africa.

Wage Act No. 44 of 1937 (L.S. 1937—S.A. 4).

Native Labour (Settlement of Disputes) Act No. 48 of 1953 (L.S. 1953—S.A. 1).

Industrial Conciliation Act No. 28 of 1956 (L.S. 1956—S.A. 1).

Industrial Conciliation Act. This Act applies to all industries, trades and occupations, with certain exceptions (e.g. government employment, farming, domestic service). Native workers are excluded from the definition of "employee", but wage regulating measures are invariably extended to them under various sections of the Act. The interests of Native workers are specially represented at all meetings of industrial councils at which agreements concerning employment conditions are negotiated.

Industrial councils are registered for a particular industry, undertaking, trade or occupation. They consist of an equal number of employers' and workers' representatives, appointed by their respective organisations. The councils may, by collective agreements, fix minimum wages and other working conditions. The Minister of Labour may make such agreements generally binding in the industry concerned, or extend their force geographically. The councils may take steps to prevent or settle industrial disputes, including resort to arbitration.

To settle disputes in industries with no industrial council the Minister may establish a conciliation board consisting of an equal number of employers' and workers' representatives. In default of agreement the parties may go to arbitration. The binding force of agreements reached by conciliation boards may also be extended by the Minister.

Industrial council and conciliation board agreements normally operate for one or two years. The former are administered by the councils themselves, the latter by the Department of Labour. Employers to whom an agreement applies must display a copy thereof and must keep prescribed wage records. Agents may be appointed by the councils to act as inspectors; if designated by the Minister of Labour they have all the powers of inspectors of the Department of Labour.

Native Labour (Settlement of Disputes) Act. This Act provides for the appointment, by the Minister of Labour, of a Central Native Labour Board, regional committees and Native labour officers, whose primary function is to prevent and settle Native labour disputes. The

regional committees consist of the Native labour officer and Native members to represent the interests of Native workers. Disputes are referred to the appropriate regional committee; if not settled there, they are referred to the Central Native Labour Board which, if unable to effect a settlement, must advise the Minister whether or not to direct an investigation by the Wage Board with a view to the fixing of conditions of employment. If the matter is referred to the Wage Board the latter consults the employers and employees concerned and other interested parties and then submits recommendations to the Minister, who may make an order binding in the area and industry concerned. Orders may be declared binding for up to three years.

Employers to whom an order applies must display a copy thereof and keep prescribed wage records. The Act provides for the appointment of special agents to assist in its enforcement, but the inspectors of the Department of Labour are also responsible for this.

Wage Act. This Act is designed to provide for the determination of conditions of employment in trades and industries where employers and employees are unorganised. It established a Wage Board of three members, whose function it is to investigate and report on conditions of employment and the class or classes of employees to whom, by reason of the degree of skill or concentration necessary for their work, or their responsibility, or the danger to health or life incurred in their work, or the conditions under which they work, it would be equitable that remuneration be paid at such rates as would enable them to support themselves in accordance with civilised standards of life.

The Board may recommend varying provisions for different classes of employees, for different areas, and according to sex, age, etc. (but not on the basis of race or colour). Before making any recommendation the Board must consider the ability of the employers concerned to carry on their businesses successfully if the recommendation is carried into effect, and the cost of living in the areas concerned. The Minister may publish the recommendation in the government gazette (to which attention is drawn by newspaper notices), inviting objections. The Board must consider all objections and may amend or confirm its recommendation. The Minister may then make a determination, which is binding until a new determination is made or an agreement is concluded under the Industrial Conciliation Act.

When investigating any trade the Wage Board holds public hearings, of which notice is given in newspapers. It also inspects establishments and confers with any employers' and workers' organisations and with individual employers and employees. Provisions also exist for the appointment of employers' and workers' representatives in equal numbers as assessors or additional members of the Board.

Employers affected by the wage determination must register with the Department of Labour, display on their premises a copy of the determination (together with the address of the nearest inspector) and a notice stating the date and time when wages are normally paid, and keep specified records.

The Wage Act, the regulations thereunder and all wage determinations are administered

by the Department of Labour. The Act provides for the appointment of inspectors with specified powers.

Penal sanctions are prescribed for contravention of any of the three Acts referred to above. On conviction for underpayment of wages an employer may also be ordered to pay the amount underpaid, for transmission to the employee concerned.

A new Wage Act, passed in 1957 but not yet promulgated, has not materially changed the underlying principles of wage determination.

The Government considers that, as far as practicable, taking into account local circumstances, the Recommendation is complied with.

U.S.S.R.

Soviet legislation provides for equal pay for equal work to men and women without any distinction.

See also under Convention No. 26.

United Kingdom.

Wages Councils Acts, 1945-48 (*L.S.* 1945—U.K. 1).

Catering Wages Act, 1943.

Catering Wages Regulation Proposals and Orders (Notices) Regulations, 1944 (*S.R.* and *O.* 1944, No. 1145).

Wages Councils (Meeting and Procedure) Regulations, 1945 (*S.R.* and *O.* 1945, No. 483).

Wages Councils and Central Co-ordination Committees (Conditions of Office) Regulations, 1945 (*S.R.* and *O.* 1945, No. 484).

Wages Councils (Notices) Regulations, 1951 (*S.I.* 1951, No. 954).

Wages Councils Act (Northern Ireland), 1945.

Wages Councils and Commissions of Inquiry (Notices and Orders) Regulations (Northern Ireland), 1945 (*S.R.* and *O.* 1945, No. 139).

Wages Councils and Central Co-ordinating Committees (Conditions of Office) Regulations (Northern Ireland), 1946 (*S.R.* and *O.* 1946, No. 33).

Wages Councils (Meetings and Procedure) Regulations (Northern Ireland), 1948 (*S.R.* and *O.* 1946, No. 34).

Part I of the Recommendation. A Wages Council may be established under the Wages Councils Acts in three ways :

(1) The Minister may on his own initiative make an order establishing the Council if, in his opinion, there is no adequate voluntary machinery for the effective regulation of the remuneration of any workers and, having regard to the remuneration of the workers, it is expedient that the Council should be established. The Minister must give public notice of his intention to establish a Council and, if there are objections, a Commission of Inquiry must be appointed to consider them.

(2) A Joint Industrial Council, or organisations of employers and workers which habitually take part in the settlement of wages and the conditions of employment in any industry, may jointly apply to the Minister for the establishment of a Wages Council on the ground that the existing machinery is likely to cease to exist or be adequate. The Minister must refer the application to a Commission of Inquiry if he is satisfied that there are sufficient grounds.

(3) The Minister may on his own initiative ask a Commission of Inquiry to consider whether a Wages Council should be established, if he considers that adequate machinery for the effective

tive regulation of the remuneration of any workers does not exist, or is likely to cease to exist or be adequate and that a reasonable standard of remuneration will not be maintained.

A Commission of Inquiry is appointed by the Minister and consists of not more than three independent persons, together with not more than two persons representing employers and two representing workers but not connected with the subject of the inquiry. The Commission may recommend the establishment of a Wages Council if it considers that machinery for regulating the remuneration and conditions of employment of any of the workers with whom it is concerned does not exist, or is inadequate and cannot be made adequate, or is likely to cease to exist or be adequate, and that as a result a standard of remuneration is not being or will not be maintained.

Under the Catering Wages Act in Great Britain there is a permanent Catering Wages Commission, constituted similarly to a Commission of Inquiry under the Wages Councils Acts, which may recommend the establishment of a Wages Board after making any necessary investigations and considering representations made in reply to a public notice of its proposals.

The trades covered by Wages Councils or Catering Wages Boards, with few exceptions, employ substantial numbers of women workers.

Part II. Each Board or Council consists of employers' and workers' representatives in equal numbers and with equal voting strength, appointed by the Minister after consultation with employers' organisations and trade unions, with not more than three independent persons chosen by the Minister at his own discretion. The Acts do not require the inclusion of women members, but where substantial numbers of women are employed in the trade there are usually some women among the workers' representatives and one woman among the independent members.

The proposals of the Boards or Councils must be published, with time allowed for representations from interested persons; all representations must be considered before the proposals are submitted to the Minister. The Minister may not reject or amend proposals, but may refer them back for further consideration.

Part III. The Acts do not say what considerations should be taken into account in fixing minimum wages, but there is no reason to doubt that those set out in Part III of the Recommendation are given due weight.

Either side of the Board or Council may at any time propose that rates previously fixed be altered.

Part IV. Every Board or Council must send notices of its orders to all employers known to be concerned. These notices must be posted up at each employer's premises in a position where they can conveniently be read by the workers. Records of hours worked and wages paid must be kept to show that statutory wages regulations are being observed. The Ministry of Labour and National Service (the Ministry of Labour and National Insurance in Northern Ireland) has wages inspectors who regularly visit establishments covered by Wages Boards or Councils. An employer who pays less than the minimum

rate fixed or fails to keep records or to post up notices may be prosecuted and, if convicted, fined; he may also be ordered by the court to pay arrears of remuneration for a period not exceeding two years. Wages inspectors are also empowered to institute civil proceedings on behalf of workers for the recovery of arrears of statutory minimum remuneration.

The only provision of the Recommendation not covered by national legislation or practice is that requiring independent persons appointed to the Boards or Councils to be selected in agreement or after consultation with the employers' and workers' representatives of the body concerned. A reservation was made on this point when the British Government accepted the Recommendation in May 1929.

United States.

See under Convention No. 26, subject to the following additional information:

Federal Legislation and Practice.

Part I of the Recommendation. Federal minimum wage and prevailing wage legislation applies equally to men and women.

Part II. In Puerto Rico, the Virgin Islands and American Samoa, minimum rates under the Fair Labor Standards Act are determined by tripartite industry committees. The Secretary of Labor asks employers' and workers' organisations to submit names for their representatives on the committees, although this is not required by law. He does not consult these organisations in appointing the public members. The latter are usually persons who have been active in the same or related fields and enjoy the respect of both labour and management. The members of the industry committee may be men or women, but neither in law nor in practice are selections made in terms of the proportion of women in the industry.

Determinations of "prevailing minimum" rates and "prevailing wage" rates, under the Public Contracts Act, the Davis-Bacon Act, etc., are made by the Secretary of Labor without wage board implementation.

Part III. The Fair Labor Standards Act establishes a statutory minimum wage, subject to modification by legislation only. The Act is aimed at eliminating labour conditions "detrimental to the maintenance of the minimum standard of living necessary for health, efficiency and general well-being of workers" without causing substantial unemployment. Before amending the Act to adopt higher minimum wage rates, Congress hears testimony on changes in the cost of living, wage levels and productivity; it also studies other pertinent data. The workers for whom the minimum wage under the Act tends to be the actual rate of pay are generally in trades where there is little union organisation or collective bargaining.

The law provides that rates under the Fair Labor Standards Act recommended by industry committees in Puerto Rico, the Virgin Islands and American Samoa be reviewed annually.

Part IV. The Wage and Hour and Public Contracts Divisions have about 750 investigators to inspect establishments for compliance with the Fair Labor Standards and Public Contracts Acts. They also make inspections, at the

request of the Secretary of Labor, of establishments reported to be violating the provisions of the Davis-Bacon Act or the wage provisions of other construction Acts.

State Legislation and Practice.

Part I of the Recommendation. The adoption of minimum wage legislation has been stimulated by the activities of labour, industry, civic organisations, public officials and others, who request such legislation and furnish information showing the need for minimum wage regulation.

Until the enactment of the Fair Labor Standards Act in 1938, state minimum wage laws applied only to women and minors. Now they also cover men in 11 states. Wage orders are issued primarily in the trade and service industries, in which large numbers of women are employed.

Part II. In most of the states in which minimum wages are fixed by boards, the labour commissioner, upon his own motion or upon the petition of a specified number of citizens, investigates the wages paid to employees in a particular occupation, trade or industry to ascertain whether they are adequate to meet the necessary cost of living. If the commissioner believes that the wages are inadequate he appoints a wage board to recommend a minimum wage for the particular occupation, trade or industry. The wage board investigates relevant conditions, by holding hearings at which employers and workers in the trade and other labour and management representatives, government officials, economists, private citizens, etc., may be called to testify. The board also reviews reports submitted by the State Labor Department and other sources. After considering all the facts it submits its report and recommendations to the labour commissioner, who, if he accepts the recommendations, holds further public hearings and then issues a wage order based on the recommendations.

Wage boards are tripartite in character. The public members are selected by the labour commissioner; consultation of the employers' and workers' representatives is not required in this connection. As far as practicable the labour and industry representatives of the board are appointed by the labour commissioner from nominations submitted by their groups.

The standards regarding selection of independent members of the boards laid down in Paragraph (2) (c) of Part II of the Recommendation are met in the United States.

A wage board is generally composed of women as well as men.

Part III. State wage boards are required to take into account some or all of the following elements: the amount sufficient to provide adequate maintenance and to protect health; the value of the service or class of service rendered; the wages paid in the state for like or comparable work; the wages paid in the state or other states for like or comparable work by employers who voluntarily maintain minimum fair wage standards; cost of living and other relevant circumstances affecting value of the service, etc. The economic impact of the rate on the industry is usually considered also, although not spelled out in the statutes. Some laws also provide that the wage fixing body

should be guided by such considerations as would guide a court in a suit for the reasonable value of services rendered.

Legislative bodies generally take the same elements into consideration when they set a statutory minimum rate.

Minimum wage rates are always open to court review in the United States. Statutory rates may be amended by the state legislatures and the rates set by minimum wage boards can be adjusted at need. However, inasmuch as state legislatures generally meet biennially, statutory rates cannot be adjusted more frequently than every two years. Usually a longer time elapses. Wage board rates may be adjusted more often, although some laws require that such rates be in effect six months or one year before they are open to review.

Part IV. The states have labour inspectors to ensure compliance with labour laws, including minimum wage provisions. About two-thirds of the states with minimum wage legislation have inspectors assigned exclusively to the enforcement of minimum wage laws or laws relating to minimum wages and to the employment of women and minors. The state laws require employers to keep records of wages paid.

Uruguay.

For legislation the Government refers to its first report on Convention No. 95, ratified by Uruguay on 18 March 1954.¹

Wages are fixed by special legislation, awards by wages boards and collective agreements.

The entire working population is covered by one of these systems, with the exception of domestic workers.

Wages boards are tripartite bodies and the employers' and workers' delegates are elected by their respective organisations by secret ballot.

The wages boards have power to investigate the financial position of undertakings and the cost of living in the towns in which they are set up.

Collective agreements and the awards made by wages boards are revised from time to time; for this purpose an application from the parties is sufficient. Normally the wage rates remain in force for one year.

The text of any awards is published in the official gazette. The wages paid to the workers must be shown on a special payroll maintained by the employer, which must be available for scrutiny by the workers and the labour inspectors.

Whenever an employer breaks the wage regulations penalties are imposed by the National Labour Institute, which also issues affidavits to enable workers to recover back pay through the courts. The Institute also advises the workers in their lawsuits.

In practice the Wages Boards Act has contributed towards the development of the trade union movement.

Yugoslavia.

See under Convention No. 26.

¹ See International Labour Conference, 40th Session, Geneva, 1957, Report III (Part I): *Summary of Reports on Ratified Conventions (Articles 22 and 35 of the Constitution)* (Geneva, I.L.O., 1957), p. 186.

Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99)¹

Albania.

See under Convention No. 26, subject to the following additional information :

The provisions of the Labour Code regarding the fixing of wages apply to all workers in state agricultural undertakings and machine and tractor stations.

Workers in state agricultural undertakings are paid exclusively in money, and payment in kind is not permitted in their case. They do, however, receive a free plot of land and may also keep cattle and poultry. For cultivating their plots they have the free use of the tractors and other machinery of the undertaking.

Workers in machine and tractor stations receive certain agricultural produce in addition to their cash wage.

The application of the Convention gives rise to no difficulties, as the existing laws are in no way contrary to its provisions.

Argentina.

Act No. 11278 of 5 August 1925 respecting the payment of wages in national currency (*L.S.* 1925—Arg. 3).

Decree No. 28169 of 17 October 1944 to approve the Agricultural Workers' Code (*L.S.* 1944—Arg. 3), confirmed by Act No. 12921.

Decree No. 33302 of 20 December 1945 to issue rules concerning the obligation to pay a minimum living wage, basic wage rates and a supplementary annual wage to all salaried and wage-earning employees, confirmed by Act No. 12921.

Act No. 13020 of 27 September 1947 to prescribe rules for the fixing of wages and the regulation of conditions of employment in agriculture (*L.S.* 1947—Arg. 1).

Decree No. 34147 of 31 December 1949 to issue regulations respecting the Agricultural Workers' Code (*L.S.* 1949—Arg. 3).

Article 1 of the Convention. There are three systems for the fixing of wages in agriculture :

(1) Decree No. 33302 provides for the fixing of wages for all wage earners and salaried employees, including all the activities covered by the Convention. This decree has, however, not been put into effect, since the wage fixing body provided for (the National Wages Institute) has never been set up.

(2) Decree No. 28169 applies to permanent agricultural workers and extends to occupations which, though having certain of the characteristics of commerce or industry, require agricultural workers or are carried out on agricul-

tural holdings, on mountains, in forests, or on rivers ; these workers include, for example, carpenters, blacksmiths, cooks, storekeepers, etc., permanently employed in agricultural undertakings, gardeners, dairy workers and farm supervisors.

(3) Act No. 13020 applies to all casual workers employed by the day or by the task, in harvesting, threshing, transport, handling and storage of crops, fruit, vegetables and other agricultural produce, the cutting of plants and trees, stockbreeding, milk production and all other agricultural work.

Article 2. Act No. 11278, to which express reference is made in Decrees Nos. 33302 and 34147, provides for payment of wages and salaries in legal tender. However, Decree No. 28169 and Act No. 13020 permit the inclusion of allowances in kind in the remuneration of the workers to whom they respectively relate.

Article 3. Decree No. 33302 provides that the minimum living wage and basic wage rates shall be fixed by the National Wages Institute, whose board is to consist of a chairman and six representatives each of employers and workers, appointed by the Executive on the recommendation of their respective organisations.

Decree No. 28169 provides for the fixing of minimum rates by the Minister of Labour and Welfare.

Act No. 13020 provides that, so long as wages are not fixed by the National Wages Institute, they are to be fixed by local joint committees, subject to approval by the National Board.

In all cases, the fixed wage rates are binding. Decree No. 28169, however, permits abatement of up to 30 per cent. in respect of workers who at the time of engagement are over 60 years of age or are partially incapacitated, either physically or mentally.

Article 4. Act No. 13020 provides for the publication by the National Agricultural Labour Board of the decisions of the joint committees.

All three legislative systems provide for inspection, supervision and sanctions to ensure that wages are not paid at less than the fixed rates.

Under Decree No. 28169, any claim under its provisions is subject initially to conciliation proceedings ; if no settlement is reached within 30 days legal proceedings may be taken.

No substantial discrepancies exist between national legislation and practice and the provisions of the Convention. Its ratification is therefore perfectly feasible.

The Convention is appropriate, under the constitutional system, for federal action.

¹ This Convention came into force on 23 August 1953. Thirteen ratifications had been registered up to 30 November 1957. 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 42nd Session of the Conference (*Summary of Reports on Ratified Conventions*).

Belgium.

Legislative Order of 9 June 1945 to issue rules for joint committees (L.S. 1945—Bel. 5).

Minimum wages in agriculture are fixed by the National Joint Committee for Agriculture, in accordance with the provisions of the above Legislative Order. The Committee comprises seven representatives each of workers and employers and is presided over by a government official. Minimum wages in agriculture vary with the retail price index. Different rates have been fixed for skilled and unskilled workers. The value of payments in kind has also been fixed.

Decisions made binding by Royal Order may lay down exceptions. Such decisions are published in the official gazette. The Legislative Order of 1945 provides for supervision and sanctions. The judicial authorities and the Social Labour Inspectorate enforce these provisions. Collaboration with workers' and employers' organisations is provided through conciliation committees, established within the Joint Committee, and comprising representatives of the Government and the organisations.

No modifications have been made in legislation or practice to give effect to the Convention; on most points they already conform to the Convention. However, the Convention provides only for *partial* payments in kind, whereas in Belgium wage payments in agriculture are not restricted in this respect. Measures to limit payments in kind in accordance with the Convention are under consideration.

Bulgaria.

Constitution of the People's Republic of Bulgaria of 4 December 1947 (L.S. 1947—Bulg. 3).

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

Order of the Council of Ministers of 4 December 1956 (published in *Izvestia* No. 102 of 21 December 1956).

Under article 73 of the Constitution and section 67 of the Labour Code wages in all branches of production, including agriculture, are fixed by the Council of Ministers, according to the quantity and quality of the work, and taking into account any necessary training, the arduous nature or unhealthiness of the work, and its importance to the national economy. The fixed wage rates bind managements and workers.

The basic minimum rate applicable to all branches of the economy, including agriculture, was fixed at 400 leva per month or 16 leva per day by Order of the Council of Ministers of 4 December 1956.

Payment in kind to agricultural workers is permitted, the conditions laid down in Article 2 of the Convention being observed.

The preparatory work for fixing wages, including minimum rates, is carried out by the economic and administrative services concerned and by trade unions, with a view to a constant improvement in the workers' standard of living.

The trade unions take an active part in the wage fixing process and in supervising the application of wage provisions. The Labour Code expressly provides for the right of the Central Council of Trade Unions to submit to the Council of Ministers proposals for legislation on labour questions, including wages. Proposals by the different Ministers are considered in consul-

tation with the trade unions concerned and the Central Council of Trade Unions, and decisions in wage matters are made in agreement with the latter.

Observance of wage provisions is supervised by the administration concerned, by the labour inspectors and by the trade unions. Undertakings must keep appropriate wage records. Infringements of wage provisions are punished by administrative procedure, or, in certain cases, by labour inspectors, acting under section 205 of the Labour Code.

Workers are informed of wage rates, etc., through the press, by pamphlets, and by explanations at the workplace. Workers can recover underpayments by referring the matter to the higher administration, the Labour Inspectorate, the conciliation board or the courts.

Burma.

There are no provisions in Burma relative to the Convention, except in the case of plantation labour where certain forms of collective agreements are reached. For the bulk of agricultural labour necessity has not so far arisen for measures to prevent undue exploitation of labour by employers. Agricultural employers are small peasants whose economic status is hardly distinguishable from that of their workers.

Under the Constitution of Burma the Convention is appropriate for federal action.

Canada.

There are no legislative or administrative provisions for minimum wage fixing in agriculture and, since no trade union organisation exists among farm workers, there is no system of fixing wages by collective agreements.

Legislative jurisdiction with relation to machinery for minimum wage fixing is vested primarily in the provincial legislatures. All the nine provinces which have enacted minimum wage legislation have specifically provided for the exclusion of agricultural workers in the legislation itself or in minimum wage orders. The exclusion of agricultural workers from the operation of almost all types of labour legislation in Canada would appear to be due to the following factors: (a) the small proportion of paid labour in the total agricultural labour force (ranging from 9 to 15 per cent., depending on the season); (b) the non-permanent status of paid agricultural workers; (c) the nature of the farm labour force, other than farm operators, which is composed to a large extent of seasonal, casual or part-time workers, or of unpaid family workers; (d) the wide variations in employment conditions due to differences in climate, size and distribution of farms, types of farming, etc.; and (e) the impracticability of administering regulations in a farm economy made up of many independent small or medium-sized family undertakings scattered over a wide area and, except during seeding and harvest time, hiring comparatively few farm workers, in the majority of cases not more than one man.

Chile.

Decree No. 244 of 23 July 1953 to provide for the fixing of minimum wages for agricultural workers (L.S. 1953—Chil. 3).

Decree No. 653 of 2 November 1953 respecting the conditions to be satisfied by dwelling accommodation provided as part of the minimum wage in agriculture (as amended by Decrees No. 183 of 11 March 1954 and No. 325 of 4 May 1954).

Article 1 of the Convention. Section 1 of Decree No. 244 provides that no agricultural worker shall be remunerated at less than the minimum wage, defined as the wage providing the worker with a standard of living sufficient to enable him to satisfy his needs. The decree provides for the annual fixing of minimum rates applicable to all full-time agricultural workers.

The minimum wages of salaried employees of agricultural undertakings are governed by the general legislation relating to salaried employees (see under Recommendation No. 30).

Article 2. The payment of wages in kind is regulated by section 6 of Decree No. 244. The worker may at all times ask for payment of the whole wage in cash, and the cash wage may in no case be less than 25 per cent. of the minimum wage.

Article 3. Section 2 of Decree No. 244 provides for the establishment in each provincial capital of a committee consisting of the provincial labour inspector (as chairman), the provincial agronomist, the head of the Social Insurance Service office, and one representative each of agricultural employers and workers of the province. The employers' and workers' representatives and their substitutes are appointed by the governor of the province from nominees of their respective organisations and, in the absence of such organisations, from among the five largest taxpayers and their employees respectively. The quorum of the committee, at a first convocation, is a majority of its members, and, at a second convocation, the members actually present.

The above committees must every year make proposals to a central committee as to the minimum daily wage rate to be prescribed for agricultural workers in the province (section 2 of Decree No. 244). They must take into account variations in the cost of living shown in surveys of the Central Bank of Chile and the wholesale prices of the most important agricultural products of the region (section 3). The committee's proposals must be published on three separate days in a newspaper in the provincial capital, and organisations of agricultural employers and workers may make written representations regarding them. The proposals and any representations are then submitted to a central committee, consisting of representatives of various Ministries appointed by the President of the Republic, which fixes the minimum wage (section 4). The minimum wage is fixed in April for the period from 1 May to 30 April in the following year (sections 3 and 4).

The minimum wage constitutes the daily minimum to be paid to every full-time agricultural worker, but may be reduced by specified percentages in the case of workers under 15 years of age and partially incapacitated workers (subject to the authorisation of the National Health Service), workers between 15 and 18 years of age, and workers over 60 years of age who have been in the employer's service for less than five years (sections 5 and 9 of Decree No. 244).

Article 4. When the minimum wage has been fixed by the central committee it must be published on three separate days in a newspaper in the provincial capital. The Labour Service is responsible for the enforcement of Decree No. 244. The Social Insurance Service may not accept contributions calculated on less than the minimum wage.

Agricultural workers may recover underpayments of minimum wages by legal proceedings, which must be brought within 60 days of the termination of employment.

The Convention was submitted to the National Congress for approval in November 1954; its consideration is pending.

Costa Rica.

For legislation see under Convention No. 26.

Article 1 of the Convention. Article 57 of the Constitution entitles all workers to a minimum living wage. Matters relating to the fixing of minimum wages are dealt with by the National Wages Board, a technical body attached to the Ministry of Labour and Social Welfare but functioning independently (Decree No. 832 of 1949, section 3). Minimum wages are fixed by decree on the recommendation of the National Wages Board. They cover every branch of activity, including agriculture and stockraising. They are fixed every two years but may be revised at shorter intervals on request by a specified number of employers or workers.

Article 2. Section 164 of the Labour Code authorises partial payments of wages in kind but restricts them to food, accommodation, clothing and other articles for the personal use of the worker and his family. In agriculture and stockraising wages in kind may include land given to the worker for his own cultivation. Where the value of wages in kind is not fixed it is deemed to be equivalent to 50 per cent. of the worker's cash wage (Labour Code, section 166).

Article 3. The National Wages Board consists of nine members appointed by the Executive and comprising three state, three employers' and three workers' representatives. One month before the appointment of employers' and workers' representatives the Executive must, by notice in the official gazette, invite their organisations to submit nomination lists of ten persons (Decree No. 832 of 1949, section 6).

The National Wages Board must receive employers and workers to hear their case and receive their reports (Decree No. 832 of 1949, section 20).

Minimum rates are binding. The courts have, however, in exceptional cases held that wages below the fixed minimum might be paid where working capacity was reduced owing to age, sickness, etc.

Article 4. Minimum rates are published in the official gazette.

Underpayment of minimum wages is a ground for termination of the employment by the worker with the right to wages and social benefits for the period of notice, etc. The Labour

Inspectorate takes special care to enforce minimum wage provisions and to bring persons contravening them before the labour courts where they are liable to fines, or to imprisonment on a second offence (Labour Code, sections 81 and 134).

The Convention has been submitted to the Legislative Assembly with a recommendation for its ratification.

Czechoslovakia.

Constitution of the Czechoslovak Republic of 9 May 1948 (*L.S.* 1948—Cz. 3).

Act No. 244 of 25 October 1948 respecting the State wage policy (*L.S.* 1948—Cz. 4).

Penal Administrative Act No. 88 of 1950.

Government Order No. 27 of 3 April 1951 respecting the direction of State wages policy and the establishment of a State Wages Board (*L.S.* 1951—Cz. 1).

Notice No. 175 of 1956 of the Chairman of the State Wages Board.

Article 27 of the Constitution provides for just remuneration for all workers, to be secured by a wages policy of the State, in concurrence with the United Trade Union Organisation, directed towards the constant raising of the standard of living of the working population; the quality and quantity of work and its benefit to the community shall be the decisive factors in assessing the remuneration, and men and women shall be entitled to equal remuneration for equal work. The supreme organ for the state wages policy is the Government, which lays down the basic principles for wage fixing (section 1 of Act No. 244 of 1948). State wages policies are carried out by the State Wages Board, headed by the Prime Minister; the Board's members are appointed by the Government (section 3 of Order No. 27 of 1951). They include representatives of the Central Council of Trade Unions. The State Wages Board decides on all fundamental measures in the sphere of wages, and approves the proposals of the respective ministries and trade unions for wage tariffs, etc. (Part III of Notice No. 175 of 1956). The Ministry of Agriculture and Forestry applies wages policy, as laid down by the Government and the State Wages Board, in the field of agriculture. The trade unions concerned take part in the preparation, approval and application of all arrangements for wage regulations; no measure is taken without their concurrence (article 27 of the Constitution, section 1 (2), of Act No. 244 of 1948, section 5 of Order No. 27 of 1951 and Part IX of Notice No. 175 of 1956).

Proposals for wage regulations are prepared by the Ministry of Agriculture after statistical investigations and consultations with agricultural undertakings and the trade union. The tariffs, etc., are approved by the State Wages Board and then issued as a Notice or Ordinance.

Wage regulations bind workers and employers, any arrangements to the contrary being invalid.

Supervision of the wage regulations is effected by the Ministry of Agriculture and Forestry, the Supervision and Inspection Administration of the Ministry of Finance, the State Bank and the Ministry of State Control. Penal sanctions are laid down for anyone who grants or promises to grant a different rate of remuneration than that in force (section 74 of Act No. 88 of 1950).

Conflicts between employers and workers are discussed in the first place between the management and the trade union committee. Any employee may, however, enforce his rights by judicial proceedings before a court.

The present wage rates in agriculture were fixed by Notice No. 106 of 1954, which lays down basic hourly and piece rates. In addition workers receive production bonuses. Workers may also purchase the produce at cheaper prices, and in certain cases receive premiums in the form of allowances in kind.

Czechoslovak legislation and practice conform to the Convention, and there is no need for any further legal or administrative measures to apply it in full.

Denmark.

See under Convention No. 26.

Dominican Republic.

Labour Code (*L.S.* 1951—Dom. 1).

The provisions governing minimum wage fixing contained in sections 420 to 434 of the Labour Code apply to agriculture (section 424).

Article 1 of the Convention. Minimum wages in agriculture are fixed in the same way as minimum wages in general (see under Convention No. 26).

Article 2. Under section 187 of the Labour Code all wages must be fixed and paid in full in legal currency.

Articles 3 and 4. See under Convention No. 26.

In order to improve the minimum wage fixing machinery the services of a United Nations technical assistance expert on minimum wages have been requested.

Egypt.

Decree-Law No. 178 of 1952 on agrarian reform.

Section 38 of the above-mentioned decree provides: "The wages of agricultural workers in the various agricultural districts shall be fixed each year by a committee established by the Minister of Agriculture under the chairmanship of one of the high officials of the Ministry and composed of six members chosen by the Minister: three representing owners of agricultural land and their tenants, and three representing agricultural workers.

The decision of this committee shall not be effective until approved by the Minister of Agriculture.

Workers who perform certain duties for public interests in accordance with the provisions of special laws are exempted. Their wages shall be fixed by the authorities concerned."

After referring to the committees concerned and to the Higher Committee of Agrarian Reform, the Minister of Agriculture has fixed standard minimum rates for agricultural labour in all parts of the country.

The Higher Committee of Agrarian Reform and the Ministry of Agriculture are entrusted with the enforcement of the above-mentioned Law.

The Convention is under consideration by the Government.

Finland.

In 1951 the Government decided against ratification of the Convention. Legislation for regulation of wages (including those in agriculture) lapsed at the end of 1951, and agricultural wages have been left for determination by collective agreement. In view of the continuing development of collective bargaining ratification of the Convention is not contemplated.

Greece.

No special method for minimum wage fixing has as yet been adopted, except that collective agreements are in force for certain categories of agricultural workers, such as in fruit, flower and vegetable growing. All other agricultural workers are remunerated according to the existing free system of payment, such payments being either in cash or in kind or both. The greater part of the agricultural undertakings are small family farms, sometimes employing other relatives, in addition to the farmer and his wife and children. In such cases wage fixing provisions are not applicable. The report stresses the importance of the customary payments in kind, which are necessitated mainly because of the common lack of cash during harvest time.

Haiti.

See under Convention No. 26.

Honduras.

The Charter of Labour Guarantees covers work in agriculture, and the Act respecting individual employment contracts applies to agricultural undertakings with more than 300 workers.

See also under Convention No. 26.

Iceland.

There are no legislative, administrative or other provisions in regard to minimum wage fixing machinery for agricultural workers, and no measures to give effect to the Convention are contemplated.

India.

Minimum Wages Act of 15 March 1948 (*L.S.* 1948—Ind. 2) and the Rules made thereunder by the Central and State Governments.

Article 1 of the Convention. Section 5 of the Act provides for the appointment of committees or boards to hold inquiries and advise the appropriate government in regard to the fixing of minimum wages in agriculture. Section 26 of the Act provides for the appropriate government to fix minimum rates of wages for part of a state only, or for particular types of employment, as well as to exempt any class of employees from the provisions of the Act for a certain period.

Article 2. Under section 11 of the Act the appropriate government may permit the payment of wages wholly or partly in kind if, in its opinion, such payment has been customary and its continuance is necessary.

Article 3. The procedure laid down for the fixing of minimum wages in agriculture, whether through tripartite committees or by the governments notifying their proposals in the official gazette, envisages and ensures the consultation with employers and workers and all other interested persons. The rates fixed under the Act are binding on the parties concerned and any infringements of these are punishable under law. Section 26 (1) provides for the exemption of disabled persons from the provisions relating to minimum wages payable under law.

Article 4. The wage rates fixed under the Act are to be notified in the official gazette. The Minimum Wages (Central) Rules, 1950, also prescribe certain measures for publishing the rates fixed or revised under the Act. Section 19 of the Act authorises the appropriate government to appoint inspectors with necessary powers for carrying out the purposes of the Act, and to ensure effective enforcement of the minimum wage rates. Section 22 of the Act lays down penalties for infringements. Provisions also exist for the recovery of amounts due to be paid.

The responsibility for the enforcement of the Act is divided between the central and state governments. All the appropriate governments have appointed inspectors and other officers to enforce the provisions.

The only difficulty in ratification is caused by the fact that under section 3 of the Act minimum wages may be fixed for only part of a state, whereas under Article 1, paragraph 2, of the Convention exemptions are confined to undertakings and categories of persons or occupations.

The Committee on Conventions has recommended the ratification of the Convention, subject to advice from the Ministry of Law that Indian law satisfies its requirements. The question of ratification will be taken up shortly by the Government of India.

Indonesia.

See under Convention No. 26.

Iran.

For legislation see under Convention No. 26.

Iranian legislation makes no distinction between workers in agriculture and workers in industry. However, section 1 (2) of the Labour Act provides for the enactment of special legislation for agricultural workers. A group of experts and officials of the Ministry of Labour is engaged on drafting this legislation.

Ireland.

Agricultural Wages Act, 1936 (*L.S.* 1936—I.F.S. 4).

Agricultural Wages (Amendment) Act, 1945 (*L.S.* 1945—Ire. 1).

Article 1 of the Convention. The Agricultural Wages Act provides for the establishment of an Agricultural Wages Board, whose main functions are to fix minimum rates of wages for agricultural workers, to define benefits in kind which may be reckoned as payment of wages and their value for minimum wage calculations, to grant exemptions for handicapped workers,

and to administer the Act (including the taking of legal proceedings).

Different minimum rates may be fixed for various districts and for special classes of workers. The orders actually made apply to agricultural workers of 16 years or more, divided into three groups on a geographical basis; in the case of female workers minimum rates have been fixed only for those parts of the country where they are employed in appreciable numbers. Simple minimum rates have been prescribed, not scaled according to the worker's degree of skill. Higher rates are prescribed for overtime and Sunday work.

Article 2. The Board has prescribed values at which certain benefits (e.g. board and lodging, cottage, milk, land for potato-growing or grazing) may be reckoned as part of the minimum wage. There is no obligation to provide or receive such benefits, but when they are in fact supplied the employer may not deduct from the minimum wage of the worker more than their defined value.

Article 3. The Agricultural Wages Board consists of a chairman, four representatives each of agricultural employers and agricultural workers, and three neutral members, all appointed by the Minister of Agriculture.

The Agricultural Wages Act also provides for the establishment of Area Committees consisting of the chairman of the Board (as chairman) and an equal number of representatives of agricultural employers and agricultural workers in the area, appointed by the Minister of Agriculture. Before the Board fixes or varies minimum rates it must give the appropriate Area Committees an opportunity to make recommendations.

In the case of both male and female workers adult rates, for workers of 19 years and over, have been prescribed; reduced rates have been prescribed for workers between 16 and 19 years of age.

The Board may grant exemptions for workers who, through physical injury, mental deficiency, age or other infirmity, are incapacitated from earning the prescribed minimum wage. Even where no exemption has been granted the employer may, in criminal or civil proceedings, prove any such incapacity so as to justify payment of less than the minimum wage.

Article 4. Publicity is given to the Board's orders by press and radio announcements and the free issue of a memorandum setting out the new regulations in detail.

The Board supervises the observance of wage orders through Agricultural Wages Inspectors who investigate complaints and carry out casual inspections. The inspectors have power to enter premises, to demand information and to inspect wages records. Any underpayments discovered are generally adjusted on the spot. The inspector may institute criminal proceedings against an offending employer (appropriate fines being prescribed), and also civil proceedings on the worker's behalf. The worker may himself bring proceedings, within two years, for recovery of underpayments. In any proceedings the employer must prove that he has paid not less than the minimum rates.

Appended to the report are copies of the Agricultural Wages (Minimum Rates) Order,

1956, and of the report of the Agricultural Wages Board for 1956.

The Government states that the existing legislation is generally in accordance with the Convention, except as regards Article 1, paragraph 2, which requires consultation with the most representative organisations of employers and workers concerned, where such exist, concerning the undertakings, occupations and categories of persons to which the minimum wage machinery shall be applied. The position in the country is that the Agricultural Wages Act defines "agricultural worker", "agricultural employer" and "agriculture", and that questions arising out of these definitions are decided by the courts. Ratification would therefore necessitate fresh legislation. As, however, the present legislation has functioned satisfactorily and is generally in accordance with the underlying principles of the Convention, it is not proposed to introduce such fresh legislation.

Italy.

Wage rates are determined by collective bargaining between employers' and workers' organisations, except in the case of public employees. In law collective agreements bind only persons and undertakings belonging to the signatory organisations, but in practice their terms are increasingly observed outside these legal limits. Furthermore, jurists and judges concur in the view that article 36 of the Italian Constitution, which entitles every worker to a "remuneration appropriate to the quantity of his work and in any case sufficient to provide him and his family with a free and dignified existence", is mandatory and must have immediate application. The courts tend to apply wage rates fixed by collective agreements as representing the appropriate remuneration mentioned in article 36 of the Constitution.

The system of wage rates linked to the cost-of-living index has been adopted in Italy. Thus, in agriculture, an agreement of 24 September 1952 established rates based on the period 1 January-30 April 1952 and provided for adjustments every two months in accordance with data compiled by the Government's Central Statistical Institute.

The signatory organisations supervise observance of collective agreements. The labour offices and the Ministry of Labour intervene, if requested, to mediate or conciliate in case of dispute.

When the Bill on trade unions, which will make collective agreements generally binding, is enacted, it will be possible to apply the Convention. The Government proposes to await the enactment of this legislation before ratifying the Convention.

Japan.

See under Convention No. 26, subject to the following additional information:

Article 1, paragraph 3, of the Convention. The Labor Standards Law does not apply to any enterprise employing only relations living with the employer as family members (section 8).

Article 2. The payment of wages other than in cash may be permitted by law or order or

labour agreement (section 24 of the Labor Standards Law). The appraised amount of wages in kind must, unless otherwise provided by law or order, be stipulated in labour agreements. If, however, this amount is deemed inadequate, or is not stipulated in law or order or labour agreement, the administrative office may decide upon the amount. (Enforcement Ordinance of Labor Standards Law, section 2.)

No modifications have been made in legislation or practice to give effect to the Convention.

The management of agriculture is unlike that in Europe and America. Very few workers are employed exclusively in agriculture, and their numerical importance is very small as compared with workers in manufacturing, mining and commerce. Because of a considerable extent of technical difficulty the application of the minimum wage system cannot be expected to obtain the desired results.

It is proposed to examine first the putting into force of the minimum wage system in manufacturing, mining, commerce, and thereafter to consider its application to agricultural workers.

Jordan.

See under Convention No. 26.

Luxembourg.

Agriculture in Luxembourg consists mainly of small family farms employing few hired workers, except in seasonal work which is mostly sought by foreign workers. Because of this, no agricultural workers' trade union exists. The ratification of the Convention would therefore depend upon the solution of certain structural problems the study of which has not yet been possible.

Morocco.

Decree of 18 June 1936 respecting the minimum remuneration of wage earning and salaried employees (L.S. 1936—Mor. 3), as amended by Decrees of 1 September 1937 (L.S. 1937—Mor. 3), 23 June 1938 (L.S. 1938—Mor. 1), 16 June 1952 and 26 January 1956.

Article 1 of the Convention. Minimum wages for agricultural workers are fixed by Cabinet decree under the Decree of 1936, in the same manner as the minimum rates for industrial workers. They apply, without exception, to all agricultural undertakings and all agricultural workers.

Article 2. The minimum wage must be paid in cash. Allowances in kind are additional to the minimum wage. No scale is laid down for the value of such allowances.

Article 3. The legislation does not expressly require the consultation or participation of employers and workers in the fixing of minimum wages. However, the views of the most representative employers' and workers' organisations were sought before the last increase of the minimum wage in February 1956.

The minimum rates are binding on employers and workers, and any provision in a collective or individual contract providing for lower wages is void. However, collective agreements do exceptionally permit abatement in individual cases of duly established reduced physical capacity.

Article 4. Decrees fixing minimum rates are published in the official gazette, communicated to all interested organisations and are the subject of notices in the press and on the radio. In addition, in 1956, meetings between farm-workers' delegates and agricultural employers were arranged by the Agricultural Labour Inspectorate in several important agricultural regions. During these meetings information was given regarding minimum wages and the provisions of collective agreements. It is considered as certain that all agricultural workers are fully aware of their rights regarding wages.

The Decree of 1936 prescribes fines for employers for non-observance of minimum wage provisions.

A special Labour and Social Affairs Inspectorate for Agriculture was established in 1955. There is now one inspector in each agricultural region.

A worker may claim underpayments of minimum wages before the local magistrate. Normally a settlement is obtained through the intervention of the labour inspector.

Legislation and practice are on the whole in conformity with the Convention. A decree prescribing conditions of employment and remuneration for agricultural and forestry workers is about to be promulgated. This decree will contain certain provisions which should result in full effect being given to the Convention: (a) the functions and powers of the agricultural labour inspectors will be defined; (b) employers will be bound to deliver an engagement card to every worker and to keep wage books; (c) minimum rates will be fixed for women and children; (d) abatement of minimum rates in respect of handicapped workers will require the Labour Inspectorate's consent; (e) provincial joint agricultural labour committees are to be set up, for consultation in connection with the fixing of minimum wages.

Nicaragua.

Difficulties and disputes arising with regard to the wages of agricultural workers have been settled in the same way as is mentioned in the report supplied by the Government on Recommendation No. 30 in respect of workers in industry and commerce.

Norway.

Act of 5 May 1927 respecting labour disputes (L.S. 1927—Nor. 1).

Act No. 7 of 19 December 1952 respecting wages committees in labour disputes (L.S. 1952—Nor. 3).

No special machinery for the fixing of minimum wages in agriculture has been established, wages being fixed by negotiation between representative organisations of employers and workers. If the parties cannot reach agreement mediation takes place in accordance with the Act of 5 May 1927. If the mediation is unsuccessful the parties may, if they agree on this, place the matter before the National Wage Board (Act of 19 December 1952).

The wage rates in current collective agreements for agriculture constitute the standard rates. Formally the provisions of the agreements apply only to members of the signatory organisations, but the rates will have considerable influence also on contracts between

employers and workers not belonging to the organisations.

It is understood that in order to give effect to the Convention it is necessary to introduce legislation authorising the fixing of minimum wages in agriculture and the public supervision of its application. This implies interference with the organisations' right to freedom in the stipulation of wages for their members, and involves changes in the current practice of wage fixing. Such interference on the part of the authorities is unnecessary at present. The number of hired workers in agriculture is comparatively small, and in recent years there has been a shortage of agricultural labour.

Pakistan.

There is no machinery for minimum wage fixing in agriculture. Such machinery does not appear feasible because of the lack of organisation and small-scale structure of agriculture. It is difficult to distinguish between workers and employers. The peasant proprietor generally cultivates his own land, occasionally hires casual labour, and in some cases works for others when there is no work on his own land.

The federal Government is empowered to legislate for the implementation of decisions by international bodies.

Poland.

See under Convention No. 26.

Portugal.

For legislation see under Convention No. 26.

The legislation provides that wages and conditions of service shall as a rule be determined by collective agreements. In agriculture such agreements are concluded between workers' unions and farmers' associations. The National Labour Institute is responsible for ensuring compliance with the relevant statutory provisions. Arbitration boards, comprising representatives of farmers and agricultural workers, have also been established.

National legislation does not conflict with the spirit and letter of the Convention, which has been submitted to the competent authorities with a view to studying the possibility of ratification.

El Salvador.

There are no legislative or other provisions (including collective agreements) relative to the matters covered by the Convention. The difficulties standing in the way of establishing minimum wages are particularly acute as regards agriculture. Among the factors preventing or delaying ratification of the Convention are the absence of statistics regarding employment conditions in agriculture, lack of information on migration among agricultural workers, and illiteracy. There is, however, a plan for the improvement of living conditions of agricultural workers throughout the country, which, as regards wages, will have to take account of the provisions of the Convention.

Spain.

Act of 16 October 1942 governing the drawing up of employment regulations (*L.S.* 1942—Sp. 2).

Act respecting contracts of employment (*L.S.* 1944—Sp. 1).

Various regulations governing agricultural labour.

The wages of agricultural workers are fixed under the same provisions as apply to industrial workers.

Article 1 of the Convention. The Act of 1942 provides for regulation of minimum conditions of employment in different branches of industry or activity, and in particular the classification of workers and wage rates according to trades or occupations.

Section 9 of the Act provides for the participation of workers' and employers' organisations in the drafting of the employment regulations by the appointment of assessors who are experts in the branch of industry to which the regulations are to apply.

Section 2 (a) of the Act respecting contracts of employment provides that family members working under the direction of one of the members of the family shall be excluded from the rules governing contracts of employment, provided that the persons concerned do not consider themselves to be employees.

Article 2. Payment of wages in kind is regulated by sections 47 to 53 of the Act respecting contracts of employment. These provisions are supplemented by the agricultural employment regulations. For example, the regulations approved for Valencia in 1949 provide that payments in kind shall be assessed at the official price or, in its absence, at the normal sales price in the district, and that accommodation made available by the employer on the farm or agricultural undertaking where the worker is employed shall not be considered a part of the wage.

Article 3. See above under Article 1.

The rates which have been fixed constitute minimum rates which cannot be reduced by individual or collective agreement.

Article 4. The Act of 1942 provides that employment regulations issued under the Act must be published in the official gazette, or in the provincial gazette where their application is intra-provincial. Some employment regulations provide for the display of the regulations in the undertaking, and in practice this is done in all undertakings.

The supervision of enforcement of the above provisions is entrusted to the National Labour Inspectorate. Moreover, the labour courts are competent to hear individual complaints regarding failure to observe fixed minimum rates.

A Bill concerning collective agreements for the purpose of improving the minimum conditions laid down by regulations is pending in Parliament.

The delay in ratifying the Convention is due to the fact that Spain was not a member of the International Labour Organisation at the time of its adoption.

Sweden.

Both the Swedish Agricultural Employers' Federation and the Swedish Agricultural Work-

ers' Federation, at the time of the submission of the Convention to Parliament in 1952, advised against ratification of the Convention, since it would not represent any improvement on the existing system of fixing minimum wages by collective agreements.

See also under Convention No. 26.

Switzerland.

Code of Obligations.

Federal Act of 3 October 1951 for the improvement of agriculture and the maintenance of the peasant population.

Under section 96 of the Act of 1951 the cantons are required to regulate conditions of employment in agriculture by drawing up model employment contracts in pursuance of section 324 of the Code of Obligations.

The model contracts do not normally prescribe minimum wage rates, but in certain cantons they provide for an "indicative wage". This wage is generally fixed by a committee composed of an equal number of representatives of agricultural employers and workers and a cantonal official. It has the force of a recommendation and is not compulsory. In the cantons of Geneva and Valais the model contracts lay down the wages to be paid to the various categories of agricultural workers.

As was pointed out in the report on the 34th Session of the International Labour Conference presented to the Federal Assembly by the Federal Council on 12 December 1952, the ratification of Convention No. 99 cannot be contemplated. While wage trends are closely watched the Federal Council holds the view that it must, except in special cases, refrain from direct intervention in the fixing of wage rates, since this would be incompatible with the economic system. The considerations which led to the fixing of the wages of homeworkers—very low wages and the inability of the parties to regulate their relations directly and effectively—are not present in agriculture.

Tunisia.

Decree of 25 February 1954 to regulate the payment of wages in agriculture.

Decree of 30 April 1956 to prescribe the general remuneration and employment conditions of agricultural workers.

Ministerial Order of 30 April 1956 respecting the remuneration of agricultural workers.

Decree of 14 March 1957 respecting the application of labour legislation to certain agricultural undertakings.

Article 1 of the Convention. The Decree of 30 April 1956 provides that wages in agriculture shall not be less than the minimum fixed by order of the Ministers of Agriculture and of Social Affairs.

Article 2. Section 4 of the Order of 30 April 1956 provides that allowances in kind which are customary in the locality can in no case be treated as part of the minimum wage and must not be cancelled. Wages must be paid in cash and steps are taken to prevent abuses of payment in kind. Products bought from the farm for the worker's own consumption are to be paid at cost price (section 2 of the Decree of 30 April 1956).

Article 3. Minimum rates are fixed by orders as mentioned above; in practice, the views of workers' and employers' organisations are sought. Workers and employers collaborate on the agricultural labour committees, which consist of three workers' and three employers' representatives appointed by the Governor from the nominees of their organisations. The committees study the problems arising out of the application or development of agricultural labour legislation in their district, and in particular determine piece rates on the basis of the fixed minimum wage.

The minimum rates fixed by the Order of 30 April 1956 cannot be abated, but lower rates may be paid to handicapped workers, children under 18 years of age and women.

Article 4. Social legislation in agriculture is enforced by the Agricultural Labour Inspectorate of the Ministry of Social Affairs. The inspectors must take proceedings in all cases of non-observance of minimum wage rates, for which penal sanctions are prescribed. Agricultural workers can make claims before the joint conciliation board or a civil court; the procedure in either case is free of charge. Employers must keep specified wages records and hand wage-slips to workers on payment of wages (Decree of 25 February 1954).

The agricultural labour committees in practice constitute advisory bodies for the authorities. Moreover, before minimum wage rates are fixed, the appropriate workers' and employers' organisations are always consulted.

It is to be noted that, under the Decree of 14 March 1957, the system of wage fixing applicable to industry and commerce (see under Convention No. 26 and Recommendation No. 30) applies to certain undertakings (such as vegetable oil works, dairies and distilleries) processing agricultural produce.

Turkey.

For legislation see under Convention No. 26.

Although agriculture is not covered by the Labour Act, section 32 of the Act, as amended by Act No. 5518, empowers the Ministry of Labour to apply the provisions of that section in relation to wages of persons employed in home work and agriculture. The minimum wage fixing regulations under section 32 of the Labour Act apply therefore to workers employed in agriculture, and the minimum wage fixing machinery is the same for these workers as for workers in industry and commerce (see under Convention No. 26).

The Ministry of Labour is the competent authority to determine to which occupations and categories of workers the machinery shall apply, but the workers or employers may ask the Ministry to instruct the local boards to fix minimum wages for the workers or occupations concerned.

There are no provisions preventing the partial payment in kind of minimum wages to agricultural workers. In practice, however, the minimum wages fixed by local boards are invariably cash wages. The Ministry of Labour enforces the legislation and regulations.

Union of South Africa.

Agriculture is exempted from the legislation governing minimum wage fixing. The methods of assessing wages and conditions of employment for agricultural workers, who are not organised, differ from district to district and even from farm to farm in the same district. Work may be undertaken on an individual, family or communal basis, and remuneration may be in the form of cash wages only, or forms of tenant occupation which may include the use of land, grazing rights, accommodation, rations, etc. In view of the totally different conditions in agriculture it is not possible to apply the existing industrial legislation. It would also be impracticable to provide the supervisory services and inspection staff required by Article 4 of the Convention.

U.S.S.R.

See under Convention No. 26, subject to the following additional information :

In fixing minimum rates for agricultural work regard is had both to the particular conditions of such work and to the wages paid in comparable employment in other sectors of the economy.

The payment of wages in kind is not common. Under section 66 of the Labour Code an allowance in kind must be for the personal use of the worker and his family, and can be made only so far as provided for in the individual or collective agreement.

Payments in kind are more common, though still limited, in the case of workers at machine and tractor stations. However, on the worker's request, the allowance must be replaced by cash, according to fixed tariffs.

The Government states that the minimum wage fixing machinery in agriculture meets the

requirements of Convention No. 99 and Recommendation No. 89.

United States.

The Convention is appropriate partly for federal and partly for state action.

Little has been done to establish minimum wage provisions for farm workers.

On the federal level the wage and hour provisions of the Fair Labor Standards Act do not apply to agricultural workers. The Sugar Act of 1948, however, provides for the payment of fair and reasonable wages, as determined by the Secretary of Agriculture, as a condition of payment of benefits to growers of sugarbeet and sugarcane. Under this Act the Secretary of Agriculture has set minimum hourly rates and, in some areas, specific piece rates for various types of work in the sugarcane and sugarbeet industries.

On the state level the minimum wage laws of Alaska, Hawaii and Puerto Rico apply to agricultural workers. In Wisconsin minimum wages set through wage boards are currently in effect for women and minors in agriculture. In six other states (California, Colorado, Kansas, Oregon, Utah and Washington) and the District of Columbia the minimum wage laws authorising wage rates to be set by wage boards, applicable to women and minors, are broad enough to cover agriculture.

Yugoslavia.

Two systems of wage fixing exist in Yugoslavia, applying respectively to workers in socialised enterprises and to workers in co-operative undertakings and in private employment. All workers—including agricultural workers—are subject to one or other of these systems.

See also under Convention No. 26.

Minimum Wage Fixing Machinery (Agriculture) Recommendation, 1951 (No. 89)

Albania.

See under Convention No. 99 and Recommendation No. 30.

The Recommendation is fully applied, as there are no legislative provisions contrary to it.

Argentina.

For legislation see under Convention No. 99.

Part I of the Recommendation. Decree No. 33302 provides that, in fixing basic wage rates, account shall be taken of the nature and risks of the work, the need to guarantee to adult workers and their families an adequate standard of living and proper vocational training, wages and salaries in similar occupations, local custom, the financial resources and other characteristics of the branch of activity concerned, and all considerations arising out of the National Wages Institute's studies and inquiries into the needs of workers and their families in respect of food, housing, clothes, education of children, health, holidays, leisure, etc.

Act No. 13020 provides that the wages fixed under its provisions shall be sufficient for the necessities of life of the workers and their families and shall reflect the importance of the work in question and the value of the product on the home market.

Part II. Decree No. 33302 provides for the carrying out of investigations into working conditions by the National Wages Institute.

The participation of employers and workers in fixing wages results from the composition of the board of the National Wages Institute and of the joint agricultural labour committees. The only other persons taking part in the wage fixing process are the officials specified in the relevant legislation: the chairman of the National Wages Institute (Decree No. 33302), the chairman and the government members of the National Agricultural Labour Board (Act No. 13020), and the Minister of Labour and Welfare and his advisers (Decree No. 28169).

Part III. All three wage fixing systems provide for periodical review of the fixed rates: annually (Act No. 13020); when socio-economic circumstances so require (Decree No. 28619); when the cost-of-living index changes by more than 10 per cent. in a period of six months (Decree No. 33302).

Part IV. Act No. 13020 provides for publication by the National Agricultural Labour Board of the decisions of the joint committees.

Decree No. 34147, issued in pursuance of Decree No. 28169, provides for the maintenance

in agricultural undertakings of officially certified salaries and wages books, in which attendance of workers and payments to them must be recorded. These books must be kept available for inspection by the enforcing authorities.

The report gives particulars of the penalties prescribed by Decree No. 33302, Decree No. 28169 and Act No. 13020 in respect of underpayments of fixed wages. In all cases the imposition of the penalty is without prejudice to the worker's claim.

See also under Convention No. 99.

Austria.

Agricultural Labour Act No. 140 of 2 June 1948 (*L.S.* 1948—Aus. 2).

Provincial agricultural labour codes issued pursuant to the above Act.

Agricultural wage rates are determined by collective agreements (in accordance with sections 40 to 55 of the Agricultural Labour Act), concluded by the competent statutory representatives of the interests of employers and workers or any voluntary occupational associations of employers and workers deemed by the Provincial Conciliation Board to be capable of concluding collective agreements. Collective agreements are binding upon the parties, and may be extended by the Provincial Conciliation Board to cover engagements fundamentally similar to those contained in the agreement, and which are not already covered by another collective agreement.

In every province there is a Provincial Conciliation Board and usually several local conciliation boards. The chairmen and vice-chairmen of both provincial and local conciliation boards are appointed by the provincial governments from among officials with legal qualifications. The members and their substitutes are appointed in equal numbers from persons nominated by the statutory representatives of workers and employers, or, if no such organisations exist, by the competent occupational associations. The main duties of the Provincial Conciliation Board are the granting of the right to conclude collective agreements, registering and publishing of such agreements, extension of collective agreements, assistance and conciliation in connection with the conclusion and operation of collective agreements, and supervision of the local conciliation boards.

Collective agreements are published in the provincial official gazette; employers must post up a copy and issue a notice of this fact to their employees.

In accordance with the Agricultural Labour Act (sections 81 to 94) each province has established an agriculture and forestry inspec-

torate. The inspectors have the right to require the owners of undertakings to produce registers, agreements and contracts, wage lists, etc. If an inspector becomes aware of contraventions he must instruct the employer to comply forthwith with the provisions in force, and, on the employer's default, must notify the appropriate district authority. A recommendation as to the penalty to be inflicted may accompany this notification. The Act (sections 109 to 130) also provides for workers' councils or staff delegates with supervisory functions in connection with the observance of collective agreements, etc. These councils have the right to examine wage sheets and the relevant vouchers, and to supervise the payment of wages in kind. Every worker is able to ensure, through the labour courts, that he is paid in accordance with the terms of the collective agreement.

No statutory or other measures are envisaged to give further effect to the Recommendation.

Belgium.

Minimum wages in agriculture are fixed by the Joint Committee for Agriculture, comprising seven representatives each of employers and workers, nominated by employers' and workers' organisations.

The factors mentioned in the Recommendation are taken into account, particularly by the relation of wages to the retail price index. The increase of the index over a certain level leads to an increase in the minimum rates of wages.

Minimum rates which have been made generally binding are published in the official gazette. Information on minimum rates is also given in newspapers and agricultural journals and provided by trade unions to their members.

Enforcement and sanctions are provided for by the Order of 9 June 1945 on joint committees. Having regard to the powers of the Social Labour Inspectorate of the Ministry of Labour, the creation of new inspectors would present certain difficulties.

Belgian legislation and practice conform to the Recommendation on most points, and no modification of the Recommendation appears necessary.

Bulgaria.

See under Convention No. 99.

Burma.

See under Convention No. 99.

Canada.

See under Convention No. 99.

Ceylon.

Wages Boards Ordinance No. 27 of 1941 (as amended by Ordinance No. 40 of 1943, Ordinance No. 19 of 1945 and Act No. 5 of 1953) and Regulations thereunder.

Part I of the Recommendation. Wages boards in fixing minimum wages take into consideration the necessity for workers to maintain a suitable standard of living, and in practice are guided by such factors as the cost-of-living index, the nature and value of services rendered, wages paid for similar work in other trades and

also the voluntary agreements existing between workers and employers regarding wages. Minimum wages may consist of a basic wage and an allowance based on the cost-of-living index. In practice, except in the case of piece work, this principle has been acted upon by the wages boards.

Part II. In practice, before a wages board is set up, the conditions of employment in the trade are investigated. Once a board is set up workers' and employers' organisations may submit memoranda and ask to be heard by the board. Decisions of wages boards are also published in the newspapers, and objections invited, before they are made final. The boards consist of employers' and workers' representatives, equal in numbers and voting strength, selected on the basis of nominations from organisations of workers and employers, and of independent members, functioning under the chairmanship of the Commissioner of Labour. The independent members are chosen from persons having the necessary qualifications who have no interest in the particular trade as either employers' or workers' representatives.

Part III. Minimum wage rates can be varied at any time. An appropriate resolution can be presented by the workers' or employers' representatives on the board. In case of emergency a special meeting of the board may be summoned at very short notice.

Part IV. The decisions of wages boards have the force of law and are enforced through the inspection services of the Labour Department.

Decisions of the boards are published in the official gazette and in the newspapers. The law also requires employers to display these decisions at the workplace.

As to inspection, recovery of minimum wages, etc., see under Convention No. 26.

Chile.

See under Convention No. 99, subject to the following additional information :

The Recommendation is being studied by the competent government services, with a view to the adoption of measures to bring national legislation into conformity with it.

Costa Rica.

See under Convention No. 99 and Recommendation No. 30, subject to the following additional information :

Part I of the Recommendation. The principle of a minimum living wage laid down in article 57 of the Constitution is supplemented by section 177 of the Labour Code, which provides that every employee shall be entitled to a minimum wage sufficient to cover the normal needs of his home materially, morally and culturally, and that the minimum wage shall be fixed periodically with regard to the nature of each employment and the particular conditions prevailing in each region and in each branch of employment.

Cuba.

See under Recommendation No. 30, subject to the following additional information :

Agriculture is subject to the same minimum wage regulations as industry, commerce and other branches of the economy.

Article 61 of the Constitution provides that, in fixing minimum wages, due regard must be had to guaranteeing workers an adequate standard of living, and, under Legislative Decree No. 727 of 1934, account must be taken of the cost of living, the value of the work, wages paid under collective agreements and the general wage level.

The National Minimum Wages Board and its subcommittees must investigate conditions in each trade and hear all interested parties; the latter frequently take part in the Board's deliberations and are kept informed of its proposals.

It is considered that national legislation fully implements the Recommendation.

Czechoslovakia.

See under Convention No. 99 and Recommendation No. 30.

Denmark.

See under Convention No. 26, subject to the following additional information:

As regards Paragraph 1 of the Recommendation, it is stressed that the existing collective agreements provide for adjustment of wage rates twice a year according to the retail price index published by the Department of Statistics.

Dominican Republic.

See under Convention No. 99.

Egypt.

No legislative, administrative or other provisions exist in regard to the matters dealt with in the Recommendation. However, the committees established under Decree-law No. 178 of 1952 on agrarian reform usually follow the principles laid down in Paragraphs 1 to 4 of the Recommendation.

Finland.

See under Convention No. 99.

France.

Labour Code, Book I, Part II, Chapter IVbis, sections 31x (Act No 50-205 of 11 February 1950 (*L.S.* 1950—Fr. 6A)) and 31xa (Act of 18 July 1952).

Decrees issued under these Acts.

Part I of the Recommendation. The minimum wage is determined in terms of the cost of living. The inter-occupational guaranteed minimum wage is fixed on the recommendation of the Superior Collective Agreements Board, which is charged with the task of studying the composition of a model budget, and taking into consideration the monthly index of family expenditure in Paris, computed by the National Institute for Statistical and Economic Studies.

Part II. The Superior Collective Agreements Board comprises an equal number (15) of workers' and employers' representatives, appointed on the recommendation of the most representative workers' and employers' organi-

sations, and including three representatives each of agricultural employers and agricultural workers, appointed by their respective organisations.

Part III. As indicated above the guaranteed minimum wage is linked to the cost-of-living index.

Part IV. The laws and regulations regarding minimum wages in agriculture provide for publicity in the official gazette, supervision by the inspectors of social legislation in agriculture, and sanctions for contraventions.

Agricultural employers are required, under almost all prefectural labour regulations, to hand wage-slips to their employees and to keep wages books. These requirements are gradually becoming applicable throughout the country.

Federal Republic of Germany.

See under Recommendation No. 30.

Greece.

See under Convention No. 99.

Haiti.

See under Convention No. 26.

Honduras.

See under Convention No. 99.

Iceland.

See under Convention No. 99.

India.

For legislation see under Convention No. 99.

Part I of the Recommendation. The wage fixing machinery provided for under the Minimum Wages Act is expected to take into account the factors mentioned under this Part of the Recommendation. In order to make available cost-of-living data, consumer price indices for agricultural workers (relating to 37 zones spread over the different states) are being implemented by the Central Government.

Part II. The Minimum Wage Committees set up under the Act are to inquire into the fixing of wage rates and to advise the appropriate government. Detailed data on earnings, employment and unemployment and levels of living of agricultural workers have been collected through the All-India Agricultural Labour Inquiry of 1950-51; a second inquiry by the Government of India is in progress.

Section 9 of the Act provides that the various committees and boards under the Act shall consist of persons nominated by the appropriate government to represent employers and workers in equal numbers and independent persons not exceeding one-third of the total number. Members representing employers and workers are as far as possible nominated in consultation with their organisations wherever these exist. It is also ensured that the independent members possess the necessary qualifications for their duties and are acceptable to the interests concerned.

Part III. Under section 3 (1) (b) of the Act minimum rates fixed in a scheduled employment are to be reviewed at intervals not exceeding five years, and the rates revised if necessary.

Part IV. See under Convention No. 99.

The provisions of the Recommendation are being complied with. The implementation of the Minimum Wage Act is under continuous review by the central and state governments and annual reports on the working of the Act are published. Any shortcomings of the Act are rectified by amending legislation from time to time.

Both the central and the state governments are empowered to take action to give effect to the Recommendation. The Minimum Wages Act was enacted by the Central Government, while rules under the Act have been framed by the state governments on the basis of Model Rules circulated by the Central Government.

Indonesia.

See under Convention No. 26.

Iran.

See under Convention No. 99.

Ireland.

See under Convention No. 99, subject to the following additional information :

The legislation and practice for minimum wage fixing in agriculture is generally in accordance with the Recommendation. However, the legislation does not require the Minister for Agriculture, in appointing members of the Agricultural Wages Board, to consult employers' and workers' organisations or to invite such organisations to submit names of persons recommended by them, as required by Paragraph 5 of the Recommendation. It is not proposed to amend the legislation in this respect.

Italy.

Minimum wages are at present determined by collective agreements. It is considered that the objects of the Recommendation are attained. In particular, the present system follows the principles of Paragraphs 2 (factors to be taken into account in fixing minimum wages), 3 to 5 (consultation, participation and nomination of employers' and workers' representatives), 7 (revision of minimum rates) and 8 (protection of wages). The observance of collective agreements is supervised by the signatory organisations, but this will presumably become the responsibility of the Labour Inspectorate when the Bill on trade unions (which will make collective agreements generally binding) comes into operation. The Bill, which is now being drafted, will give effect to the Recommendation.

Japan.

See under Conventions Nos. 26 and 99 and Recommendation No. 30.

Jordan.

See under Convention No. 26.

Luxembourg.

Pending the possibility of ratification of Convention No. 99 the Government has issued a number of regulations to provide a minimum wage for permanent and seasonal agricultural workers. These minimum rates, comprising both cash payments and payments in kind, are fixed every year, taking account of changes in the cost of living.

Morocco.

For legislation see under Convention No. 99.

Part I of the Recommendation. In fixing minimum rates account is taken of the necessity of enabling the workers to maintain a suitable standard of living.

Part II. The legislation does not expressly provide for the participation of workers' and employers' representatives in the wage fixing process, but the views of the most representative organisations are sought before a minimum wage decree is issued. Apart from officials and representatives of employers' and workers' organisations, there are at present no qualified independent persons whose views might usefully be sought in connection with the fixing of minimum wages.

Part III. There are no specific provisions for revision of minimum rates at regular intervals. The rates may be revised at any time on the initiative of the Government, having regard to variations in the cost of living and the country's economic position.

Part IV. See under Convention No. 99.

Concerning measures to give further effect to the Recommendation, see under Convention No. 99. Furthermore, the Agricultural Labour Inspectorate is to be increased so as to make possible the permanent supervision of all agricultural undertakings.

Netherlands.

Practice, based on the legislation, is in no respect at variance with the Recommendation. In agriculture, as in other industries, consultation between the free organisations concerned is taken as a starting point for fixing wages. The proper equilibrium between the wage levels in the various branches of industry is judged in consultation with the central organisations of employers and workers and the Board of Government Conciliators. The Board finally fixes the wages, either through approval of the collective agreements concluded and/or through making a binding wage regulation, or through making the collective agreements generally binding. The regulations thus made have legal force ; sanctions are provided for their non-observance and they may be enforced by law.

Netherlands Antilles.

See under Recommendation No. 30. The provisions there mentioned apply without distinction to agriculture and other branches of industry. However, agriculture is of minor importance in the territory.

Surinam.

Recommendation No. 89 is not at present applied. It is proposed to make preparations in 1957 for statutory regulation of minimum wages for all kinds of work. The organisation of workers in agriculture is, however, not yet such as to permit complete implementation of the Recommendation.

Netherlands New Guinea.

See under Recommendation No. 30.

New Zealand.

Agricultural Workers Act, 1936 (L.S. 1936—N.Z.5).
Agricultural Workers Amendment Act, 1937 (L.S. 1937—N.Z. 3).
Wages Protection and Contractors Liens Act, 1939.
Minimum Wage Act, 1945 (L.S. 1945—N.Z. 7).
Dairy Products Marketing Commission Act, 1947.
Minimum Wage Amendment Act, 1952.
Economic Stabilisation Regulations, 1953.
Industrial Conciliation and Arbitration Act, 1954 (L.S. 1954—N.Z. 1).

All adult workers in New Zealand are protected by the Minimum Wage Act. Awards, industrial agreements, etc., provide higher wages than those prescribed under this Act, and workers covered by such awards or agreements thus have two lines of wage protection. Certain agricultural workers (shearers, drovers, musters and threshing mills employees) are covered by awards of the Court of Arbitration under the Industrial Conciliation and Arbitration Act. With respect to the position under the Minimum Wage Act and the Industrial Conciliation and Arbitration Act, see under Recommendation No. 30.

Specific provision for other classes of agricultural workers (i.e. dairy-farm workers, orchardists, tobacco-growers, farm and station hands and market gardeners) is made in the Agricultural Workers Act and the orders issued thereunder. The present report (omitting Minimum Wage Act provisions) outlines the position of this group.

Part I of the Recommendation. Under section 14 of the Agricultural Workers Act, regard is to be had, in fixing minimum wage rates for workers covered by the Act, to the prices for the time being fixed under sections 16 and 36 of the Dairy Products Marketing Commission Act. Section 16 of the latter Act includes among the factors to be taken into consideration, in fixing the price of dairy products, the necessity in the public interest of maintaining the stability and efficiency of the dairy industry and the standard of living of persons engaged in that industry in comparison with the general standard of living.

Part II. The Agricultural Workers Act applies specifically only to dairy workers; it applies to the other classes of agricultural workers mentioned above by virtue of extension of its provisions by Order in Council, made under section 20 of the Act. Section 20 (2) provides that, before any such Order is made, the Minister of Labour must submit the proposal for extension to the organisations of the class of agricultural workers concerned and of their employers.

The minimum rates for the various classes of agricultural workers are fixed by wage orders after consultation with the appropriate employers' and workers' organisations.

Part III. Minimum rates under the Agricultural Workers Act are revised periodically to keep them generally in line with rates ruling in other industries. For example, the wages provisions of an order in respect of orchardists made in 1955 were amended in March 1956 and again in January 1957.

Part IV. Variations of wage rates are publicised by the Department of Labour and also made known to farm employers and workers by their respective organisations. Section 17 of the Agricultural Workers Act provides for the maintenance by employers of prescribed wages and holidays records, which must be produced for examination by the Labour Inspectorate; employers may be required to verify entries in these records by statutory declaration.

Periodical visits are made by the Labour Department's inspectors to ensure that the correct rates are being paid and that any underpayments are recovered by the workers. An adequate staff of inspectors is employed for this purpose. Fines for underpayment of fixed wages and other contraventions of the Act are laid down in sections 18 and 21. Under section 19 inspectors may take proceedings for the recovery of underpayments on behalf of the workers concerned, this power being without prejudice to the workers' right to institute proceedings themselves.

New Zealand has already advised the I.L.O. of its acceptance of the Recommendation. It is considered that the New Zealand position is already so closely in line with the requirements of the Recommendation as to preclude the need for special legislative measures to ensure exact conformity.

Nicaragua.

See under Convention No. 99.

Norway.

See under Convention No. 99, subject to the following additional information :

It is considered that the wages at present paid to agricultural workers are at a level which fulfils the requirements of Paragraph 1 of the Recommendation.

Pakistan.

See under Convention No. 99.

Philippines.

Act No. 602 of 6 April 1951 to establish a Minimum Wage Law, and for other purposes (L.S. 1951—Phil. 1).

Code of Rules and Regulations to implement the Minimum Wage Law.

Part I of the Recommendation. Under section 4 (a) of Act No. 602 the Secretary of Labor may and, upon petition of six or more employees in any industry, must cause to be investigated the wages and living conditions in the industry ;

if thereupon he is of the opinion that a substantial number of employees receive wages less than sufficient to maintain health, efficiency and general well-being, he must appoint a Wage Board to fix a minimum wage for that industry. Under Chapter VI, article 1, sections 1 and 2, of the Code of Rules and Regulations, a Wage Board may also be appointed upon the recommendation of the Chief of the Wage Administration Service, whose duties in this respect are similar to those of the Secretary of Labor.

Part II. Wage Boards are composed of a member representing the public and two representatives each of employers and workers in the industry concerned. The latter are selected from lists submitted by employers and workers, or their organisations where such exist. Three members of the Board constitute a quorum, and its recommendations require a vote of a majority of all its members (section 5 (a) of Act No. 602 and Chapter VI, article 2, section 1, of the Code of Rules and Regulations).

Part III. No specific provision is made for the revision of minimum rates at appropriate intervals but the Secretary of Labor may initiate investigations of wage rates in any industry at any time.

Poland.

See under Recommendation No. 30.

El Salvador.

See under Convention No. 99.

Spain.

Labour Charter of 9 March 1938 (*L.S.* 1938—Sp. 1).
Charter of the Spanish People of 17 July 1945.

See under Convention No. 99, subject to the following additional information :

The Labour Charter provides (in Part III, paragraphs 1, 3 and 4) that remuneration for work shall not be less than the amount sufficient to enable the worker and his family to live a fitting and honourable life (this principle is also enunciated in the Charter of the Spanish People, section 27), that the workers' standard of living shall be raised gradually and steadily so far as the superior interest of the nation permits, and that the State shall lay down principles for the regulation of employment to which all individual employment relationship must conform.

In practice wage rates have been revised at intervals never exceeding two years, the two most recent revisions having taken place on 26 October 1956 and 25 June 1957. A Bill to be submitted to Parliament at its next session will provide that agreements made by employers' and workers' organisations regarding wages shall be subject to revision every two years.

It is considered that Spanish legislation makes provision for the matters covered by the Recommendation.

Sweden.

See under Convention No. 99.

Switzerland.

See under Convention No. 99.

Tunisia.

For legislation see under Convention No. 99.

Part I of the Recommendation. In fixing minimum wage rates the authorities take into account the necessity of enabling the workers concerned to maintain a suitable standard of living. The Order of 30 April 1956 has established three wage zones on the basis of their varying cost of living.

Part II. As to consultation of employers' and workers' organisations and the functions of the agricultural labour committees, see under Convention No. 99. The committees comprise, in addition to three representatives each of employers and workers, the Governor of the region (as chairman), the Agricultural Labour Inspector and the local agricultural officer, or their representatives.

Part III. Certain undertakings processing agricultural produce are subject to the system of wage fixing applicable to industry and commerce (see under Convention No. 99), and in their case the review of minimum rates by the appropriate committees can be called for by employers' or workers' organisations.

Part IV. See under Convention No. 99. The enforcement of social legislation in agriculture is the responsibility of the Agricultural Labour Inspectors (14 in number) of the Ministry of Social Affairs. Underpayment of fixed wages renders the employer liable to a fine amounting to 10 per cent. of the underpayment, without prejudice to the worker's claims.

It is considered that Tunisian legislation adequately meets the requirements of the Recommendation.

Turkey.

See under Conventions Nos. 26 and 99 and Recommendation No. 30, subject to the following additional information :

Part I of the Recommendation. In addition to the matters mentioned in the report on Recommendation No. 30, it is provided in regulation 3 of the Minimum Wage Fixing Regulations that local wage fixing boards shall also take into account the special nature of the work performed and the special conditions in the locality and the region concerned.

Part III. Although the legislation does not specifically provide for the revision of minimum rates at appropriate intervals, in practice minimum rates have frequently been revised, particularly at the request of workers' organisations.

Union of South Africa.

See under Convention No. 99.

U.S.S.R.

See under Convention No. 99.

*United Kingdom.**England and Wales.*

- Agricultural Wages Act, 1948 (L.S. 1948—U.K. 5).
- Agricultural Wages Board Regulations, 1949 (S.I. 1949 No. 1884).
- Agricultural Wages Committees Regulations, 1949 (S.I. 1949 No. 1885).

Scotland.

- Agricultural Wages (Scotland) Act, 1949.
- Agricultural Wages (Scotland) (Definition of Districts) Regulations (S.R. and O. 1937 No. 920-S49).
- Scottish Agricultural Wages Board Regulations, 1937, No. 1126/S65.
- Scottish Agricultural Wages Committees Regulations, 1937, No. 1127/S66.

Northern Ireland.

- Agricultural Wages (Regulation) Acts, 1939 and 1940.
- Agricultural Workers Holidays Act (Northern Ireland), 1956.
- Agricultural Wages Board (Term and Conditions of Office of Members) Regulations (Northern Ireland), 1940 (S.R. and O. 1940 No. 36).
- Agricultural Wages (Benefits or Advantages) Regulations (Northern Ireland), 1940 (S.R. and O. 1940 No. 37).
- Agricultural Wages (Notice of Filing, Cancelling or Varying of Minimum Rates of Wages) Regulations (Northern Ireland), 1940 (S.R. and O. 1940 No. 38).
- Agricultural Wages Board (Casual Vacancies) Regulations (Northern Ireland), 1940 (S.R. and O. 1940 No. 119).
- Agricultural Wages Board (Representation of Employers in Agriculture and of Workers in Agriculture) Regulations (Northern Ireland), 1940 (S.R. and O. 1940 No. 147).

Part I of the Recommendation. The Agricultural Wages Boards are under no statutory requirement to take prescribed factors into account in determining wage rates.

Part II. Minimum wages are fixed by entirely autonomous central bodies, the Agricultural Wages Board for England and Wales, the Agricultural Wages Board for Scotland and the Agricultural Wages Board for Northern Ireland. These boards comprise equal numbers of representatives of agricultural employers and workers, nominated directly by their respective organisations. They also include a chairman and independent members selected for their experience, integrity and judgment, without a material agricultural interest and fitted to carry out their responsibilities with complete impartiality, who are appointed by the Ministry of Agriculture, Fisheries and Food in England and Wales, by the Secretary of State in Scotland, and by the Minister of Agriculture in Northern Ireland. In board proceedings each member is accorded one vote, subject to the equalisation of the voting strength of the representative sides and to a second, casting vote by the chairman should occasion arise.

In addition to the boards, there are in England and Wales and in Scotland local Agricultural Wages Committees of tripartite composition similar to the central boards, which, while having no major role in the determination of minimum rates, are available for consultation by the board.

Part III. The central Wages Boards are not obliged to meet at any specified intervals to consider wage rates, this being in their discretion. In practice in England and Wales some eight to ten meetings are held each year. There is legislative provision in England and Wales

and in Scotland for meetings to be convened at the request of a specified number of members.

Part IV. The boards give effect to their decisions in fixing minimum rates by making separate orders for each Wages Committee area. The boards are required to give public notice of their proposals and of orders in such manner as they think fit. In practice notices are published in the local press and displayed in post offices and employment exchanges. Copies of proposals and orders are available free of charge to the public from secretaries of the boards or, in England and Wales, of the Wages Committees, and are also sent to the employers' and workers' organisations for distribution to their branch offices and members.

The Acts and Orders of the boards are enforced by an inspectorate under the direction and supervision of the Ministry of Agriculture, Fisheries and Food in England and Wales, the Department of Agriculture for Scotland and the Ministry of Agriculture for Northern Ireland. The inspectors investigate complaints and conduct test inspections on farms. The various Acts prescribe fines for underpayment of minimum wages, and provide that, on conviction, an employer shall also be ordered to pay underpayments for a specified period. Civil proceedings for the recovery of minimum wages may also be taken by the competent Ministry on behalf of the worker. These provisions are without prejudice to the right of the worker himself to claim arrears.

Inspectors have powers to require the production of wage sheets or other wage records, to enter premises for inspection purposes and to require workers and employers to give information with respect to employment of a worker or wages paid to him.

In Great Britain it is not considered appropriate or necessary to require the employer to keep written records of the wages paid in order to enable inspectors to carry out their duties efficiently. In Northern Ireland there is a statutory requirement for the maintenance of records by employers showing that the conditions of the board's orders are being complied with as regards the workers.

The Minister of Agriculture, Fisheries and Food—in Scotland, the Secretary of State—is responsible through his Department for the administration of the minimum wage legislation in agriculture, although in Scotland prosecutions are undertaken by the Crown Authorities. However, the function of determining minimum rates and of making orders giving them effect in law rests wholly with the central Wages Boards, assisted as occasion may demand by the advice of the Agricultural Wages Committees.

In Northern Ireland the Ministry of Agriculture is responsible both for the administration and enforcement of the legislation.

The Government has accepted the Recommendation, subject to a reservation in respect of Part I. It is entirely in the discretion of the boards to decide what factors to take into account in their deliberations, and it is not the boards' practice to disclose the factors which have influenced particular conclusions. It remains the intention of the Government not to accept any obligation to restrict or vary in any way the boards' complete discretion in these matters.

United States.

See under Convention No. 99.

Uruguay.

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. 12379 of 12 February 1957 fixing minimum wages for workers on dairy farms.

Special Acts and Decrees fixing minimum wages for wool shearers.

The Government refers to its first report on Convention No. 99¹, which was ratified by Uru-

¹ See International Labour Conference, 40th Session, Geneva, 1957, Report III (Part I) : *Summary of Reports on Ratified Conventions (Articles 22 and 35 of the Constitution)* (Geneva, I.L.O., 1957), p. 204.

guay on 18 March 1954, and supplies the following additional information :

Minimum wages in agriculture are fixed by special laws or, in some cases, by collective agreements.

In all cases the texts of laws, decrees and collective agreements are published in the official gazette. Employers must keep specified wages records, which are open to inspection by the inspectors of the National Labour Institute. The latter enforces the aforesaid laws, decrees and agreements. Provision is made for the imposition of penalties for underpayment of minimum rates, and for recovery of underpayments by legal process.

The trade union movement among agricultural workers is still in an early stage of development, but workers in rice fields and on dairy farms have recently become organised.

Yugoslavia.

See under Convention No. 99.

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	Federal Republic	New Zealand
Austria	of Germany	Norway
Belgium	Greece	Pakistan
Burma	Honduras	Philippines
Canada	Iceland	Portugal
Ceylon	India	El Salvador
Chile	Indonesia	Sweden
Costa Rica	Iran	Switzerland
Cuba	Ireland	Tunisia
Denmark	Italy	Turkey
Dominican Republic	Japan	Union of South Africa
Egypt	Luxembourg	United Kingdom
Finland	Mexico	United States
France	Morocco	

The Government of *Albania* has stated that copies of the reports which it has supplied have been communicated to the Central Council of Trade Unions and to the general managers of central undertakings.

The Governments of *Bulgaria* and *Poland* have stated that copies of the reports which they have supplied have been communicated to the Central Councils of Trade Unions of their respective countries.

The Government of *Czechoslovakia* has stated that copies of the reports which it has supplied have been communicated to the Central Council of Trade Unions and that, in the case of Convention No. 99 and Recommendation No. 89, copies of the reports have also been communicated to the Ministry of Agriculture and Forestry and the Agricultural Workers' Trade Union.

The Government of the *Netherlands* has stated that copies of the reports which it has supplied have been communicated to the Labour Foundation, on which the chief organisations of employers and workers are represented.

The Government of *Spain* has stated that copies of the reports which it has supplied have been communicated to the National Delegation of Trade Unions.

The Government of the *U.S.S.R.* has stated that copies of the reports which it has supplied have been communicated to the Central Council of Trade Unions and to the managements of the various undertakings.

The Government of *Yugoslavia* has stated that copies of the reports which it has supplied have been communicated to the Central Council of Trade Unions and to the Federal Industrial Chamber.

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INTERNATIONAL LABOUR CONFERENCE

FORTY-SECOND SESSION

GENEVA, 1958

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, 1958

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 Recommendations adopted by the Conference at its 39th Session, held in Geneva from 6 to 28 June 1956.

As the closing date of the 39th Session of the Conference was 28 June 1956, the period of one year provided for the submission to the competent authorities expired on 28 June 1957, and the period of 18 months on 28 December 1957.

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, 37th and 38th 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, 2 to 24 June 1954, and 1 to 23 June 1955. 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 40th Session of the Conference and which could not, therefore, be laid before the Conference at that session.

The report also 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 17 to 29 March 1958, the communications received from the governments, as stated in its report.

List of Texts Adopted by the Conference at Its 31st to 39th 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. 98).
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).

39th Session (1956).

Vocational Training (Agriculture) Recommendation (No. 101).
Welfare Facilities Recommendation (No. 102).

Summary of Information relating to the Submission to the Competent Authorities of the Recommendations Adopted by the International Labour Conference at Its 39th Session (Geneva, 1956) and Supplementary Information relating to the Texts Adopted by the Conference at Its 31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th Sessions (San Francisco, 1948 ; Geneva, 1949, 1950, 1951, 1952, 1953, 1954 and 1955)

Afghanistan

Convention No. 104 and Recommendations Nos. 99, 100, 101 and 102 have been transmitted to the Council of Ministers for approval and for referral to the National Assembly. However, the Persian translation of these texts contained certain discrepancies, and certain corrections proved necessary. As soon as these have been completed the instruments will again be submitted to the Council of Ministers in order that the Council may in its turn refer them to the National Assembly.

Albania

Convention No. 104 and Recommendations Nos. 98, 99 and 100, which were adopted by the Conference at its 37th and 38th Sessions, were submitted to the Praesidium of the People's Assembly in June 1957. In July of the same year the Government submitted for consideration by the same body the Conventions and Recommendations adopted by the Conference from its 31st to its 36th Session. Finally, in September 1957 the Government submitted to the Praesidium of the People's Assembly the texts of Recommendations Nos. 101 and 102, which had been adopted by the Conference at its 39th Session.

Under article 58, paragraph 9, of the Constitution of the People's Republic of Albania, the Praesidium of the People's Assembly is competent to ratify and denounce international treaties, so that it must be regarded as the competent authority within the meaning given to that expression in article 19 of the I.L.O. Constitution.

Argentina

Legislative power has been exercised by the Executive since the 1955 revolution. The Provisional Government has thought it advisable to exercise its legislative power sparingly and has confined itself to ratifying Conventions Nos. 18, 31, 68, 88, 90, 95, 98 and 100.

With regard to Recommendations Nos. 101 and 102, it being a principle of the Provisional Government to use its legislative power as sparingly as possible and in view of the fact that these instruments are less important, it has not thought it appropriate to take any action, preferring to leave this to the future National Congress.

Australia

In October 1956 the Minister of Labour and National Service laid before Parliament the report of the Government, Employers' and

Workers' delegates to the 39th Session of the Conference, which contained the texts of Recommendations Nos. 101 and 102.

Austria

On 28 May 1957 the National Council (Parliament) discussed and approved the proposals put forward by the Council of Ministers regarding the instruments adopted at the 39th Session of the Conference. According to the report submitted by the federal Government, which contains a detailed analysis of current Austrian legislation, Recommendation No. 101 is substantially and Recommendation No. 102 partially implemented. Both, however, contain provisions which call for consideration within the framework of the existing educational system (vocational training) and in connection with the improvement of relations in industry (welfare services).

Belgium

The Government has transmitted to the I.L.O. copies of a memorandum and a statement dated 9 January 1958 by the Ministry of Foreign Affairs addressed to the Chamber of Representatives and the Senate and submitting Recommendations Nos. 101 and 102, adopted at the 39th Session of the Conference. The Government's statement shows that, generally speaking, the provisions of Recommendation No. 101 are fully applied in Belgium and also emphasises the importance of this instrument for its non-metropolitan territories. As regards Recommendation No. 102, and with particular reference to private industry, the Government states that collective agreements are the best way of carrying into effect the provisions of this instrument. The statement also contains a general survey of current law and practice with regard to both Recommendations.

Bulgaria

Recommendations Nos. 101 and 102, which were adopted at the 39th Session of the Conference, were submitted to the Praesidium of the National Assembly in November 1957. The Praesidium states that since there are no indigenous or migrant workers within the meaning of Convention No. 104 and Recommendation No. 100 these instruments are not applicable to Bulgaria. The Government is making a study with a view to ratifying some of the Conventions adopted by the International Labour Conference at its earlier sessions.

Byelorussia

Recommendations Nos. 101 and 102, which were adopted by the Conference at its 39th Session, were submitted in May 1957 to the Council of Ministers of the Byelorussian Soviet Socialist Republic, which is the competent authority for dealing with the subject matter of these instruments. The Council of Ministers in turn communicated Recommendation No. 101 to the Ministry of Agriculture and Recommendation No. 102 to the Ministry of Commerce as well as to other ministries dealing with the subject matter of the two Recommendations. As the legislation in force in Byelorussia already guarantees to the workers the conditions laid down in these Recommendations, there has been no need to adopt any additional measures.

Canada

Recommendations Nos. 101 and 102 were submitted to the House of Commons and the Senate, together with a report by the Attorney-General, on 10 January 1957. In the Attorney-General's opinion measures can be taken with regard to both instruments by both the federal and the provincial authorities. On 22 January 1957 the Department of State communicated to the Lieutenant-Governors of the ten provinces of Canada the texts of the two above-mentioned Recommendations for submission to the respective provincial governments.

Ceylon

Recommendations Nos. 101 and 102 were submitted to the Chamber of Representatives and the Senate for consideration on 31 January and 19 February 1957 respectively. They were not accompanied by any proposal. The Government will examine both Recommendations in order to decide what action should be taken in the matter.

Chile

The Ministry of Labour proposed in November 1957 that an *ad hoc* committee should be appointed to review all aspects of the procedure for submitting Conventions and Recommendations to the competent authorities with a view to discharging the Government's outstanding obligations adequately and speedily. This committee, made up of the head of the Legal Department of the General Directorate of Labour and an official of the Ministry of Foreign Affairs, has already started work; its terms of reference are to suggest to the Ministry of Labour specific proposals as to measures to be taken.

China

The competent authority with regard to Recommendations Nos. 101 and 102 is the Ministry of the Interior, which is responsible for enforcing all labour legislation and can give effect, by administrative orders, to such provisions of both instruments as are considered to be appropriate and compatible with current legislation. However, any changes in labour law would have to be made by the legislature.

Both Recommendations are now being studied by the Department of Labour of the Ministry of the Interior. It is possible that administrative instructions will be issued in the near future to give effect to the general principles of both instruments, but it is not expected that any other action will be taken. Both texts will shortly be submitted to the Legislative Yuan.

Costa Rica

On 30 May 1957 the Government submitted to the Legislative Assembly Conventions Nos. 29, 81, 88, 93, 94, 95, 96, 97, 99, 100, 101, 102, 103 and 104. The Government has thus complied, as far as regards Conventions, with the requirements of article 19 of the Constitution of the I.L.O. The statement accompanying the foregoing Conventions contains a number of comments on current legislation, makes a comparative analysis of the Conventions themselves and contains the text of a Bill to ratify Conventions Nos. 29, 81, 88, 94, 95, 96, 99 and 100; the Government will in due course submit recommendations for the ratification of the six remaining instruments.

Cuba

The Ministry of Labour has forwarded the text of Recommendation No. 101 to the Ministry of State requesting that it should be submitted to the Congress of the Republic and to the Ministries of Agriculture and Education, which are competent to enact laws and issue regulations in relation thereto. Recommendation No. 102 was also forwarded to the Minister of State with a request that it should be submitted to the Congress of the Republic for consideration.

Czechoslovakia

Convention No. 104 and Recommendations Nos. 90, 98, 99 and 100 were submitted to the competent authority in the months of April, May and July 1957. These instruments were submitted not to the National Assembly, which is in principle the competent authority within the meaning of article 19 of the I.L.O. Constitution, but to the Government itself, which in this case must be regarded as competent in the matters with which these instruments deal. The provisions contained in the first three Recommendations are already applied in Czechoslovakia under existing legislation, so that it has not been necessary to adopt further provisions for the purpose. As regards Convention No. 104 and Recommendation No. 100, the Government states that these instruments are not applicable to Czechoslovakia.

Denmark

The report of the Danish delegation to the 39th Session of the Conference, which contains Recommendations Nos. 101 and 102, was submitted to Parliament on 26 January 1957, together with a statement by the Minister of Social Affairs. This statement makes it clear that the Ministry of Labour and Social Affairs intends to communicate with the appropriate

authorities and organisations with a view to examining the scope of the existing legal provisions and to ascertain whether it would be advisable, having regard to conditions in Denmark, to take measures to bring national law and practice into conformity with the provisions of the two Recommendations.

A recent letter from the Ministry of Labour and Social Affairs gives a detailed survey of current Danish legislation relating to welfare services. It also mentions that the provisions of Recommendation No. 102 are fully borne in mind during the negotiation of collective agreements and by the works committees of individual undertakings.

Dominican Republic

Recommendations Nos. 101 and 102, which had been adopted by the Conference at its 39th Session, have been submitted to the National Congress.

Egypt

Recommendations Nos. 101 and 102 have been submitted to the Council of Ministers for consideration.

Finland

Recommendations Nos. 101 and 102, which were adopted by the Conference at its 39th Session, were submitted to Parliament by a communication dated 30 December 1957. This communication included a detailed study of the existing law and practice in Finland, and concluded with the statement that, since the principles enunciated in the two instruments were on the whole in force in that country, the Government did not intend for the time being to take any further measures.

France

Recommendations Nos. 101 and 102 have been submitted to the Labour Committee of the National Assembly. In a note concerning the application of these two instruments the Government states that legislation dealing with training and apprenticeship in agriculture has, since the promulgation of the basic Act of 2 August 1918, steadily developed along lines similar to those laid down in Recommendation No. 101. The measures taken in the agricultural sector are based on the needs of the various classes of agricultural workers and take account of the variety of conditions under which they work. The Decree of 20 May 1955 represents a great step forward, and it is hoped that the programme which it lays down, when fully implemented, will lead to substantial improvements in the field of vocational training in agriculture. Under the same decree the Ministry of Agriculture is establishing in the various regions "centres for agricultural progress" which will constitute a powerful stimulus towards the improvement of the technical qualifications of agricultural workers of all ages and classes.

As a rule, welfare services of the type contemplated in Recommendation No. 102 are of a comparatively high standard, equal to that laid down in the Recommendation. Under

the control of the works committees, which French legislation makes partly or wholly responsible for the management of welfare services, the various services provided for in the Recommendation are developing satisfactorily. The same may be said of the facilities afforded by suburban public transport services for the transportation of workers to and from work.

Federal Republic of Germany

The texts of Recommendations Nos. 101 and 102, which were adopted by the Conference at its 39th Session, were submitted to both Chambers of Parliament on 26 December 1957. In its message with regard to these instruments, the Government makes a detailed analysis of the existing German legislation, which incorporates the principles laid down in the two instruments. On the subject of Recommendation No. 101 the Government states that questions regarding agricultural education in schools lie within the competence of the states (Länder), and expresses the hope that the states will in future bear in mind the principles embodied in this instrument. As regards Recommendation No. 102 the Government states that at the moment it intends to take no further measures to give effect to the instrument.

Guatemala

The Ministry of Labour and Social Welfare is making a study of the Conventions and Recommendations that have not yet been submitted to the competent authorities with a view to laying them before the Congress of the Republic for consideration in due course.

Honduras

On 2 September 1957 the Secretariat for Labour and Social Welfare submitted Recommendations Nos. 101 and 102, which were adopted at the 39th Session of the Conference, for consideration by the Government Military Junta. Among the powers vested in the latter is that of passing legislation.

Hungary

The instruments adopted by the Conference at its 39th Session have been submitted to the competent authority, i.e. the Presidential Council of the People's Republic of Hungary.

India

The texts of Recommendations Nos. 101 and 102, which are appended to the report of the Indian Government delegation to the 39th Session of the International Labour Conference, were submitted to Parliament in May 1957. In accordance with established practice, copies of both instruments were also sent to the state governments, the competent departments of the Central Government and the all-Indian employers' and workers' organisations, with a request for their views on whether it was appropriate and feasible to give effect to these instruments. Once the comments of all

the above-mentioned bodies had been received, a statement giving an account of the relevant existing law and practice was prepared. This statement was considered by the tripartite Committee on Conventions in July 1957. Finally, the statement was submitted, together with copies of the two Recommendations, to the two Chambers of Parliament on 14 and 20 August 1957 respectively. The Government's statement declares that at the moment it is not intended to take any special steps to give effect to Recommendation No. 101, certain provisions of which are already implemented under national law and practice. As regards Recommendation No. 102, the Government states that the principles it contains will be taken into account within the framework of the general policy of extending welfare facilities for the workers, but that at the moment it is not intended to take any kind of special measures.

Indonesia

In accordance with article 19 of the Constitution of the I.L.O., the Ministry of Labour has submitted Convention No. 100 to the competent authorities—in this instance the Cabinet and Parliament of the Indonesian Republic—together with a request for its ratification.

Ireland

Recommendations Nos. 101 and 102, which were adopted at the 39th Session of the Conference, were submitted to the Government on 7 March 1957 and to Parliament (*Oireachtas*) on 27 March 1957. The two instruments were also brought to the attention of the departments mainly responsible for proposing legislation on the subjects concerned.

Italy

On 24 January 1958 the Government submitted Recommendations Nos. 101 and 102, which were adopted at the 39th Session of the Conference, to the Senate of the Republic and the Chamber of Deputies. In accordance with the procedure employed in previous years, these instruments were duly communicated to the employers' and workers' organisations, to the state administrative services and other interested bodies so as to give them an opportunity of expressing their views and pointing out any difficulties they might see as regards the acceptance of the instruments either wholly or in part. On this basis, the Government has produced a statement summarising the provisions of the two Recommendations and stating its decision to accept them.

Recommendation No. 101 is based on principles corresponding, to a considerable extent, to those underlying the Italian school system and the vocational training facilities available in agriculture. The Government has assured the Chamber that any action taken in this field in future will be based, as far as possible, on the principles of this Recommendation provided that the latter are not at variance with the national system. The Government replies along similar lines with regard to Recommendation No. 102, the principles and standards

of which are also similar to those of Italian legislation. The scope here is wider since the provisions of this second instrument can to a large extent be put into effect by collective agreements or other local contractual arrangements.

Japan

The Japanese texts of Recommendations Nos. 101 and 102 were submitted to the Diet on 1 April 1957, together with a written explanation.

Morocco

Recommendations Nos. 101 and 102, which were adopted at the 39th Session of the Conference, have been submitted to the competent authority, namely the President of His Majesty's Government. The Government states that draft decrees (*Dahirs*) and legislation, after consideration by the Government, are submitted for final approval to the King, in whom legislative power is vested.

Netherlands

On 28 December 1957 the Ministry of Social Affairs and Public Health submitted Recommendations Nos. 101 and 102 to the President of the Second Chamber of the States General (Parliament), together with a statement in which the provisions of these two instruments were examined in relation to legislation and practice in the Netherlands. As regards the Vocational Training (Agriculture) Recommendation (No. 101) the Government indicates that the national provisions meet and in certain cases even go beyond its requirements. With respect to the Welfare Facilities Recommendation (No. 102) the Government indicates that national legislation and practice accord with its provisions on certain points, but in other respects differ therefrom or contain no corresponding provisions. The texts of both instruments have also been communicated to the Governments of the Netherlands Antilles, Netherlands New Guinea and Surinam.

New Zealand

Recommendations Nos. 101 and 102, which were adopted at the 39th Session of the Conference, were submitted to the House of Representatives on 17 October 1956 as appendices to the report of the Government delegation to this session of the Conference. The New Zealand Government has accepted both Recommendations inasmuch as they do not conflict with current legislation, apart from a few minor exceptions in the case of Recommendation No. 102.

Norway

On 25 January 1957 the Government submitted the texts of Recommendations Nos. 101 and 102 to Parliament (*Storting*) together with a statement reviewing current law and practice regarding the provisions of both instruments. The recommendations put forward by the Government in this statement were unanimously endorsed by Parliament on 29 March

1957; accordingly the Government states that it now accepts Recommendation No. 101 although, for the time being, it does not propose to take any further action with regard to Recommendation No. 102.

Pakistan

On 28 November 1957 the Government made a statement to the National Assembly explaining its position with regard to Convention No. 104 and Recommendations Nos. 99 and 100, which were adopted at the 38th Session of the Conference. It stated that these three instruments had been examined by the Tripartite Labour Conference which met in Karachi in May 1956. The Government also stated that it did not intend to ratify the Convention or to accept these Recommendations because the former instrument was of no interest to Pakistan, while the latter contained provisions which could not be put into effect owing to the country's economic circumstances or the Government's lack of resources.

Philippines

The Department of Labour has submitted Recommendations Nos. 101 and 102 to the President of the Republic for consideration, together with a message to Congress requesting the passing of suitable legislation to implement the provisions of these two instruments.

Rumania

In accordance with the provisions of article 19 of the Constitution of the I.L.O., Recommendation No. 101 was submitted in November 1956 to the Ministry of Agriculture. Recommendation No. 102 was submitted in February 1957 to the State Committee for Manpower and Wage Questions.

El Salvador

The Department of Labour and Social Security is at present considering the texts of Convention No. 104 and Recommendations Nos. 99 and 100, with a view to submitting them at an early date to the competent authorities.

Spain

Recommendation No. 101 has been submitted to the Ministries of Education and Agriculture, which are the competent authorities for dealing with the matter to which this instrument relates. Recommendation No. 102 has been submitted to the Directorate-General of Labour, within whose competence the matter lies.

Sudan

Recommendations Nos. 101 and 102, which were adopted at the 39th Session of the Conference, were submitted to the competent authority (viz. Parliament) at its June 1957 session together with a statement explaining the obligation imposed by article 19 of the Constitution of the I.L.O. The Government also states that the competent authority in the case of Sudan is Parliament, which is the highest legislative authority in the country.

Sweden

In a message dated 21 December 1956 the Government submitted to Parliament (the *Riksdag*) the texts of the instruments adopted at the 39th Session of the Conference. In its message the Government stated that the provisions of Recommendation No. 101 should be borne in mind in future with regard to vocational training in agriculture and that the Recommendation should be brought to the notice of the Agricultural Education Committee and the Agricultural Advisory and Information Committee, which were set up by the Government in 1955 and 1956 respectively. As regards Recommendation No. 102, the Ministry of Social Affairs suggests that Swedish legislation should be strengthened in certain respects and that the text of the Recommendation should be examined in the first instance by the Workers' Protection Board so that regulations issued by the latter can be based on the Recommendation's principles. On 12 February 1957 the Agricultural and Legislative Committees of Parliament approved the Government's statement on these two instruments, and their decision was endorsed by the plenary session of Parliament on 26 February 1957.

Switzerland

At its session on 2 May 1957 the Federal Assembly unanimously endorsed the report of the federal Government containing the texts of the instruments adopted by the Conference at its 39th Session. This report stated that Switzerland was in a fortunate position since vocational training in agriculture had reached, if not exceeded, the standard laid down in Recommendation No. 101. The services listed in Recommendation No. 102 had been set up in Switzerland either by law or voluntarily. In short, the provisions of both Recommendations were fully carried out both in law and in practice and no further action was required.

Syria

Recommendation No. 102 was submitted to the Council of Ministers in July 1957. Under the national constitution, the Council of Ministers is the competent authority to take decisions on Recommendations. Recommendation No. 101 is at present being translated into Arabic and will be submitted to the competent authority at an early date.

Thailand

Recommendation No. 101 is now under consideration by the Ministry of Agriculture. The new Labour Act which came into force on 1 January 1957 does not cover all the provisions of Recommendation No. 102, the text of which is being translated for submission to the National Assembly with a view to the adoption of appropriate legislation.

Tunisia

Recommendations Nos. 101 and 102, which were adopted at the 39th Session of the Conference, have been submitted to the President

of the Republic, the competent authority by virtue of Act No. 57-1 of 29 July 1957, which amends the Decree of 21 September 1955 on the provisional organisation of government. A proposal has been made that both Recommendations be adopted, as the existing institutions in this field already give effect to most of the measures provided for in these instruments.

Turkey

The texts of Recommendations Nos. 101 and 102, which were adopted by the Conference at its 39th Session, were submitted to the Grand National Assembly of Turkey in the course of the budget debate of 1957.

Ukraine

Recommendations Nos. 101 and 102, which were adopted by the Conference at its 39th Session, were submitted in May 1957 to the Council of Ministers of the Ukrainian S.S.R., which is the competent authority within the meaning of article 19 of the I.L.O. Constitution. The Council of Ministers in turn submitted both texts to the ministries and authorities of the Republic responsible for the subjects dealt with in these instruments, for their consideration. Since the conditions of work of workers in the Ukraine are more favourable than those provided for in the above-mentioned Recommendations, there has been no need to adopt any measures to give effect to these instruments.

U.S.S.R.

The texts of Recommendations Nos. 101 and 102, which were adopted by the Conference at its 39th Session, were submitted to the Council of Ministers of the Union of Soviet Socialist Republics in April 1957. The Council of Ministers is the "competent authority" within the meaning of article 19 of the I.L.O. Constitution for the matters dealt with in these instruments. Recommendation No. 101 was in turn forwarded by the Council of Ministers to the Ministry of Agriculture, the Ministry of State Farms and the Directorate General of Manpower Reserves, which is under the authority of the Council of Ministers. Recommendation No. 102 was forwarded to the Ministry of Commerce and to the other ministries responsible for industrial matters. The provisions of these Recommendations do not call for the adoption of special measures, since the legislation in force in the Soviet Union already fully guarantees to workers the benefits mentioned in them.

Union of South Africa

Recommendations Nos. 101 and 102 have been submitted to the Executive Council. On 17 October 1956 the latter decided that in view of the state of development of the vast majority of agricultural workers it would not be appropriate to introduce legislation on vocational training in agriculture of the kind contemplated by Recommendation No. 101. It also decided that while the Union Government endorsed the provisions of the Welfare

Facilities Recommendation (No. 102), legislation on this subject would not achieve the desired effect and should not therefore be contemplated for the time being. The two Recommendations were submitted to the House of Assembly and the Senate on 24 and 28 January 1957 respectively.

United Kingdom

In November 1957 the Government submitted to Parliament a White Paper dealing, among other things, with Convention No. 104 and Recommendations Nos. 100, 101 and 102.

As regards Convention No. 104, the Government states that in the United Kingdom and the great majority of the non-metropolitan territories for which she is responsible no penal sanctions for breaches of employment contracts exist and that the Convention therefore has no practical application there. In the few non-metropolitan territories where penal sanctions still exist it is not yet possible to undertake to abolish them within the period of one year laid down in the Convention. The Government therefore does not propose at present to ratify the Convention.

While Recommendation No. 100 does not concern the United Kingdom directly, it does concern the non-metropolitan territories for which the United Kingdom is responsible. It has therefore been brought to the attention of the governments concerned, the majority of which consider the basic principles of the Recommendation to be acceptable.

The law and practice of the United Kingdom are generally in conformity with the provisions of Recommendation No. 101, with the exception of paragraphs 10 (1) and 23 (2), which deal respectively with agricultural teaching in rural secondary schools and the determination of the hours of work of apprentices by legislation, regulations, arbitration award, collective agreement or decision of special bodies entrusted with the task. In the United Kingdom the Government does not prescribe the contents of school curricula, and the hours worked by apprentices in agriculture are determined by agreement between the parties concerned. Subject to reservation on these two points, the Government proposes to accept the Recommendation.

Finally, the Government proposes to accept Recommendation No. 102 (the broad objectives of which are achieved in the United Kingdom either by law or by other means permitted by the Recommendation), subject to certain reservations as regards paragraphs 24, 27 and 28.

United States

The Government states that the procedure for submitting Recommendations Nos. 101 and 102 to the competent authorities was initiated some time ago and that it expects it will be completed in or about May 1958. The information requested in the memorandum adopted by the Governing Body would then be forwarded.

Uruguay

On 26 December 1956 the Ministry of Industry and Labour forwarded to the Ministry

of Foreign Affairs a file on Recommendations Nos. 101 and 102, adopted by the Conference at its 39th Session, with a view to sending a message to the General Assembly for approval by the Legislature, but this formality has not yet been completed.

Viet-Nam

The Secretariat of State for Labour has submitted Convention No. 104 and Recommendations Nos. 99, 100, 101 and 102, which were adopted at the 38th and 39th Sessions of the Conference, for consideration by the President of the Republic. Recommendation No. 99 has led to the issue of special instructions, in a circular dated 31 May 1956, from

the President of the Republic to the government departments concerned, which are requested to have regard to its provisions in drafting a decree defining the vocational training and rehabilitation rights of disabled persons.

Yugoslavia

Recommendations Nos. 101 and 102, adopted by the Conference at its 39th Session, were submitted to the competent authorities on 31 December 1956. On 5 November 1957 the Government accepted Recommendation No. 102. Recommendations Nos. 99 and 100, adopted at the 38th Session of the Conference, were accepted on 24 September 1957.



INTERNATIONAL LABOUR CONFERENCE

FORTY-SECOND SESSION
GENEVA, 1958

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
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GENEVA, 1958

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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, held its 28th Session in Geneva from 17 to 29 March 1958. The Committee has pleasure in presenting its report to the Governing Body.

2. Since the Committee's last meeting Mr. Georges SCELLE has, for reasons of health, resigned his membership of the Committee. Mr. SCELLE had been a member of the Committee since 1937 and the Committee, in expressing its regret at the reasons for his resignation, wishes to place on record its thanks to him for his valued collaboration in its work and for his eminent services over many years in the work of the Organisation.

3. The Governing Body, at its 138th Session (March 1958), appointed Mr. Henri BATIFFOL, Professor of Private International Law at the University of Paris, to membership of the Committee and the Committee welcomed him to its present session.

4. The composition of the Committee is now as follows:

Sir 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. Henri BATIFFOL (France),
Professor of Private International Law at the Faculty of Law of the University of Paris; Honorary Dean of the Faculty of Law of the University of Lille; Deputy Director of the Institute of Comparative Law of the University of Paris; Member of the Institute of International Law; President of the French Committee on Private International Law;

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; former Professor at the Academy of International Law of The Hague, 1933 and 1937; Corresponding Member of the Institute of France (Academy of Moral and Political Sciences); Corresponding Member of the Academy of Legislation of Toulouse; former Member of the Directorate of the Society of Compared Legislation of Paris;

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),
Executive Vice-President, American Arbitration Association; Associate Dean, Graduate School of Public Administration, Harvard University, 1953-57; 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; Chairman of the International Section, American Society for Public Administration;

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; 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. 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 regretted that two of its members were unable to participate in the present session. Sir Grantley ADAMS was prevented from attending because of pressure of work in his own country in connection with the inauguration of the new British Caribbean Federation, and Mr. RAPPARD was unable to attend owing to reasons of health.

6. The Committee elected Mr. TSCHOFFEN as Chairman and Mr. KIRKALDY as Reporter of the Committee. 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.

8. The present year has seen a further increase in the volume of work coming before the Committee. This results, as in the past, from further additions 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. From 1 January to 31 December 1957, 115 new ratifications were registered, bringing the total number of ratifications at the end of 1957 to 1,765; by the time the Committee met that number had risen to 1,799. The number of new declarations affecting non-metropolitan territories which were communicated

during the same period was 29, of which 18 provided for application without modification of the Convention to the territory in question. Moreover, as indicated below in the present report (paragraph 23), a great number of such declarations were received at a very recent date. 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. In its last report the Committee referred to the fact that a considerable number of observations it had felt called upon to make in the past related to requests for additional information or other similar matters. Many of these requests were concerned with points not of principle but of a technical and detailed nature and of necessity were sometimes of considerable length so that the bulk of the Committee's report, encumbered by such requests, tended to obscure the matters of more fundamental importance which it contained. Moreover, such requests were more suitable for written reply by the governments concerned than for oral discussion with their representatives in the Conference Committee on the Application of Conventions and Recommendations. The Committee therefore decided that, unless special circumstances suggested other action, such requests formulated by the Committee need not in future be included in its printed report but could be conveyed by the International Labour Office direct to the governments concerned for reply in their next reports. The Committee was pleased to note that this procedure commended itself to the 1957 Conference Committee, which considered that it would prove helpful both to governments and to the Conference Committee itself. The Committee of Experts has accordingly this year applied the new procedure and points which it considered suitable for requests addressed directly to governments are not included in its present report but will be sent by the Office direct to the governments concerned on behalf of the Committee of Experts. Each case, however, where such a request has been made is noted for purpose of reference under the appropriate Convention in Part Two of the present report. The information, when received by the Committee, will enable it to judge whether any observations are then called for; if so, such observations will be included in the future printed reports of the Committee. The Committee will not hesitate, however, to include in its printed report, as it has done this year, full reference to such cases when there has been repeated failure on the part of governments to comply with a request for further information, or when other special circumstances seem to call for such action.

11. The Committee has considered a suggestion discussed in last year's Conference Committee that the observations made by the Committee of Experts in its report should be arranged by countries rather than by Conventions. The Committee does not believe that this proposal would contribute to the clarity of its report, which is based on the principle of reviewing standards of conformity of all ratifying countries in relation to the specific subject matter of the individual Conventions. In so far, however, as a means of ready reference is required by the Conference Committee to all the observations, etc., relating to any specific country, it may be pointed out that for a number of years the Committee has included at the end of its report an index to its observations, etc., arranged by countries. The present report again includes such an index.

12. In the course of its present session, the Committee was informed that a communication had been received by the Director-General of the International Labour Office from the United Arab Republic. This communication indicates that the United Arab Republic is a single Member of the United Nations and of the International Labour Organisation and is bound by the stipulations of the Charter of the United Nations and the Constitution of the International Labour Organisation, and that all treaties and international arrangements concluded by Egypt and Syria will remain valid within the limits prescribed at the time of their conclusion and in full agreement with the principles of international law. The Committee took note of this communication which confirms the obligations of the United Arab Republic under the international labour Conventions ratified by Egypt and Syria prior to its formation. As the reports coming before the Committee referred to a date before the formation of the new Republic, the Committee's observations and requests, which had been formulated prior to receipt of the communication from the United Arab Republic, appear in the present report under the separate names of the former States (Egypt and Syria). It should, however, be understood that the observations and requests in question are now addressed to the United Arab Republic.

III. Reports Submitted by Governments on Ratified Conventions

(a) *Supply of Annual Reports*

13. The reports which came before the Committee this year related to the period 1 July 1956 to 30 June 1957. The Committee also had before it a number of reports for the preceding year which arrived too late for examination by it at its previous session or by the 1957 Conference Committee on the Application of Conventions and Recommendations. For the period 1956-57, the governments were called upon to supply a total number of 1,418 reports in respect of the application of 85 Conventions then in force for 68 States.

14. Up to the date of the present session of the Committee the Office had received 1,300 reports, i.e. 91.7 per cent. A list showing the reports received, classified according to countries and Conventions, is given in Part Two (Chapter VII, Appendix I) of this report. There is also given in Part Two (Chapter VII, Appendix II) a table showing for each year since 1933 in which the Committee has met the number and percentage of reports which were received for the meeting of the Committee and for the session of the International Labour Conference. 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.

15. It will be noted that the number of reports received by the time the Committee met this year is the highest on record but that the percentage of reports due which were received is slightly less than last year. This slight reduction may be the result of the fact that the session of the Committee took place somewhat earlier this year. The continued receipt of this high percentage of the reports due is a welcome sign of the recognition by member States of one of the fundamental obligations they have undertaken in virtue of their membership of the Organisation. On the other hand, it is particularly regrettable that the percentage of reports received by the date requested

is the lowest on record since 1948-49, when this figure was first recorded. The delay in supplying reports, many of which every year come to hand only shortly before the beginning of the session of the Committee, seriously impedes the preparatory work which has to be undertaken before the Committee meets, prevents the reports in question being sent to the members of the Committee in advance of the session and renders their thorough examination by the Committee difficult.

16. Of the 68 countries which were called upon to supply reports, 53 submitted all those requested. On the other hand, no reports at all have so far been received for the year in question from eight countries: Bolivia, Brazil, Colombia, Guatemala, Liberia, Peru, Syria, Venezuela.

17. First reports since ratification of the relevant Conventions were received from 28 countries. In some cases these reports, however, were received only a short time before the opening of the meeting of the Committee and the Committee would in connection with these reports emphasise the remarks made in the preceding paragraphs regarding the importance of supplying reports by the due date. This is a matter of particular importance in the case of first reports, in view of the large amount of preparatory work which has to be done in connection with them and the specially detailed examination which the Committee makes of such reports. Five countries which were due to supply first reports on certain Conventions for submission to the Committee this year have failed to do so, i.e. Argentina (No. 18); Burma (Nos. 17, 29, 87); Ghana (No. 65); Greece (No. 102); and Viet-Nam (No. 26). First reports from Bolivia on Conventions Nos. 26, 42 and 96, which were due for the period 1955-56, have still not been received.

18. Voluntary reports (reports on Conventions which are not in force for the country concerned) were submitted by Belgium (Nos. 54, 57); Canada (No. 68); Indonesia (No. 98); New Zealand (Nos. 47, 61, 104); and Uruguay (Nos. 54, 93, 96).

19. In connection with the question of assessing the extent of practical application of ratified Conventions, the Committee would again draw attention to the importance it attaches to full information being supplied to enable it to perform this task. It is a task of at least equal importance with that of assessing the extent of conformity of national legislation with ratified Conventions. In dealing with this matter the Committee has had to rely mainly on replies given by governments to the questions in the annual report forms 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 has noted that an increasingly large number of countries have adopted the practice in recent years of making their reports on ratified Conventions exceedingly brief. In some cases they consist merely of a statement that no change has taken place since the preceding year. In the absence of the adoption of new legislation in regard to the subject matter dealt with in the Convention, such a reply may be adequate so far as questions of legislation are concerned. It is frequently quite inadequate as a reply to the questions concerning practical application and in many cases, particularly in relation to matters of a statistical nature, is obviously incorrect. The Committee would therefore emphasise the importance

which it attaches to the supply by governments of adequate and up-to-date information on matters of practical application in the form requested in the annual report forms.

20. In dealing with matters of practical application, the Committee has also emphasised in the past the assistance which observations from organisations of employers and workers could afford the Committee. The 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. They are further 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. If so, they are invited to forward them to the International Labour Office and to add any comments they may wish to make. The number of such observations coming before the Committee has always been very small and the Committee has always been at a loss to understand why this should be so. In the great majority of cases the absence of such observations no doubt results from the organisations concerned being fully satisfied with the conformity of national law and practice with ratified Conventions. The Committee finds it hard to believe, however, that that can be the reason in all cases. This year, however, the Committee had before it a certain number of observations from employers' or workers' organisations forwarded to the International Labour Office by Austria, France, the Federal Republic of Germany, Greece and Israel, including one from an organisation in a non-metropolitan territory.

(b) *Examination of Reports by the Committee*

21. 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 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. They will be found in Part Two of this report, together with a brief reference to the cases in which requests, in accordance with the procedure referred to in paragraph 10 above, were formulated to be addressed directly to the governments concerned.

IV. Application of Conventions in Non-Metropolitan Territories

22. In conformity with its terms of reference, the Committee was also called upon to examine the information and reports on the measures taken by member States in accordance with article 35 of the Constitution and reports on the application of Conventions.

Measures Taken in Accordance with Article 35

23. The Committee notes with interest that, since its last session, 196 declarations regarding the application or acceptance of Conventions concerning non-metropolitan territories (including 158 received during the present session of the Committee) have been

communicated to the Director-General of the International Labour Office and registered. As the Committee has already emphasised on several occasions, under article 35, paragraph 2, of the Constitution member States responsible for non-metropolitan territories are obliged to communicate declarations "as soon as possible" after each ratification. Although the Constitution does not lay down a specific period within which such declarations must be communicated, it is desirable that all member States concerned should endeavour to reduce the delay to a minimum. While fully conscious of the studies, often long and detailed, which must precede the communication of such declarations by member States responsible for the international relations of a large number of territories which have attained very varied degrees of economic and social development, the Committee nevertheless considers that it should be possible to communicate the declarations prescribed by article 35 of the Constitution within a maximum period of five years after the registration of the ratification of a Convention. That is why the Committee expresses the hope that, when it proceeds in 1960 to make a new five-yearly examination of the progress made in applying Conventions in non-metropolitan territories, all the Conventions which were ratified by member States prior to the previous five-yearly examination in 1955 will have been the subject of declarations as prescribed by article 35.

24. As regards territories falling within paragraph 4 of article 35, the Committee has noted with interest information furnished by a member State responsible for the international relations of such territories, in response to the appeal which it made in 1957 in its report, according to which information the texts of the Conventions ratified by that State have been communicated to the competent authorities in the territories concerned in order that those authorities may "enact legislation or take other action".

Reports Examined

25. The Committee was called upon to examine again this year the reports furnished by member States:

- (a) pursuant to article 22 of the Constitution, on the application of all ratified Conventions in non-metropolitan territories covered by paragraphs 1, 2 and 3 of article 35;
- (b) pursuant to article 35, paragraph 6 and article 22 of the Constitution, on the application of Conventions accepted on behalf of territories covered by paragraph 4 of article 35;
- (c) in respect of the same territories, pursuant to article 35, paragraph 8, on Conventions not accepted on behalf of such territories.

26. The Committee had before it 2,918 reports out of a total of 3,850 reports requested, the proportion of all reports received thus representing 75.8 per cent. The Committee notes with satisfaction that several member States responsible for non-metropolitan territories have furnished all or nearly all the reports requested. Statistics of reports requested and received will be found in the table appended to Chapter VIII in Part Two of this report. As the Committee relies on the receipt of these reports in order to perform its task, it must stress once again the great interest attaching to the supply by governments in future of reports in respect of every territory on the application of all Conventions which they have ratified.

Presentation of Reports

27. Once again the Committee must urge that reports relating to non-metropolitan territories communicated pursuant to article 22 or the different provisions of article 35 of the Constitution should contain all information available on the practical application of Conventions: the number of persons protected by the legislation and the regulations giving effect to Conventions; the number of contraventions reported; extracts from inspectors' reports; decisions of the courts, etc., in accordance with questions contained in the forms of report approved by the Governing Body.

Convention No. 82: Social Policy (Non-Metropolitan Territories), 1947

28. 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). It noted with interest the very detailed information contained in many of the reports on the application of this Convention. The Committee found, however, that despite the often voluminous nature of this documentation it was impossible, in view of the particular nature of this Convention, to decide on the basis of the information received to what extent governments are endeavouring to fulfil the obligations which they have accepted: in fact, with the exception of some Articles¹ with respect to which it is possible to determine to what extent local legislation and regulations are in conformity with the provisions of the Convention, the other Articles of this instrument define, often in general terms, the aims which should guide the social policy of governments of non-metropolitan territories. The result is that the Committee has not found it possible, on the basis of the analysis of the legislation and regulations in force, to determine, in the light of information relating to practical application covering a period of 12 months or even 24 months, whether the measures taken by a government will enable it to attain the aims of social policy assigned to it by the Convention.

29. Accordingly, the Committee decided to proceed as follows:

- (a) with regard to those provisions of the Convention to which effect may be given by laws or regulations, the Committee will endeavour, as in the case of other Conventions, to indicate to the governments the points with respect to which it would be appropriate to amend their legislation in order to bring it into conformity with the Convention;
- (b) with respect to other provisions of the Convention which define this or that aim of the social policy of the governments concerned, the Committee will endeavour periodically, after examining for this purpose the information furnished by the member States, to present a general study relating to one or other of the points in question under the Convention; it will attempt in that study to distinguish the predominant features of the evolution which has taken place from the social point of view in the territories in question, during the period under review, and will indicate the measures adopted by the different governments to attain the aims laid down in the Convention.

Maritime Conventions

30. Already in 1955 the Committee had noted that in many cases reports concerning the application of Maritime Conventions in non-metropolitan territories merely stated that the metropolitan legislation was applicable. On that occasion the Committee had asked the governments concerned to supply certain additional information. The Committee has found that in most cases governments did not supply the information requested. While it recognises the difficulties which may be encountered by the local or territorial administrations responsible for drafting such reports owing to the fact that in some cases the application and supervision of the legislation in force may be entrusted to another department with special responsibility for maritime questions, the Committee feels it must urge that reports relating to the application of Maritime Conventions in non-metropolitan territories should correspond to the report forms adopted by the Governing Body and should in particular supply the following information:

- (a) the laws and regulations that apply (together with a statement, when such laws and regulations are those of the metropolitan country, indicating under what provisions their application has been extended to the territories); and
- (b) information regarding the practical application of the Convention, particularly the number of ships on the territory's registry and so far as possible the number of workers to whom the legislation in question applies.

Labour Inspection

31. Among the declarations on the application of ratified Conventions in non-metropolitan territories, which the United Kingdom Government communicated to the International Labour Office during the course of the present session, figured a number of declarations concerning the application of the Labour Inspection Convention, 1947 (No. 81) in territories where the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85) was previously in force. The great majority of these declarations provide for the application of Convention No. 81—with the exclusion of its Part II (Labour Inspection in Commerce) as permitted under Article 25 of the Convention—in the territories concerned without any modification under article 35 of the I.L.O. Constitution.

32. In accordance with Article 9 of Convention No. 85 these declarations for the application of Convention No. 81 will supersede those covering Convention No. 85. Because the obligations under Convention No. 81, while more detailed in character, will thus relate solely to the inspection of industrial workplaces, whereas Convention No. 85 relates to the enforcement of any labour legislation protecting persons employed in industry, commerce and agriculture, the Committee finds that the group of workers to which the new declarations relate is liable in certain cases to be smaller than that covered by the declarations previously in force. In drawing attention to this fact the Committee expresses the hope that governments which make declarations for the application of the general Convention No. 81 in respect of territories where the non-metropolitan Convention No. 85 was previously in force will continue to make available in future information on labour inspection in all the branches of the economy where workers enjoy legal protection. The receipt of this information would

¹ See below, Chapter VIII B, Convention No. 82.

provide the same all-inclusive picture of the working of labour inspection which the Committee has had hitherto from the reports supplied on Convention No. 85:

V. Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference

Introduction

33. 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 Vocational Training (Agriculture) Recommendation, 1956 (No. 101) and the Welfare Facilities Recommendation, 1956 (No. 102), adopted by the Conference at its 39th Session (Geneva, 1956);
- (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 38th (1955) Sessions (Conventions Nos. 87 to 104 and Recommendations Nos. 83 to 100); and
- (c) replies to the observations and requests for information made by the Committee of Experts in 1957.

39th Session

34. The Committee notes with satisfaction that the governments of the following 38 countries have submitted the two instruments in question to the authorities which they consider to be the competent authorities: Albania, Australia, Austria, Belgium, Bulgaria, Byelorussia, Canada, Ceylon, China, Denmark, Dominican Republic, Egypt, Finland, France, Federal Republic of Germany, Honduras, Hungary, India, Ireland, Italy, Japan, Morocco, Netherlands, New Zealand, Norway, Rumania, Spain, Sudan, Sweden, Switzerland, Tunisia, Turkey, Ukraine, Union of South Africa, U.S.S.R., United Kingdom, Viet-Nam and Yugoslavia. Further, the Government of Syria has submitted Recommendation No. 101 to the authority which it considers to be the competent authority.

35. Of the 39 governments mentioned above, 32 discharged the obligation arising under article 19 of the Constitution within the maximum time limit of 18 months, i.e. before 28 December 1957. Three others (Belgium, Finland and Italy) discharged the obligation shortly after this date. In the case of four countries (China, France, Hungary and Rumania) no indication has been given by the Governments of the precise date on which the instruments in question were submitted to the authorities which they considered to be the competent authorities.

31st to 38th Sessions

36. The Government of Albania states that it has submitted to the authorities which it considers to be the competent authorities all the instruments adopted by the Conference in the course of its 31st to 38th Sessions. Thirteen other governments give similar indications regarding all the instruments adopted by the Conference at its 38th Session. Below are listed all the countries which have, since the Committee's last

session, in 1957, supplied information regarding the submission of one or more of the instruments adopted by the Conference in the course of its 31st to 38th Sessions¹: Albania (C.87-104; R.83-100); Australia (C.104; R.99, 100); Belgium (C.91-93, 104; R.99, 100); China (C.99, 100); Costa Rica (C.88, 93 to 97, 99-104); Czechoslovakia (C.100, 104; R.90, 98-100); Dominican Republic (C.104; R. 98-100); Egypt (C.87); France (C.104; R.99, 100); Haiti (C.99, 100); Hungary (C.104; R.99, 100); Indonesia (C.100); Israel (C.104; R.91, 92, 100); Italy (C. 104; R. 99, 100); Luxembourg (C.104; R.99, 100); Netherlands (C.104; R.99, 100); Pakistan (C.104; R.96, 97, 99, 100); Peru (C.99-102); Portugal (C.104; R.99, 100); United Kingdom (C.104; R.99, 100); and Viet-Nam (C.104; R.99, 100).

General Assessment

37. In Part Two of this report (Chapter IX), the Committee makes certain individual observations which are intended to call the attention of particular governments to cases of non-fulfilment of the obligation imposed by article 19 of the Constitution of the I.L.O. or to points in respect of which the Committee considers it necessary to obtain additional information or clarification.

38. The Committee, as already stated, notes with satisfaction that on this occasion the governments of 38 States, out of 76 from which information was due, have submitted the two instruments adopted by the Conference at its 39th Session to the authorities which they consider to be the competent authorities—i.e. exactly 50 per cent. This figure shows a marked increase on the corresponding total last year, when the governments of only 24 States, out of 69 from which information was due, had submitted to the competent authorities all the instruments adopted by the Conference at its 38th Session—i.e. a percentage of only 34.8. The Committee hopes that this favourable trend will continue in years to come, thus making possible, in the near future, strict compliance with the constitutional obligation in question, namely the obligation to submit the respective instruments within a period of 12 months or, exceptionally, within 18 months.

39. Once more the Committee is bound to point out that the governments of a certain number of countries appear to ignore—in most cases completely—the obligation imposed on them by article 19 of the Constitution. The countries in question are the following: Bolivia, China, Ethiopia, Indonesia, Iraq, Lebanon, Liberia, Libya, Panama and El Salvador. The position regarding these countries is all the more unsatisfactory, having regard to the fact that most of them have been Members of the Organisation for many years, and that consequently their neglect to discharge this fundamental obligation relates to the instruments adopted during the last nine years.

40. The Committee further wishes to mention the importance which it attaches not only to the information which must regularly be submitted to it but also to all statements made by the delegates of the various countries to the Conference at the request of the Conference Committee on the Application of Conventions and Recommendations. In effect, the information so supplied not only is taken into account by the Committee of Experts, but provides an opportunity for

¹ The numbers of the Conventions and Recommendations—preceded by the letter C. or R. respectively—are given in parentheses.

a general discussion of the situation in a given country and, very frequently, for the clarification of points on which doubts may exist.

Memorandum concerning the Obligation to Submit Conventions and Recommendations to the Competent Authorities

41. The Conference Committee on the Application of Conventions and Recommendations suggested in 1957 that the *Memorandum concerning the Obligation to Submit Conventions and Recommendations to the Competent Authorities* should be amended and amplified to make clear the scope of the obligation imposed by article 19 of the Constitution of the I.L.O. This suggestion was subsequently considered by the Governing Body, which decided at its 137th Session (October-November 1957), to ask the Committee of Experts to consider it and to make concrete proposals on the matter. In accordance with these requests the Committee of Experts has prepared the draft of a new *Memorandum*, intended particularly to explain the obligation more clearly to governments so that they in their turn may have an opportunity to provide clearer information on the matter. The Committee has communicated this draft to the Governing Body of the I.L.O.

Form of Submission

42. Both this Committee¹ and the Conference Committee² have on a number of occasions expressed the view that, at the time of or subsequent to the submission of Conventions or Recommendations to the competent authorities, a government should make proposals whereby it would make known to the competent legislative authority its attitude or position regarding the action which should be taken with respect to the instruments in question.

43. As this notion appears still to give rise to certain doubts on the part of some member States, the Committee considers it necessary to emphasise once again that such proposals need not necessarily be favourable to the adoption of legislative or other measures to give effect to a Convention or Recommendation, or to the ratification of a Convention or the acceptance of a Recommendation. As the Committee pointed out in 1957, "governments have complete freedom as to the nature of the proposals to be made when submitting Conventions and Recommendations to the competent authorities". The essential points to bear in mind are—(a) that at the time of or subsequent to the submission of Conventions and Recommendations to the legislative authorities, governments should either indicate what measures might be taken to give effect to these instruments, or propose that no action should be taken or that a decision should be postponed; and (b) that there should be an opportunity to take up the matter for debate within the legislature.

¹ See I.L.O.: *Report of the Committee of Experts on the Application of Conventions and Recommendations (Articles 19 and 22 of the Constitution)*, Report III (Part IV), International Labour Conference, 36th Session, Geneva, 1953 (Geneva, 1953), p. 11, para. 46 (c); and *idem*, *Report of the Committee of Experts on the Application of Conventions and Recommendations (Articles 19, 22 and 35 of the Constitution)*, Report III (Part IV), International Labour Conference, 40th Session, Geneva, 1957 (Geneva, 1957), p. 9, para. 58.

² See I.L.O.: *Report of the Committee on the Application of Conventions and Recommendations*, International Labour Conference, 34th Session, Geneva 1951 (Geneva, 1951), p. 5, para. 30; and *Report of the Committee on the Application of Conventions and Recommendations*, International Labour Conference, 35th Session, Geneva, 1952 (Geneva, 1952), p. 4, para. 20.

Submission and Ratification

44. The matters discussed above lead the Committee, once more, to refer to a problem which it has already mentioned on earlier occasions, but whose consideration at the present time appears to be opportune, namely the tendency, which persists, to confuse the ideas of "submission" and "ratification". Thus, many governments have once again supplied information in which, with reference to *submission*, they state that Parliament or the National Congress is the competent *ratifying* authority.

45. The Constitution of the I.L.O., in article 19, lays down an obligation which, although to some extent related to the idea of ratification, refers primarily to action on the national level to give effect to Conventions and Recommendations. In effect, the Constitution provides that "each of the Members undertakes that it will . . . bring the Convention [or Recommendation] before the authority or authorities within whose competence the matter lies, for the enactment of legislation or other action". As the Committee pointed out in 1957, "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" and this authority is, in fact, "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)".

46. The purposes of submission, as the Committee has pointed out on more than one occasion, are the following: to inform the legislature and, through it, public opinion of the instruments adopted by the Conference; to secure an indication of the position of national legislation on the matters dealt with therein; to secure a statement of the government's attitude or position regarding the instruments in question and regarding the steps which it considers appropriate with a view to the enactment of legislation or other action; and to give an opportunity for debate thereon.

VI. Reports Submitted by Governments on Unratified Conventions and on Recommendations

(a) Supply of Reports

47. This year is the ninth 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 Minimum Wage-Fixing Machinery Convention, 1928 (No. 26), the Minimum Wage-Fixing Machinery Recommendation, 1928 (No. 30), the Minimum Wage Fixing Machinery (Agriculture) Convention, 1951 (No. 99) and the Minimum Wage Fixing Machinery (Agriculture) Recommendation, 1951 (No. 89).

48. The total number of reports requested this year under article 19 was 271. The total number received by the time the Committee met was 198, i.e. 73.1 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.

49. The proportion of reports received under article 19 has continued this year, as in the past, to increase, although it is still considerably less than that of the reports received in regard to ratified Conventions. The Committee must therefore again remind governments of the binding nature of the obligation

imposed by the Constitution to supply such reports on unratified Conventions and on Recommendations as called for by the Governing Body. The Committee pointed out in its last report that a certain number of States had failed, throughout the whole period on which reports on unratified Conventions and on Recommendations had been requested, i.e. since nearly ten years, to supply any of the reports due. The majority of the countries concerned gave assurances to the 1957 Conference Committee that they would regularly comply with this obligation in the future. It is therefore exceedingly disappointing to find that of the countries concerned only one, i.e. Albania, has supplied the reports requested for the present reporting period and one other country, i.e. Syria, although not supplying reports for the present reporting period, has supplied those which were requested for last year. The countries which have still so far supplied no reports in relation to any of the years for which they were requested are China, Ethiopia, Lebanon, Liberia, Panama, Peru and Venezuela.

50. The attention of the Committee has been drawn to the case of States which have ratified, at a recent date, a Convention on which reports are requested in virtue of unratified Conventions. These States are not required to supply reports under article 19 of the Constitution, but they are not yet called upon to send reports under article 22. Consequently no information is available to the Committee on the position in these countries. The Committee suggests, therefore, that, in such cases and in order that its survey should cover the greatest number of member States, any government in the position set out

above should consider sending a report either in the form established for States having ratified the Convention in question, or in the form established for those which have not ratified the Convention.

(b) *Examination of Reports by the Committee*

51. The Committee's general conclusions, arising from the examination of the reports submitted by the governments on unratified Conventions and on Recommendations, will be found in Part Three of this report.

52. The Committee has again this year, in accordance with the request of the Conference and the Governing Body, included in these general conclusions a survey of the position in regard to the matters dealt with in countries which have ratified the Conventions in question and submitted reports thereon under article 22 of the Constitution.

* * *

53. The ever-increasing volume of work coming before the Committee each year renders it more than ever aware of the debt of gratitude which it owes to the members of the staff of the International Labour Office associated with its work for the devoted services rendered by them, both in the preparation for and the conduct of its annual meeting. This year again they have placed freely at the disposal of the Committee their knowledge and skill. They have performed their duties in a manner which alone has enabled the Committee to complete the task assigned to it. The Committee wishes to record its gratitude to them.

PART TWO

OBSERVATIONS CONCERNING PARTICULAR COUNTRIES

VII. Observations concerning Annual Reports on Ratified Conventions (Article 22 of the Constitution)

A. GENERAL OBSERVATIONS

Afghanistan. The Government states that its labour legislation is currently under revision and that the requirements of the five Conventions on which reports were due are to be incorporated in the new Labour Act.

The Committee takes due note of this undertaking and trusts that full conformity will thus be achieved between the national legislation and the Night Work (Women) Conventions, 1919 and 1934, the White Lead (Painting) Convention, 1921 and the Underground Work (Women) Convention, 1935, on which it has had to make observations for a number of years.

Bolivia. The Committee must place on record its keen disappointment that for the second year running the six reports due from this country have not been received. The Government's failure to comply with the reporting obligation is all the more regrettable as on the one hand three of these reports are the first due since ratification and should have already been available for examination in 1957 and as on the other hand the Committee has had occasion in 1956 to raise certain points in regard to the other three Conventions ratified by Bolivia.

In these circumstances there has been a clear failure on the part of this country to discharge the obligations it freely undertook in ratifying international labour Conventions and the Committee hopes that the Government will find it possible to remedy this situation and supply future reports by the time, and in the form, requested.

Brazil. The Committee notes with regret that the reports from this country have not arrived. It trusts that the Government will supply its next reports by the date requested and will, in particular, include therein information on the points raised by the Committee as regards certain Conventions.

Bulgaria. Having had occasion in recent years to regret the delays which had occurred in the receipt of reports from Bulgaria, the Committee is glad this year to be able to thank the Government for the detailed character of its reports, for their supply in good time and for the clear manner in which they reply to the various points raised by the Committee in 1957.

The Committee moreover notes with interest that certain amendments to the Labour Code, adopted in November 1957, eliminate discrepancies with ratified Conventions and that the Government is examining further changes in its legislation in order to deal with the remaining discrepancies.

Burma. Since the majority of reports merely repeat or refer to information previously supplied, the Committee would be grateful if the Government would in

future supply full particulars on the practical application of ratified Conventions as requested in the forms of report.

Colombia. The Committee notes with regret that the reports from this country have not arrived. Since it had had occasion in 1957 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 1957.

Cuba. Since many of the reports contain no new information whatever and do not, in particular, reply to the observations and requests made in 1957, the Committee is bound to repeat these previous comments.

It hopes that the next reports will take account of the various points raised and will also contain information on the practical application of ratified Conventions as requested in the forms of report.

Czechoslovakia. The Committee notes that a substantial proportion of this country's reports have not been received. It hopes that the next reports will all be supplied by the date requested and will include information on the various points raised by the Committee.

Ecuador. The Committee must point out that the four reports from this country contain no new information whatever and thus fail to reply to the points raised in 1957. The Committee hopes that the Government's future reports will supply such answers as well as information on practical application as requested in the forms of report.

As the reports also fail to indicate, for the second year running, whether copies have been communicated to the representative organisations of employers, in accordance with article 23, paragraph 2, of the Constitution, the Committee would be glad to know whether such organisations exist in the country.

Finland. Since many of the reports merely repeat or refer to information previously supplied, the Committee would be grateful if the Government would in future supply full particulars on the practical application of ratified Conventions as requested in the forms of report.

France. The Committee has noted with the greatest interest that Decree No. 56-1279 of 10 December 1956 has incorporated in a single codified text the texts, to the number of some 110, of the Acts, Ordinances and Decrees relating to social security which were previously in force.

The Committee is particularly pleased by the adoption of such a measure, which will enable all concerned, and especially the workers, to keep themselves informed without undue difficulty as to the extent of their rights and obligations in the social security field.

However, the Committee has noted with regret that none of the international labour Conventions dealing with social security questions which have been ratified by France are included in the Annex to the Code containing the "list of international Conventions on social security". The Committee is all the more anxious to draw the attention of the Government to this omission because, according to the information previously furnished by the Government, certain sections of the Social Security Code are intended to give effect to the Conventions ratified by France by referring to such Conventions. This is the case, for example, with respect to section 461 concerning compensation for foreign workers who are victims of industrial accidents and their dependants, which stipulates that the limitative provisions contained in the first three paragraphs of that section "may nevertheless be modified by Treaties or international Conventions within the limits of the compensation prescribed by this Book". Consequently, the absence of any reference to the Equality of Treatment (Accident Compensation) Convention, 1925 (No. 19), which has been ratified by France, or of any mention of the States which have ratified this Convention entails the risk, at least, of leaving workers who are nationals of those States uncertain as to the extent of their rights.

Further, the Committee considers that a reference in the Social Security Code to the international labour Conventions dealing with questions of social security which have been ratified by France would be all the more advantageous because, according to the remarks made by a Government representative at the Conference in 1953, "by virtue of the very old jurisprudence confirmed in article 26 of the French Constitution, treaties had priority over internal legislation".

The Committee therefore considers that it might be very advantageous if the Social Security Code were to be supplemented by references to the international labour Conventions dealing with questions of social security which have been ratified by France and to the other States which have ratified those Conventions.

Ghana. The late receipt of this country's reports, the first since Ghana became a Member of the International Labour Organisation, has prevented the Committee from examining them at the present session. The Committee hopes that the Government will find it possible to supply the next reports by the date requested.

Guatemala. Last year the Committee had been able to examine only some of this country's reports—which were the first after ratification, and due already in 1956—the others having been received either too late for examination or not at all. This year again the Government has failed to supply reports, so that the Committee's comments are either a repetition of those made in 1957 or are based on reports covering the period 1955-56, but not examined in 1957.

The Committee is bound to stress the highly unsatisfactory position which has thus arisen and which effectively prevents it from carrying out its work. The Committee hopes that the Government will do all in its power to comply in future with its reporting obligation and will submit reports on time.

Haiti. The Committee notes the Government's statement that the recent political developments in the country have prevented it from including in its report all the details requested.

The Committee trusts that the Government will be able to give in its future reports all the particulars

requested and to indicate that the discrepancies noted by the Committee have been eliminated.

Hungary. Last year the Committee was unable to examine the Government's reports which had been received after its session. The late date at which this country's reports were again received this year prevented the Committee from examining those which are first reports. In postponing their examination to its next session the Committee must reiterate the hope that all the reports will in future be supplied by the date requested.

Iraq. The Committee notes with interest that copies of the reports have been communicated, in accordance with article 23, paragraph 2, of the Constitution, to the recently established Iraqi Federation of Industries as well as to a trade union representative, pending the establishment of a federation of trade unions.

Liberia. Once again this year the Committee must place on record its deep disappointment that, despite the promise made at the Conference in 1957, for the second year running the Government's report on the Forced Labour Convention, 1930 (No. 29) has not been received. As this is the only instrument to which Liberia is a party and as the Committee had raised many points in regard to it, the absence of the report prevents the Committee from carrying out its task in connection with this fundamental Convention.

Nicaragua. The Committee took note of the information supplied by the Government in response to the points raised in 1957 and learnt with interest that amending legislation now under review is to ensure full conformity with certain Conventions.

The Committee would appreciate it if the Government's future reports could be drawn up in accordance with the forms adopted by the Governing Body and could contain replies to the various questions appearing in these forms, including an indication whether copies of the reports have been communicated to the representative organisations of employers and workers as provided for in article 23, paragraph 2, of the Constitution.

Pakistan. Since many of the reports merely repeat or refer to information previously supplied, the Committee would be grateful if the Government would in future supply full particulars on the practical application of ratified Conventions as requested in the forms of report.

Peru. Because the reports from this country have, for several years past, been received with great delays and no reports at all were supplied in 1957, the Committee is seriously concerned that once again the Peruvian reports have not arrived as yet. It trusts that the Government will supply its future reports by the date requested and will include therein information on the points raised as regards certain Conventions.

Rumania. As the Government's reports were received only a few days before the opening of the Committee's session and as they contain replies to various points raised in 1957, the Committee found it impossible to examine this information with all the necessary care and was forced, therefore, to postpone consideration to its next session.

The Committee is concerned at the fact that it has thus been prevented this year from making an assessment of the current position and hopes that the Government's next reports will be received by the date requested.

El Salvador. As the Government's report fails to indicate for the second year running whether copies have been communicated to the representative workers' organisations, in accordance with article 23, paragraph 2, of the Constitution, the Committee would be glad to know whether such organisations exist in the country.

Uruguay. Since many of the reports merely repeat or refer to information previously supplied, the Committee would be grateful if the Government would in future supply full particulars on the practical application of ratified Conventions as requested in the forms of report.

The Committee also notes that the reports do not indicate whether copies thereof have been communicated to the representative employers' and workers' organisations, as provided for in article 23, paragraph 2, of the Constitution. It hopes that this can be done in future.

Venezuela. The Committee learnt with pleasure that Venezuela had very recently resumed its membership of the International Labour Organisation. In the circumstances, the Committee looks forward with great interest to receiving the Government's reports on the application of the 17 Conventions by which this country is bound, particularly since the reports due on these Conventions have not been supplied for several years.

Yugoslavia. Since many of the reports merely repeat or refer to information previously supplied, the Committee would be grateful if the Government would in future supply full particulars on the practical application of ratified Conventions as requested in the forms of report.

B. INDIVIDUAL OBSERVATIONS

Convention No. 1 : Hours of Work (Industry), 1919

Number of reports requested: 24.

Number of reports received: 20.

Reports not received: 4.

(Colombia, Czechoslovakia, Peru, Venezuela.)

Colombia (ratification: 1933). The Committee takes note of the information supplied by a Government representative to the Conference Committee in 1957 and draws the Government's attention to the following points:

As regards the list, requested under Article 7 of the Convention, showing the processes regarded as continuous in connection with Article 4 of the Convention, the Committee notes that the Government representative referred to the loading and unloading of ships. It points out that such work cannot be considered as a process which is required "by reason of the nature of the process to be carried on continuously by a succession of shifts" and that a maximum working week of 48 hours is consequently applicable in such cases. The Committee considers therefore that the terms of section 166 of the Labour Code, which deals with "uninterrupted work", should be modified so as to ensure that a 56-hour working week should be permitted only in those processes which are necessarily continuous in character, in accordance with Article 4 of the Convention.

The Committee notes the statement that records of overtime work are not required by the Colombian legislation since the question of working hours is perfectly controlled both by basic legislation and by the different labour regulations. The Committee points

out that Article 8, paragraph (1) (c) of the Convention specifically requires that the law or regulations shall fix the form of the records of additional hours to be kept by employers; it hopes therefore that the Government will take the necessary steps to ensure that this provision of the Convention shall be applied without delay, in small as well as in large undertakings.

Dominican Republic (ratification: 1933). The Committee takes note with interest of the Government's replies on the observations made in 1957. It draws the Government's attention to the following points:

The Committee is pleased to note that the Government is examining the possibility of modifying the Labour Code of 1951 so as to bring section 149 into conformity with the Convention. It hopes therefore that the new provision will ensure that the hours of work in undertakings which operate continuously shall not exceed 56 per week (as prescribed in Article 4 of the Convention).

As regards section 269 of the Labour Code, as amended in 1956, the Committee notes with satisfaction the Government's proposal to bring this provision also into conformity with the Convention. It hopes therefore that the provisions concerning maximum working hours will soon be made applicable to persons employed on transport vehicles operating between municipalities. In this connection it points out that if difficulties are experienced in applying the normal working hours to transport workers, recourse may be had to Article 5 of the Convention, which authorises a redistribution of working hours over a given number of weeks provided the average number of hours worked per week does not exceed 48.

In connection with road transport, the Committee recalls that in its last report, dispatched in September 1956, the Government had stated that section 269 of the Labour Code (before amendment), which prescribed that work on vehicles providing public transport in urban transport undertakings was intermittent and hence excluded from ordinary working hours provisions, had been deleted by the Act of 3 June 1956 so as to ensure conformity with the Convention. This modification was duly noted by the Committee in 1957. However, the Committee now finds that on 28 August 1956 an Order¹ was issued which was not mentioned in the Government's report, in virtue of which drivers and conductors of buses or urban passenger transport services are deemed to be engaged in intermittent work and may consequently have a working day of ten hours. In these circumstances the Committee can only place on record its deep regret at this development and reiterate the hope expressed in 1953, 1954, 1955 and 1956 that the Government will take steps to ensure henceforth the application of the Convention to workers in urban transport undertakings.

The Committee takes note of the Government's statement that the eight-hour day and 48-hour week are applicable in the undertakings listed in section 160 of the Labour Code but that, as regards some of these undertakings where processes have to be carried on continuously, use is made of section 148 of the Labour Code, which corresponds with Article 4 of the Convention. The Committee also notes that in such processes work is organised in three shifts working eight hours each, subject to a possible increase of one hour per shift (section 148, second paragraph). In this connection the Committee refers to the following points on which action appears to be necessary:

¹ I.L.O. Legislative Series, 1956—Dom. 2.

1. The legislation should specify that work may be carried on continuously only in "those processes which are required by reason of the nature of the process to be carried on continuously by a succession of shifts", as required under Article 4 of the Convention.

2. The legislation should fix maximum working hours for such processes, not exceeding 56 in the week on the average, as required under Article 4 of the Convention.

3. The legislation should not authorise the prolongation of the working day by one hour for the shift workers concerned, permitted under section 148 of the Labour Code, as such an extension is not provided for in the Convention.

4. The Government should supply to the Office a list of the processes deemed to be necessarily continuous, as required under Article 7, paragraph 1 (a), of the Convention.

The Committee notes that the Government has not supplied the information requested regarding the maximum number of additional hours over a given period of time which may be authorised in cases of exceptional pressure of work. It points out that Article 6, paragraph 2, of the Convention specifically requires that the maximum number of additional hours shall be fixed and it hopes therefore that the Government will take steps in the near future to ensure compliance with this provision. In this connection the Committee also points out that, in conformity with Article 6, paragraph 2, of the Convention, the employers' and workers' organisations must be consulted as regards the maximum number of additional hours to be determined.

Greece (ratification: 1920). The Committee notes the Government's statement that no settlement has been reached on the question of extending the scope of the hours of work provisions to the 5,500 railway workers not covered, but that the competent services of the Ministries of Labour and Communications are examining the possibility of bringing about this extension by stages.

Consequently, the Committee finds that no real progress has been made in the extension of the hours of work provisions to the railway workers in question in the eight years since this matter was first raised by the Committee. It refers therefore to the declaration, made by the Government representative before the Conference in 1957, that Greece has always been anxious to fulfil the obligations resulting from ratified Conventions, and expresses the hope that immediate action will be taken to ensure the application of the present Convention to all railway workers in Greece.

Haiti (ratification: 1952). The Committee takes note with interest of the Government's statement that, in spite of political disturbances during the period under review, the competent services have taken measures to ensure that account should be taken of the observations made by the Committee, and that the legislation will have to be modified in order to ensure conformity with the recommendations made by the Committee.

Accordingly, the Committee hopes that the Government will soon be in a position to take the required measures and that, when proposing the modification of the Act of 5 May 1948, the Government will take steps to ensure that the amended text and the regulations issued thereunder will include provisions on the points mentioned below, which are not fully covered by the Act in its present form:

Article 1 of the Convention. It should be made clear in the text of the new legislation that its scope includes all the industrial undertakings, whether public or private, listed in Article 1, paragraph 1, of Convention No. 1, as well as all the commercial undertakings, whether public or private, listed in Article 1, paragraph 1, of Convention No. 30.

Article 2. The legislation should specify that hours of work shall not exceed eight in the day *and* (instead of "or") 48 in the week (section 1 (1) of the Act of 1948).

Article 2 (b). The legislation should specify that any redistribution of the 48-hour week should be subject to a limit of nine hours in any one day, instead of the present limit of ten hours (section 1 (2) of the Act of 1948). In this connection the Committee recalls that the Government had already indicated in 1956 its intention of proposing this amendment of the Act.

Article 3. The legislation should specify that exceptional extensions of the working hours, permitted in the case of accidents, *force majeure*, etc., should be authorised "only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking".

Article 4. In so far as longer hours are permitted in those processes which are required by reason of the nature of the process to be carried on continuously by succession of shifts (for example, in the sugar industry), the legislation should provide for a maximum working week not exceeding 56 hours on the average; this provision should in no case affect any rest days which may be secured by the national law to the workers in such processes in compensation for the weekly rest day (for example, in virtue of section 8 of the Act of 1948).

Article 6, paragraph 1 (a). The legislation should indicate what permanent exceptions may be allowed in preparatory or complementary work or for certain classes of workers whose work is essentially intermittent.

Article 6, paragraph 1 (b) and paragraph 2. After consultation with the employers' and workers' organisations concerned, the maximum number of additional hours that may be permitted, on a temporary basis, so that establishments may deal with exceptional cases of pressure of work, should be determined by the legislation.

Finally, the Committee points out that the Convention does not authorise the extension of an employee's working hours with a view to "rectifying errors for which he is responsible" (section 1, fifth paragraph, of the Act of 1948) and that this provision of the Act should therefore be repealed.

Nicaragua (ratification: 1934). The Committee thanks the Government for having supplied the texts of the amendments to the Labour Code, which permitted a close examination of all the national provisions implementing the Convention. It wishes to draw the Government's attention to the following points:

Article 1 of the Convention. Section 169 of the Labour Code provides that, in all cases of land transport other than urban transport, the normal hours of work shall not exceed 60 in the week and that up to 14 hours may be worked in a day. The Committee considers that such extended working hours are equivalent to the exclusion of the transport workers in question from the scope of the hours of work provisions and points out that transport by road is specifically included in the coverage of the Convention. It would therefore be glad if the Government would

take the necessary steps to ensure that the 8-hour working day and 48-hour working week are applied to all transport workers, subject only to the exceptions authorised under the Convention.

Article 2, paragraph (b). Section 52 of the Labour Code authorises redistribution of the hours of work within the week with a view to granting employees a rest on Saturday afternoon or for a similar reason. In this connection the Committee points out that the Convention fixes a maximum working day of 9 hours in such cases, and would be glad if the Government would take the necessary measures to include such a provision in the relevant legislation.

Article 3 and Article 6, paragraph 1 (b). The Committee notes that section 56 of the Labour Code authorises up to nine hours' overtime per week "in special cases". The Committee considers that these special cases should be more strictly defined so as to ensure that additional hours should be worked only in cases such as accident, urgent work to be done to machinery or plant or *force majeure*, as laid down in Article 3 of the Convention, or, on a temporary basis and in order to deal with exceptional cases of pressure of work, as laid down in Article 6 of the Convention. (See also observation on Convention No. 30, Article 7, paragraph 2.) The Committee hopes that the Government will take the necessary action in this connection.

Article 6, paragraph 2. The Committee had noted that under section 56 of the Labour Code as much as three hours' overtime a day, three times a week, was permitted, without any restriction as to the number of weeks in the year on which such overtime might be worked. It is therefore pleased to learn, from the Government's report on Convention No. 30, that section 56 of the Labour Code is to be modified so as to ensure that the daily working hours should not exceed ten. The Committee hopes that, when drafting the suggested amendment, the Government will also propose that the maximum number of overtime hours which may be worked over a given period of time should be fixed.

New Zealand (ratification: 1938). The Committee has taken note with interest of the information supplied by the Government regarding the working of overtime, following the observation made in 1957. It also notes that the Government asks the Committee to consider "that, subject to continuing surveillance by the Department of Labour of cases where hours of work, including overtime, approach or exceed 48 hours a week, the position in New Zealand meets the requirements of the Convention to the satisfaction of the Committee".

As regards the application of Article 6 of the Convention, the Committee reiterates its opinion 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 only in so far as they contain the minimum requirements specified in this Article. Thus, if the agreements and awards fix penalty rates for overtime, as required in paragraph 2 of Article 6, but do not specify that overtime may be authorised only so that establishments may deal with exceptional cases of pressure of work and do not fix the maximum of additional hours permitted, as required in paragraphs 1 (b) and 2 of Article 6, this Article cannot as a general rule be considered as fully implemented. In the particular case of New Zealand, however, where a 40-hour week has been established by legislation, it is obvious that there is no obligation to respect the restrictions laid down in Article 6, except as regards any overtime which brings the working hours to more than 48 a week.

In these circumstances, and in view of the marked decrease in overtime shown in the Government's report, and the fact that the average hours for all industries, inclusive of overtime, was 39.1 as on 15 April 1957 (as against 42.5 hours mentioned in the last report), and that the highest weekly hours worked, inclusive of overtime, in any industry was 45.9 in rail transport (as against 50.9 hours mentioned in the last report), the Committee understands the Government's hesitation as regards the adoption of measures restricting overtime.

The Committee hopes, however, that if in the future the Department of Labour's constant surveillance of the situation shows that the average hours in any industry or for any category of workers approach the limits set by the Convention, the Government will take steps to ensure that any overtime which results in a working week of more than 48 hours should be authorised only on a temporary basis and in order to deal with exceptional cases of pressure of work (Article 6, paragraph 1 (b), of the Convention), and that the maximum of additional hours permitted in such cases should be fixed (Article 6, paragraph 2). It is understood that such measures may take the form either of statutory provisions, or of a clause to be included in awards and agreements.

Pending any change in the situation which would necessitate action on the lines indicated above, the Committee hopes that the competent services will maintain their constant surveillance of cases where hours of work, including overtime, approach or exceed 48 a week, and that the Government will continue to supply detailed statistics in its next reports, particularly as regards overtime worked.

Peru (ratification: 1945). As the Government's report for 1956-57 has not been received, the Committee finds it necessary to repeat its previous observation, which read as follows:

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 hopes that the Government will not fail to take the measures and supply the information referred to above.

Spain (ratification: 1928). The Committee takes note with interest of the Government's replies on the points raised in 1957.

It finds however that according to the information available to the Committee certain aspects of the Spanish legislation and practice are not in conformity with the Convention, and, moreover, that it is impossible to reach any conclusion as to the more general manner in which effect is given to the Convention.

Thus, on the one hand, the basic legislation (Act of 9 September 1931 respecting hours of work) contains numerous provisions which constitute divergencies to the Convention, as indicated in the observation made by the Committee in 1957; this is the case, for example, of section 4 of the Act, which authorises overtime for reasons of manpower shortage, of section 11 of the Act, which authorises the conclusion of agreements providing for an extension of the working hours in occupations accessory to the principal industry of an undertaking, and of section 49 of the Act of 1931, in virtue of which up to 60 hours per week may be worked in processes in the metallurgical industry which cannot be interrupted.

On the other hand, the Government states that certain provisions of the Act of 1931 have been amended by labour regulations; this appears to be in virtue of the Act of 16 October 1942 respecting labour regulations, which provides that hours of work and other conditions of work are to be fixed by labour regulations and that social enactments are applicable as regards matters not expressly provided for in labour regulations.

In this connection the Committee notes that two such labour regulations, which were forwarded by the Government and which relate to the baking and cement industries, contain provisions affecting hours of work which are not in conformity with the Convention.

In view of the very large number of labour regulations covering industrial undertakings—over 80 on the national level, to which must be added the labour regulations established on a regional, inter-provincial or provincial level, or for individual undertakings—and the fact that according to the Act of 1942 there is no obligation to publish certain of these regulations in an official journal, the Committee considers that it is impossible to estimate precisely the degree of conformity between the Convention, on the one hand, and the complex system of legislation and labour regulations governing hours of work in Spain, on the other hand.

Consequently, since the Act of 16 October 1942 provides expressly that the State alone is competent to deal with all questions relating to labour regulations, the Committee would be glad if the Government would indicate what measures it intends to take to ensure that the maximum daily and weekly hours of work laid down in the Convention are applied in all industries and industrial occupations (as defined in Article 1 of the Convention) throughout the country, and that overtime is prohibited except in the cases, and within the limits, specifically laid down in the Convention.

* * *

In addition requests regarding certain other points are being addressed directly to the following States:

Bulgaria, Colombia, Czechoslovakia, Dominican Republic, Haiti, India, Nicaragua, Portugal.

Convention No. 2 : Unemployment, 1919

Number of reports requested: 33.

Number of reports received: 31.

Reports not received: 2.

(*Colombia, Venezuela.*)

Bulgaria (ratification: 1922). The Committee regrets to note that once again the Government's report contains none of the statistics requested by it since 1955, and trusts that statistics regarding the number of applications for employment received, the number of vacancies notified and the number of persons placed through employment offices will be supplied, as requested in the report form and in accordance with Article 2 of the Convention.

Chile (ratification: 1933) The Committee has examined the information submitted in reply to the observations made in 1957; it has duly noted that the Government is considering a Bill (prepared with the co-operation of an I.L.O. expert) which it intends to present to Congress.

The Committee welcomes this development and hopes that the adoption of the Bill will lead to full application of the Convention both at the legislative level and in practice.

Colombia (ratification: 1933). Since the report for 1956-57 has not arrived, the Committee can only repeat its previous observation, which read—

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 observation made on this subject ever since 1951, the Committee urges the Government to take the measures in question without delay and would be glad if it would indicate the steps which it proposes to take to this end.

Egypt (ratification: 1955). The Committee notes the statistical information furnished in reply to the observation of 1957.

The Committee notes with interest that the setting up of Employment Service Advisory Committees as provided for in Article 2 of the Convention is being at present discussed by the High Advisory Council of Labour. The Committee trusts that it will be kept informed of any progress made in this connection.

Greece (ratification: 1920). The Committee is pleased to note that the advisory committees provided for in Article 2 of the Convention do exist and that the International Labour Office has begun to receive statistics concerning unemployment, in accordance with Article 1 of the Convention. The Committee trusts that, now that a statistical service has been established, it will be possible to forward such statistics at regular intervals.

Uruguay (ratification: 1933). The Committee regrets to note, from the Government's reply to the observations made in 1957, that the employment service is still in an early stage of development and that it has not been possible to bring it into conformity with the

provisions of the Convention. The Committee trusts that the Government will be able to take appropriate measures in the matter at an early date.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States:

Austria, Nicaragua, Poland, Spain.

Convention No. 3 : Maternity Protection, 1919

Number of reports requested: 17.

Number of reports received: 14.

Reports not received: 3.

(Brazil, Colombia, Venezuela.)

Brazil (ratification: 1934). The Committee notes the written statement made to the Conference Committee in 1957, in which the Government indicates that it has decided to insert in the organic Social Security Bill before the Chamber of Deputies a provision making the social security system exclusively responsible for maternity protection of women workers on confinement.

The Committee observes that the report furnished for 1954-55 refers to the existence and discussion by the National Congress of the same Bill, containing a similar provision with respect to maternity insurance. The Committee regrets that, the Government not having furnished a report this year, it is unable to judge whether progress has been made towards the adoption of this text. It hopes, however, that the Government will be able to state at the 42nd Session of the Conference that the Bill has been adopted.

Bulgaria (ratification: 1933). The Committee takes note with interest of the information supplied by the Government on the amendments made in the Labour Code by the Act of 15 November 1957. It notes with satisfaction that, on the following points, these amendments take into account the observations made in previous years either as regards Bulgaria or on a more general level for the various States having ratified the Convention:

1. The duration of the leave before confinement has been increased from 30 to 45 days in virtue of the new text of section 60 of the Labour Code (Article 3 (b) of the Convention).

2. In virtue of the new text of paragraph 1 of section 62 of the Labour Code, the worker or employee is entitled to a rest period for nursing purposes for as long as she is nursing her child, and not only until the child reaches the age of eight months (Article 3 (d)).

3. In virtue of section 35, as amended, of the Labour Code it is not lawful to dismiss a woman worker on leave for reasons of pregnancy or confinement, even in cases of serious misdemeanour and regardless of the importance of the misdemeanour (Article 4).

Chile (ratification: 1925). The Committee notes that section 313 of the Labour Code, as amended in 1953, and section 5 of the Decree of 3 January 1957, the former of which prohibits the dismissal of a woman wage or salary earner without just cause during her pregnancy and up to one month after the end of maternity leave, while the latter provides that the existence of a just cause must first be recognised by a final decision of the labour court judge, are not in conformity with Article 4 of the Convention. That Article contains a general provision that, where a woman is absent from her work because of pregnancy

or confinement, it shall not be lawful to give her notice of dismissal during such absence or at such a time that the notice would expire during such absence. It does not authorise any distinction to be made between possible reasons for the dismissal of a woman in these circumstances.

The Committee would therefore be grateful if the Government would indicate what measures it intends to take to bring its legislation with respect to this point into harmony with the Convention.

Colombia (ratification: 1933). The Committee regrets that the report for 1956-57 has not been received but takes note with interest of the statements made by the Government representative before the Conference Committee in 1957. It appears from these statements that the Government proposes that the legislation should be brought into conformity with the Convention in the course of the next parliamentary session, which will probably take place in June 1958, as regards the following points:

1. The duration of the maternity leave fixed in the Labour Code is to be increased from 8 to 12 weeks, as required by the Convention (Article 3 (a) and (b)).

2. The two periods granted each day to a woman who nurses her child are to be increased from 20 to 30 minutes, as required by Article 3 (d).

The Committee expresses the hope that, in connection with the above-mentioned revision of the legislation, the Government will modify sections 241 and 242 so as to bring them into conformity with Article 4 of the Convention. Thus, whilst these sections of the Labour Code lay down the principle of prohibited dismissal for reasons of pregnancy or because a woman is nursing her child, they permit such dismissal subject to the prior authorisation of the labour inspector; on the other hand, according to Article 4 of the Convention it should not be lawful for an employer to give a woman her notice of dismissal during her absence from work because of pregnancy or confinement, or because of illness due to pregnancy or confinement or to give her notice at such a time that the notice would expire during such absence.

Finally, the Committee notes that in the areas in which the social insurance institute does not operate, maternity benefits are still paid by the employer.

The Committee finds it necessary to insist once again that the Government should take, as soon as possible, the necessary measures in order to bring its legislation into conformity with Article 3 (c) of the Convention, which provides that benefits shall be provided either out of public funds or by means of a system of insurance.

Federal Republic of Germany (ratification: 1927). The Committee takes note of the statements made by a Government representative to the Conference Committee in 1957, and repeated in the annual report, from which it appears that the measures required under this Convention are to be examined during the legislative period 1957-61. It recalls that the divergencies noted between the German legislation and the Convention related to Article 3, paragraph (c), Article 3, paragraph (d) and Article 4 of this text.

As regards Article 4, the Committee notes that according to the statement made before the Conference Committee, "the Federal Government doubted whether the Convention prohibited dismissal in particularly serious cases, such as thefts". The Committee wishes to point out in this connection that Article 4 of the Convention does not merely prohibit dismissal, whatever the reason, during the period when a woman

is absent from work because of pregnancy or confinement but also provides specifically it shall not be lawful for her employer to give her notice of dismissal "at such a time that the notice would expire during such absence". In other words, these provisions extend, in the case of pregnancy or confinement, the legal length of notice of dismissal by an additional period sufficient to ensure compliance with the period prescribed in the Convention.

The Committee hopes that the Government will indicate what progress has been made in examining the measures required under this Convention.

Greece (ratification: 1920). The Committee thanks the Government for the information furnished with respect to the extension of the field of application of the Insurance Act of 1951. The Committee notes that only small localities, in which the number of workers is very limited, still remain outside the field of application of the Act. Having regard to the fact that the Convention applies to commercial as well as to industrial undertakings, the Committee hopes that the Government will not fail to indicate in its next ensuing reports further steps taken to extend the application of the Act.

The Committee also thanks the Government for the information which it has furnished with respect to the manner in which maternity benefits are ensured in the case of women who do not fulfil the conditions as to length of service prescribed by the Insurance Act of 1951 but to whom the Convention is nevertheless applicable. The Committee notes—

- (a) that all female workers benefit from the general clause concerning guaranteed wages contained in sections 657 and 658 of the Civil Code;
- (b) that some of such workers benefit from the social assistance arrangements of the Ministry of Social Welfare;

and, particularly :

- (c) that the Ministry of Labour is at present studying the possibility of an insurance system, under which less strict conditions as to length of service would be prescribed, to be applied in the case of women who, by reason of the seasonal nature of their work, cannot fulfil the conditions prescribed by the Act of 1951.

The Committee would be grateful to the Government if it would indicate progress made in this respect.

Hungary (ratification: 1928). The Committee examined the information which the Government had supplied in writing to the Conference Committee in reply to the observations made in 1957. The Government once again drew a distinction between ordinary discharge (which is prohibited for 15 months under section 7 (1) (f) of Council of Ministers' Ordinance No. 53 of 1953) and dismissal without notice for disciplinary reasons. The Government stated that it would be absurd if it were impossible to terminate the employment of a worker during so long a period "even in a case of serious breach of discipline, as, for example, in the case of embezzlement or other serious offences", and added that as a woman worker did not work during her maternity leave "it was in effect almost inconceivable that during this period of 12 weeks the employment could be terminated without notice".

In these circumstances the Committee finds itself compelled to emphasise once more that Article 4 of the Convention absolutely prohibits giving notice of dismissal over a specified period, irrespective of the

reasons for dismissal, and that Article 4 specifies that it shall not be lawful to give a woman notice of dismissal not only during the 12-week period specified under Article 3 but also at such a time that the notice would expire during that absence.

The existing Hungarian legislation does not ensure that a woman will be so protected, since it allows her to be dismissed immediately even during the 12-week period laid down in the Convention. In effect, under section 112 of the Labour Code, it is possible to dismiss workers for reasons connected with their public and private life which are unrelated to their conduct at work. It is therefore quite conceivable that a woman should be liable to a disciplinary penalty even when on maternity leave, which would be contrary to Article 4 of the Convention. The Committee therefore expresses the hope that the Government will re-examine the matter in the light of these observations and in the near future take steps to eliminate this discrepancy.

Italy (ratification: 1952). The Committee notes the statement made to the Conference Committee in 1957, and repeated in the annual report, to the effect that the Government is making every effort to make the payment of maternity benefit the responsibility of a social insurance system. The Committee recalls that Italian legislation, which makes the employers responsible for the payment of benefits in the case of certain categories of female workers (salaried employees and assimilated categories), is not in accordance with Article 3 (c) of the Convention, which provides that maternity benefits shall be provided either out of public funds or by means of a system of insurance.

The Committee also notes that, by virtue of section 3 (a) of the Act of 26 August 1950 in respect of the protection of working mothers, the prohibition of dismissal of female workers who are pregnant or in confinement is not applicable "in the case of misbehaviour on the part of the female worker which would be sufficient cause for the termination of her contract of employment". The Committee is not unaware of the fact that the period during which dismissal is prohibited by Italian law is notably longer than that prescribed by the Convention; it must, however, point out that the provisions of Article 4 of the Convention, according to which the dismissal of a woman during pregnancy or confinement shall not be lawful, do not authorise any distinction to be made between possible reasons for the dismissal of a woman in these circumstances.

The Committee would, therefore, be grateful to the Government if it would indicate the measures that it has taken or intends to take to bring its legislation into harmony with the Convention.

Nicaragua (ratification: 1934). The Committee thanks the Government for the detailed information supplied in its report. It wishes to draw the Government's attention to the following points:

Articles 2 and 3 of the Convention. The Social Security Act of 1955 and the regulations issued thereunder, which also govern maternity insurance, have a more restricted scope than that of the Convention which, under Articles 2 and 3, applies to *all* women employed in any public or private, industrial or commercial undertaking or in any branch thereof, other than undertakings in which *only* members of the same family are employed; on the other hand, the Social Security Act excludes—

- (a) persons under 14 years of age (section 64 (a) of the Act and section 6 (a) of the implementing regulations) who, in virtue of sections 122 and 123

of the Labour Code, may be employed in certain undertakings as from the age of 12 years;

- (b) the spouse, and members of the employer's family, where they are employed by him as unpaid family workers (section 64 (b) of the Act and section 6 (b) of the implementing regulations), that is, this exception does not relate solely to undertakings in which only members of the employer's family are employed.

Article 3 (c). The Committee notes with satisfaction that the Social Security Act provides that in future maternity benefits are to be paid by the social security institute, as required under the Convention. However, as the application of the Act is being brought about by progressive stages, only certain categories of women workers in the capital are at present entitled to benefits under the maternity insurance scheme; in the case of other workers, the employer is still required to pay the benefits (section 129 of the Labour Code). As regards these women, the divergency already noted between the national legislation and the Convention (which provides that benefits shall be paid either out of public funds or by means of a system of insurance) still exists. The Committee hopes, therefore, that the Government will spare no effort to ensure the rapid extension of the scope of the Social Security Act.

Article 3 (d). The national legislation contains no provisions relating to the pauses required for the nursing of children, which are required under paragraph (d) of Article 3 of the Convention.

Article 4. Section 130 of the Labour Code, which prohibits dismissal for reasons of pregnancy or because a woman is nursing her child, authorises dismissal for legitimate reasons, subject to the prior approval of the labour inspector. This provision is not in conformity with Article 4 of the Convention, which provides that it shall not be lawful for an employer to give a woman notice of dismissal during absence from work because of pregnancy or confinement or because of illness arising out of pregnancy or confinement or at such time that the notice would expire during such absence.

The Committee would be grateful if the Government would indicate what measures it intends to take with a view to bringing its legislation into conformity with the Convention.

Spain (ratification: 1923). The Committee takes note with interest of the information supplied by the Government in its reply to the observations made in 1957. It notes that the Act of 18 June 1942, to extend maternity insurance benefits, provides for the payment of maternity benefits to women workers who are excluded from the sickness and maternity insurance scheme, in view of the size of their income (women workers other than manual workers, whose annual income exceeds 40,000 pesetas).

As regards the second point mentioned in the observation of 1957 (exclusion of nationals of foreign countries other than nationals of Latin American countries, the Philippines, Portugal, Andorra or countries which have concluded agreements with Spain providing for reciprocity), the Committee finds it necessary to draw the Government's attention once again to the fact that according to Article 2 of the Convention the term "woman" signifies any female person, irrespective of age or nationality. The Committee would therefore be glad if the Government would indicate what measures it intends to take with a view to ensuring the full application of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Brazil, Bulgaria, Colombia, Cuba, France, Greece, Hungary, Luxembourg, Nicaragua.*

Convention No. 4 : Night Work (Women), 1919

Number of reports requested: 22.

Number of reports received: 19.

Reports not received: 3.

(*Colombia, Czechoslovakia, Peru.*)

Albania (ratification: 1932). The Committee notes the information given in the Government's first report since 1939. It wishes to point out that—

- (a) whereas Article 3 of the Convention prohibits night work for all women, section 56 of the Labour Code prohibits night work only for expectant and nursing mothers;
- (b) whereas the same Article of the Convention prohibits night work for women in any type of work, the legislation contains only a general prohibition on the employment of women on particularly arduous or unhealthy jobs (section 160 of the Labour Code);
- (c) whereas Article 2 of the Convention makes provision for a period of nightly rest of 11 consecutive hours, national legislation prohibits night work (in the case of expectant or nursing mothers) for a period of only eight hours, viz. between 10 p.m. and 6 a.m. (section 56 of the Labour Code).

The Committee trusts that the Government will take the necessary measures at an early date to ensure the complete application of the Convention.

Austria (ratification: 1924). See under Convention No. 89.

Chile (ratification: 1931). The Committee notes the information, repeated by the Government since 1955, that, in view of the discrepancies between national legislation and the provisions of Convention No. 4 and in view of the fact that this legislation complies with the provisions of Convention No. 89, a proposal for the ratification of Convention No. 89 was included in a Government Message to the National Congress in 1954.

The Committee would be grateful if the Government would indicate the progress made in the implementation of this proposal, and points out that so long as Convention No. 4 has not been denounced (following ratification of Convention No. 89) the Government remains bound to apply its provisions in full.

Colombia (ratification: 1933). Since the report for 1956-57 has not been received, the Committee can only repeat its earlier observation, which read as follows:

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: 1950). See under Convention No. 89.

Nicaragua (ratification: 1934). The Government states in its report that the prohibition of night work for women is laid down in section 126 of the Labour Code. However, the Committee notes that this section does not prohibit night work by women but merely provides that they "shall not be employed in mining work underground or in work specified as beyond their strength, or dangerous to their physical or moral welfare in view of their sex". Yet Article 3 of the Convention provides that "women, without distinction of age, shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the family are employed".

The Committee hopes that the Government will take measures at an early date to ensure the application of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Peru, Spain*.

Convention No. 5 : Minimum Age (Industry), 1919

Number of reports requested: 32.

Number of reports received: 27.

Reports not received: 5.

(*Bolivia, Brazil, Colombia, Czechoslovakia, Venezuela.*)

Bulgaria (ratification: 1922). The Committee notes with interest that the Act of 15 November 1957 amending the Labour Code makes 16 years the minimum age for admission to industrial employment, though the labour inspectorate may, in exceptional cases, authorise entry into employment from the age of 15 onwards. However, the Committee wishes to draw the Government's attention to the fact that the divergence mentioned in its observations in 1957, concerning the requirement that employers should keep a register of all persons under the age of 16 years, with particulars of their dates of birth (Article 4 of the Convention), still subsists in the case of the young persons aged 15 years, who may, in special circumstances, be allowed to enter industrial employment.

The Committee trusts that the Government will take the necessary measures to eliminate this divergence.

Colombia (ratification: 1933). As the report for 1956-57 has not been received, the Committee can only repeat its previous observation, which ran as follows:

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?

The Committee hopes that the Government will not fail to take the measures referred to above.

Denmark (ratification: 1923). The Committee notes with interest the information supplied by the Government in reply to the observations made in 1957, to the effect that if the use of employment booklets is

found to be insufficient, regulations may be made to provide for the compulsory keeping of a register of young workers by employers.

The Committee considers that, in order to ensure full compliance with Article 4 of the Convention (keeping of register), it would be necessary to take the measures to which the Government refers in its report, with a view to introducing an obligation for employers to keep the above-mentioned registers, and to include in these registers apprentices, who are at present not covered by the employment booklets system.

Israel (ratification: 1953). The Committee notes that the regulations concerning registers of young workers do not require the entry of information relating to the dates of birth of young workers under 16 years of age, as required by Article 4 of the Convention. The Committee hopes that the Government will find it possible to remove this discrepancy at an early date.

Spain (ratification: 1932). The Committee thanks the Government for the information supplied in reply to the observation made in 1957 and is glad to find that the Order of 20 September 1956, which makes it compulsory to keep a register of all the workers with an indication of their dates of birth, complies with the provisions of Article 4 of the Convention.

Viet-Nam (ratification: 1953). The Committee notes with satisfaction the information supplied by the Government, in reply to the observations made in 1957, to the effect that section 8 of Decree No. 55-XL/ND of 7 August 1953 will be amended and that the date of birth will be substituted for the worker's age, thus giving effect to the requirements of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Albania, Bolivia, India, Nicaragua*.

Convention No. 6 : Night Work of Young Persons (Industry), 1919

Number of reports requested: 28.

Number of reports received: 26.

Reports not received: 2.

(*Brazil, Venezuela.*)

Albania (ratification: 1932). As regards point (a) of the observations made in 1957, the Committee notes the Government's statement that section 160 of the Labour Code of 1956 prohibits the employment by day or by night of young persons under 18 years of age on underground work or on particularly arduous or unhealthy jobs. The Committee points out, however, that Article 2 of the Convention explicitly specifies that the prohibition on night work for young persons under 18 years of age shall apply to industrial work of any kind, with the exception of work which, by reason of the nature of the process, must be carried on continuously (paragraph 2 of Article 2). The Committee accordingly trusts that the Labour Code, section 156 of which permits night work by young persons over 16 years of age, will be amended and brought into conformity with the provisions of the Convention, which prohibit any kind of night work by young persons under 18 years of age.

As regards point (b) of its observations, the Committee notes the Government's statement that the fact that section 54 of the Labour Code prescribes a six-hour working day for young persons under 16 years of age implies that the period of nightly rest for these young persons will be 18 hours. The Committee

suggests that as there is no express provision to prohibit night work by young persons for a period of 11 consecutive hours, it might happen that young persons in continuous process undertakings who had worked up to 10 p.m. would be required to report again at 6 a.m., which would amount to granting them a nightly rest of only eight hours. The Committee accordingly wishes to emphasise the need to amend the existing provisions to bring them into conformity with the provisions of the Convention.

France (ratification: 1925). The Committee notes, from the information provided by the Government in reply to the observation made in 1957, firstly, that section 29 of Book II of the Labour Code (which permits apprentices over 16 years of age to do night work) applies to commercial establishments only and secondly, that, as bakeries are not considered to be industrial establishments, night work of young persons in bakeries is governed by the provisions of this section 29.

It follows from the above that night work by apprentice bakers aged between 16 and 18 years is prohibited only during the interval between 10 p.m. and 4 a.m., whereas Article 3, paragraph 3, of the Convention requires that the period when work is prohibited shall consist of 11 consecutive hours including (in countries such as France where night work by all workers is prohibited in the baking industry) the interval between 9 p.m. and 4 a.m.

The Committee hopes that the Government will in the near future take the necessary action to eliminate the discrepancy mentioned above.

Hungary (ratification: 1928). The Committee notes the information supplied by a Government representative to the Conference Committee in 1957, indicating that the Ministry of Labour was examining the possibility of prohibiting night work by young persons between 16 and 18 years of age, for whom such work is authorised.

Moreover, section 39 (1) of the Labour Code defines "night work" as a period including eight hours only (between 10 p.m. and 6 a.m.), whereas the Convention provides for a rest period at night of at least 11 consecutive hours.

The Committee once again expresses the hope that the Government will shortly take the necessary steps to give full effect to the Convention.

Nicaragua (ratification: 1934). The Committee notes the Government's statement that in Nicaragua there exists no legislative provision prohibiting night work by young persons but that a law to amend the Labour Code is being drafted, and that the Department of Social Welfare is also drafting regulations to prohibit night work by persons under 16 years of age. The Committee hopes that the above-mentioned legislation will be adopted without delay so as to ensure full application of the Convention.

Spain (ratification: 1932). The Committee notes the information supplied in reply to the observations made in 1957.

With reference to the night work of young persons in the baking industry, the Committee notes the Government's statement that, in view of its special character, section 172 of the Contracts of Employment Act overrules the provisions of the regulations of 12 July 1946 concerning work in bakeries.

The Committee is nevertheless obliged to repeat its observations regarding the existing discrepancies between the national legislation and the Convention, which are admitted by the Government in its report:

- (a) Whereas Article 2 of the Convention prohibits night work by persons below 18 years of age, section 172 of the above-mentioned Act merely prohibits night work by persons below 16 years of age.
- (b) Contrary to Article 3 of the Convention, which provides that the night period must include at least 11 consecutive hours, the said section 172 defines night work as work performed between 8 p.m. and 6 a.m., i.e. during a period of only ten hours.

The Committee therefore trusts that the Government will at an early date take the necessary steps to bring the legislation into conformity with the Convention.

Switzerland (ratification: 1922). The Committee thanks the Government for the information on the progress made in the application of the Convention to bakers' apprentices. It notes in particular that, according to the cantonal reports on the enforcement of the Act respecting the employment of young persons and women in industry during 1954-55, 11 cantons refer to difficulties in the application in bakeries of the legislative provisions respecting night work by young persons. It notes, on the other hand, that there have been two convictions (fines) in respect of contraventions.

The Committee expresses the hope that the continued action by the inspection services will result in the full and uniform application of the Convention in the near future.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Denmark, Viet-Nam.*

Convention No. 7 : Minimum Age (Sea), 1920

Number of reports requested: 30.

Number of reports received: 27.

Reports not received: 3.

(*Brazil, Colombia, Venezuela.*)

China (ratification: 1936). The Committee notes with regret that the proposed revision of the Seamen's Act, designed to fix the age for admission to employment at sea, in accordance with the provisions of Conventions Nos. 7, 15 and 16 and to which reference was made in last year's report, has not yet been completed; it hopes that this legislation will be enacted at an early date.

Colombia (ratification: 1933). As the report for 1956-57 has not been received, the Committee can only repeat its previous observation, which ran as follows:

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).

The Committee hopes that the Government will not fail to take the measures and supply the information referred to above.

Nicaragua (ratification: 1934). The Committee takes note of the information supplied by the Government in its report, indicating that employment on board a vessel is assimilated to industrial labour, for which section 123 of the Labour Code prescribes a minimum age of 14 years. The Committee also notes with interest

that the Department of Social Welfare is preparing regulations in virtue of which employment on board a vessel will be expressly prohibited in the case of children under the age of 14 years.

Moreover, the Committee recalls the observation made in 1957 and hopes that the regulations being prepared will contain the necessary provisions to ensure full compliance with Article 4 of the Convention (keeping of registers).

Convention No. 8 : Unemployment Indemnity (Shipwreck), 1920

Number of reports requested: 29.

Number of reports received: 28.

Report not received: 1.

(Colombia.)

Argentina (ratification: 1933). The Committee is glad to note that a committee has been appointed consisting of representatives of the Ministries concerned and of specialists in maritime and labour law to examine the question of bringing national legislation into harmony with Conventions Nos. 8, 22, 23 and 32. As the existing discrepancies are considerable, the Committee trusts that the deliberations of the committee in question and the elimination of the discrepancies will now be expedited as far as possible.

Colombia (ratification: 1933). Since no report has been received for 1956-57, the Committee can only repeat its previous observation, which read as follows:

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).

The Committee hopes that the Government will not fail to supply the information referred to above.

Mexico (ratification: 1937). During the past few years the Committee has repeatedly pointed out that this Convention, which was ratified 21 years ago, is not applied in a fully satisfactory manner. The Committee, however, has to note with regret that even in its latest report the Government has only repeated its previous statements that the Convention must be regarded as being applied by virtue of certain provisions in the Federal Labour Act and in the General Communications Act. As explained by the Committee in its previous reports, these provisions do not in fact apply the Convention.

The Government refers, in the first place, to section 126 of the Federal Labour Act which provides for the payment of an indemnity equivalent to three months' wages to workers whose contracts of employment are terminated by an unforeseen event or *force majeure* if, but only if, the undertaking or firm concerned is insured. This indemnity is payable only when compensation has been actually received under the relevant policy. The Government further states that under section 221 of the General Communications Act harbour masters may not authorise ships to sail whose owners cannot show that the crews are covered by "accident, labour and welfare insurance".

The Committee is of the opinion that these two provisions clearly refer to two different types of insurance and must accordingly be separately examined. In the first case (section 126 of the Federal Labour Act), the Committee finds that payment of the statutory indemnity of three months' wages is subject

to two factual conditions: (a) that the undertaking in question is insured, and (b) that compensation under the policy is actually received. The first condition opens the door to exceptions (i.e. uninsured undertakings) which are not contemplated in the Convention. In regard to the second condition, the problem arises that the actual receipt of compensation under the policy might be greatly delayed or even not take place at all in the event of the claim being challenged or of some other difference arising between the insurance company (the insurer) and the ship-owning undertaking (the insured). Both possibilities would seriously impair the rights of seamen who, on the one hand, can, and generally do, demand the amount of the indemnity immediately, and who, on the other hand, are entitled to this indemnity irrespective of the person or institution which in the final event bears the cost of paying it (i.e. the shipowner or the insurance company). Again, the Committee considers that although it is convenient and, indeed, desirable to have some private insurance, in that this implies a greater safeguard for both parties, the shipowner, under Article 2 of the Convention, should be responsible for the immediate payment of the unemployment indemnity, though, of course, without prejudice to his right to claim against the insurance company for reimbursement of the amount provided for in the relevant contract.

In the second case (section 221 of the General Communications Act), the Committee is obliged to point out that this provision does not appear to give effect to the Convention either, unless the "accident, labour and welfare insurance" specifically and unequivocally includes payment of an indemnity against unemployment arising out of shipwreck for all days of involuntary unemployment, the total amount of which may be limited to two months' wages.

The Committee, therefore, feels constrained to urge again that the Government should take the appropriate measures at an early date to give full effect to this Convention.

Nicaragua (ratification: 1934). The Committee notes that the Government intends to submit to Parliament a Bill to amend certain provisions of the Labour Code. It hopes that this Bill will ensure the full application of the Convention by providing for an indemnity against unemployment resulting from shipwreck in all cases, regardless of whether the ship was insured or not and of whether the articles of agreement were for a definite or an indefinite period.

Norway (ratification: 1936). The Committee notes that the question of the application of the Convention to foreign seafarers who are not citizens of States which have ratified the Convention is still under consideration in connection with the forthcoming revision of the Seamen's Act of 17 July 1953. The Committee hopes that a satisfactory decision will be taken in this matter at an early date.

Spain (ratification: 1924). The Committee notes the information supplied in the Government's last report, but feels that it must point out once again that Article 2 of the Convention is not applied. The Committee bases this conclusion on the following facts:

1. The Decree of 26 January 1944 on the temporary or permanent closing of undertakings does not cover the present case, since it contains no express provision for an indemnity against unemployment resulting from shipwreck. Moreover, while sections 1 and 5 of this Decree (under which prior authorisation must be obtained for the suspension of activities by an undertaking) apply to undertakings in general, they do not

appear to apply to vessels, since the Labour Regulations for the Mercantile Marine of 23 December 1952, which apply specifically to vessels, expressly exempt shipping companies from the obligation of obtaining such prior authorisation when the employment relationship is terminated by reason of shipwreck (regulations 180 and 182). In this case the employer is required merely to notify the Labour Directorate of the temporary or permanent cessation of activities, and to append to the notification a certificate attesting the grounds invoked.

2. The Regulations of 23 December 1952 lay down, in regulations 170-179, the various grounds for termination of the legal employment relationship, including circumstances beyond the control of the parties. However, regulations 191-203, which deal with the economic consequences of termination, contain no provisions regarding the indemnity to be paid in cases where the employment relationship is terminated by circumstances beyond the control of the parties and, in particular, by shipwreck. The only provision which might conceivably apply is regulation 197 (1), which refers to "any other change in conditions of work, due to *force majeure*". If this regulation applied (which is not clear from the text), it would provide merely that the labour judge should award such indemnity as he deemed fit and might "even award no indemnity at all".

The Committee also observes that regulation 31, to which the Government's report refers, applies exclusively to "permanent employees". This would appear to imply the exclusion of two other categories of workers mentioned in the Regulations: temporary employees (regulation 32) and casual employees (regulation 33). This limitation would also be contrary to Article 2 of the Convention, which provides, without qualification, that the shipowner "shall pay to each seaman employed [on such vessel] an indemnity...".

For these reasons, the Committee considers it necessary to urge again that the Government should re-examine the matter and take appropriate measures to bring the national legislation into conformity with the Convention, and to provide that, in the case of loss or foundering of any vessel, the owner or the person with whom the seamen have contracted shall pay to each seaman employed on the vessel an indemnity against unemployment resulting from such loss or foundering, the total amount of which may be limited to two months' wages.

Sweden (ratification: 1935). The Committee notes from the information supplied to the Conference Committee in 1957 and repeated in the report, that the question of paying an indemnity to any seafarer irrespective of his nationality is under examination and that an appropriate amendment of the Seamen's Act would need to be submitted to the Riksdag. The Committee hopes that a satisfactory decision will be taken in this matter at an early date.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Mexico*.

Convention No. 9 : Placing of Seamen, 1920

Number of reports requested: 26.

Number of reports received: 25.

Report not received: 1.

(*Colombia*.)

Colombia (ratification: 1933). Since the report for 1956-57 has not been received and since the previous report made no reference to the observation of 1956, the Committee can only repeat that observation, which read 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 persons, 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 hopes that the Government will not fail to take the measures and supply the information referred to above.

Nicaragua (ratification: 1934). The Committee is glad to note that regulations to apply the Convention are being prepared and expresses the hope that these regulations will be brought into force at an early date.

Spain (ratification: 1931). The Committee takes note of the information supplied by the Government but would draw its attention to the following points:

Article 5 of the Convention. The Government indicates, contrary to the statement made in the report for 1954-55, that the committees provided for in this Article have been established in conformity with the Order of 31 August 1938. It should be noted, however, that, according to section 11 of this Order, the committees provided for by section 7 are purely administrative and not advisory as required by the Convention. Moreover, the joint committees provided for in section 7 of the Act of 27 November 1931 are not dealt with in the new Act of 10 February 1943, which repeals the earlier Act.

Article 7. The Government's report does not refer to the facilities which should be assured to seamen for examining contracts or articles of agreement *before* signing.

Article 8. The Decree of 29 August 1935, to which the report refers, contains various provisions relating to the placing of foreign workers. However it contains no provisions respecting the facilities for employment which must be made available to the seamen of all countries which have ratified the Convention.

The Committee would be glad if the Government would take the necessary measures in order to ensure the application of the various provisions in question. It would also be glad if the next report would include

detailed replies to the requests made in the annual report form under each provision of the Convention.

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In addition, a request regarding certain other points is being addressed directly to *Bulgaria*.

Convention No. 10 : Minimum Age (Agriculture), 1921

Number of reports requested: 26.

Number of reports received: 25.

Report not received: 1.

(*Czechoslovakia*.)

No observations.

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Requests regarding certain points are being addressed directly to the following States: *France, Netherlands, Nicaragua, Spain*.

Convention No. 11 : Right of Association (Agriculture), 1921

Number of reports requested: 41.

Number of reports received: 37.

Reports not received: 4.

(*Colombia, Czechoslovakia, Peru, Venezuela*.)

Byelorussia (ratification: 1956). The Committee notes with interest the information contained in the Government's first report. It observes however, that certain persons "engaged in agriculture", particularly kolkhoz workers, appear not to enjoy "the same rights of association and combination" as industrial workers. This results in particular from section 151 of the Labour Code, which refers only to persons working "for wages" among those entitled to trade union membership, and thus excludes kolkhoz workers, whose remuneration does not appear to be regarded as "wages".

The inability of kolkhoz workers to become members of trade unions appears to follow also from section 152 of the Labour Code, which provides that trade unions must be registered "in accordance with the conditions prescribed by the All-Union Central Council of Trade Unions", and from the fact that the "Constitution and Rules" adopted by this "Central Council" do not refer to kolkhoz workers among those entitled to become members of trade unions (Rule 1).

Furthermore, sections 152 and 153 of the Labour Code require the "registration" with "a federation of unions" of all new associations wishing "to style themselves trade unions" and to enjoy "the rights of such unions"; they also provide that such registration must be "in accordance with the conditions prescribed by the All-Union Central Council of Trade Unions" and that such new associations shall be organised "in accordance with the principles drawn up by the competent congresses" of the trade unions. It follows that—

- (a) all new associations of kolkhoz workers wishing to obtain the status of "trade union" would be faced by an insuperable obstacle arising from the fact that the rules adopted by the "All-Union Central Council of Trade Unions" does not provide for membership of trade unions by kolkhoz workers;
- (b) such associations, possessing neither the "style" nor the "rights of trade unions", would be incapable of establishing a new "federation of unions".

The Committee would therefore be grateful if the Government would take all necessary measures "to secure to all those engaged in agriculture" and particularly to kolkhoz workers "the same rights of association and combination as to industrial workers", and would, for these purposes, make the necessary amendments to sections 151, 152 and 153 of the Labour Code.

Chile (ratification: 1925). The Committee notes with interest that the Government again refers to proposed amendments of the Labour Code, now being drafted, which would bring the provisions of the national legislation unquestionably into conformity with the Convention.

The Committee observes that the amendments in question have been under consideration for more than a year and that the ratification goes back to 1925, and trusts that the Government will be able to state at the 42nd Session of the Conference that the legislation has been amended and that, in accordance with its international obligations, the Government "secures to all those engaged in agriculture the same rights of association and combination as to industrial workers".

Egypt (ratification: 1954). The Committee notes with interest the statement made by a Government representative to the Conference in 1957, that "Convention No. 11 could have been ratified by Egypt even if Legislative Decree No. 317 had not existed; section 39bis of this Legislative Decree merely contained provisions to ensure that any dismissal without proper cause should be redressed immediately, without going through the long procedure of the ordinary courts. This provision was greatly in advance of the standards laid down in the Convention or those existing in most other countries."

The Committee observes that:

- (a) although section 23 of Legislative Decree No. 319 of 1952, which prescribes penalties for the dismissal by an employer of a worker on the ground of the latter's membership of a trade union, may be invoked in respect of the dismissal of any kind of worker (including agricultural workers), in view of the difficulties which workers may experience in proving the true reason for dismissal, sections 39bis and 40 of Legislative Decree No. 317 provide workers to whom this Decree applies with a far more substantial guarantee;
- (b) as the Government's representative himself indicated, by virtue of section 39bis of Legislative Decree No. 317, read with section 40 (which specifies the grounds of dismissal), any dismissal without proper cause (including dismissal on the ground of membership of a trade union) can be annulled "immediately, without going through the long procedure of the ordinary courts";
- (c) the Convention provides that agricultural workers shall enjoy the same rights of association and combination as industrial workers;
- (d) section 1 (c) of Legislative Decree No. 317 excludes from the scope of its provisions "employees of establishments where no machinery is used";
- (e) the last-mentioned provision in effect deprives certain agricultural workers of the protection of sections 39bis and 40 of Legislative Decree No. 317;
- (f) consequently, although this provision does not constitute direct discrimination against agricultural workers, the latter's legal position in

relation to the defence of the free exercise of their "rights of association and combination" is distinctly less favourable than that of industrial workers.

The Committee considers that the Government should take the necessary measures to extend to all agricultural workers the benefit of sections 39*bis* and 40 of Legislative Decree No. 317, which provide certain workers (in particular, industrial workers) with effective protection against anti-trade union discrimination.

India (ratification: 1923). The Committee thanks the Government for the information supplied in answer to the request made in 1957. It notes that in the state of Kerala (formerly Travancore-Cochin), during 1955-56, 205 trade unions in all branches of industry, including 24 agricultural trade unions, were dissolved by cancellation of registration.

Nicaragua (ratification: 1934). The Committee finds that the "Trade Unions Regulations", a copy of which was forwarded for the first time with this year's report, limit the "rights of association and combination" of persons "engaged in agriculture" as compared with the rights granted to industrial workers. Thus, section 6 of these Regulations provides that "when over 60 per cent. of the workers wishing to form an agricultural union are unable to read and write . . . they can only form a works union" (*de empresa*); whereas industrial workers can choose between four different types of union (*gremiales, de empresa, industriales, mixtos*).

The Committee found that the indirect result of the elimination of the possibility of choosing between the various types of union, which affects only agricultural workers, might be to prohibit the establishment of any union in undertakings giving permanent employment to less than 42 workers, since works unions, which are the only type that may be formed by agricultural workers, must have at least 25 members (section 203 of the Labour Code) and their members must comprise at least 60 per cent. of the workers in the undertaking (section 8 of the Regulations). In addition, the above-mentioned provisions, in combination with those of section 38 of the Regulations, which provide for the cancellation of registration, that is to say for the dissolution, of any union the membership of which falls below the prescribed minimum, in fact prohibits seasonal workers from forming unions.

The Committee expresses the hope that the Government will be willing to repeal the provisions in question as soon as possible or to amend them in such a manner as to ensure that persons employed in agriculture have the same rights of association and combination as industrial workers.

U.S.S.R. (ratification: 1956). The Committee notes with interest the information contained in the Government's first report. It observes however that, contrary to the provisions of the Convention, certain persons "engaged in agriculture" do not enjoy "the same rights of association and combination" as industrial workers. This is the case particularly of kolkhoz workers, who constitute—so the Committee believes—more than 80 per cent. of "those engaged in agriculture" in the U.S.S.R. In effect, section 151 of the Labour Code of the R.S.F.S.R.—the only Labour Code of the Constituent Republics of the U.S.S.R. available to the Committee—refers only to persons working "for wages" among those entitled to be members of trade unions. This provision has the effect of excluding kolkhoz workers, as

their remuneration does not appear to be regarded as "wages".

This exclusion of kolkhoz workers appears to result also from section 152 of the Labour Code, which provides that trade unions must be registered "in accordance with the conditions prescribed by the Union Congresses of Trade Unions", and from the fact that the "Constitution and Rules of the Trade Unions of the U.S.S.R." make no provision for the possibility of kolkhoz workers to become members of trade unions (Rule 1).

Furthermore, sections 152 and 153 of the Code require the "registration" with "the central federations of unions" of all new associations wishing "to style themselves trade unions" and to enjoy "the rights of such unions"; they also provide that such registration must be "in accordance with the conditions prescribed by the Union Congresses of Trade Unions" and that such associations shall be organised "in accordance with the principles drawn up by the competent congresses" of the trade unions. It follows that:

(a) new associations of kolkhoz workers wishing to obtain the status of "trade union" would be faced by an insuperable obstacle arising from the fact that the rules of the only existing "central federation of unions" do not provide for membership of trade unions by kolkhoz workers;

(b) such associations, possessing neither the "style" nor the "rights of trade unions", would be incapable of establishing a new "central federation of unions".

The Committee therefore expresses the hope that the Government will take all necessary measures "to secure to all those engaged in agriculture" and particularly to kolkhoz workers "the same rights of association and combination as to industrial workers", and that, for these purposes, all necessary amendments will be made to sections 151, 152 and 153 of the Labour Code of the R.S.F.S.R.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Byelorussia, China, Egypt, Ukraine, U.S.S.R.*

Convention No. 12 : Workmen's Compensation (Agriculture), 1921

Number of reports requested: 28.

Number of reports received: 27.

Report not received: 1.

(*Colombia.*)

Argentina (ratification: 1936). See under Convention No. 17.

Nicaragua (ratification: 1934). See under Convention No. 17.

El Salvador (ratification: 1955). The Committee takes note with interest of the detailed information supplied by the Government in reply to the observation made in 1957.

It would be glad if the Government would indicate in future any progress which may have been made in the extension of the Social Security Act to agricultural workers.

Convention No. 13 : White Lead (Painting), 1921

Number of reports requested: 29.

Number of reports received: 26.

Reports not received: 3.

(*Colombia, Czechoslovakia, Venezuela.*)

Colombia (ratification: 1933). Since the report for 1956-57 has not been received, the Committee can only repeat its earlier observations, as follows:

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 hopes that the Government will indicate finally what measures it intends to take to give effect to the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Italy, Mexico, Nicaragua, Spain.*

Convention No. 14 : Weekly Rest (Industry), 1921

Number of reports requested: 41.

Number of reports received: 36.

Reports not received: 5.

(*Bolivia, Colombia, Czechoslovakia, Peru, Venezuela.*)

Bulgaria (ratification: 1925). The Committee notes with satisfaction that section 79 of the Labour Code, as amended in 1957, provides for a compensatory day of rest in cases where the period of weekly rest is reduced to less than 24 hours as a result of work exceptionally carried out on the day of weekly rest.

Colombia (ratification: 1933). As the Government's report for 1956-57 has not been received, the Committee finds it necessary to repeat observations already made on two occasions and which in 1957 read as follows:

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.

France (ratification: 1926). The Committee thanks the Government for the information on water transport navigation, furnished in reply to the observation made in 1957.

Greece (ratification: 1929). The Committee notes that permanent-way workers are still excluded from full entitlement to weekly rest but that, following a request from the Pan-Hellenic Federation of Railwaymen, the competent government services are negotiating with the Federation the question of extending to permanent-way workers the system of four weekly rest days per month.

The Committee hopes, therefore, that, following the extension of this system of four weekly rest days per month to station staffs in 1956, already noted by the Committee, the Government will soon find it possible to extend this system of four rest days per month to the workers in question.

Yugoslavia (ratification: 1927). The Committee notes the Government's statement that the Bill respecting labour relations, which is to contain specific regulations regarding the exceptions that may be authorised in accordance with Articles 3 and 4 of the Convention, was to be adopted early in 1958 at the latest. It hopes therefore that the Government will now be able to draw up and supply the list of exceptions authorised in virtue of the above-mentioned Articles, as required under Article 6 of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Bolivia, China, Czechoslovakia, Haiti, India, Morocco, Poland, Turkey, Viet-Nam, Yugoslavia.*

Convention No. 15 : Minimum Age (Trimmers and Stokers), 1921

Number of reports requested: 38.

Number of reports received: 37.

Report not received: 1.

(*Colombia.*)

China (ratification: 1936). See under Convention No. 7.

Colombia (ratification: 1933). As the report for 1956-57 has not been received, the Committee can only repeat the observation it made in 1957, which read as follows:

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 date of birth of all persons under 18 years of age).

In fact, 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 hopes that the Government will not fail to take the measures and supply the information referred to above.

Nicaragua (ratification: 1934). The Committee notes with interest that a Bill to amend section 125 of the Labour Code so as to give effect to the Convention has been prepared, and hopes that this legislation will be enacted at an early date.

Uruguay (ratification: 1933). The Committee took note of the Government's statement that the Bill expressly prohibiting the work of persons under 18 years of age as trimmers or stokers, which was under consideration by the Executive, has not yet been approved.

The Committee trusts that these provisions will come into force in the near future, so as to give effect to the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Burma, Spain, Ukraine, U.S.S.R.*

Convention No. 16 : Medical Examination of Young Persons (Sea), 1921

Number of reports requested: 38.
Number of reports received: 36.
Reports not received: 2.

(*Brazil, Colombia.*)

Brazil (ratification: 1936). As the report for 1956-57 has not been received, the Committee can only repeat its previous observation, which ran as follows:

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.

The Committee hopes that the Government will not fail to take the measures and supply the information referred to above.

China (ratification: 1936). See under Convention No. 7.

Nicaragua (ratification: 1934). The Committee took note of the reply by the Government to the observations of 1957 with regard to Articles 2, 4 and 8 of the Convention. According to this reply, the Department of Social Welfare has prepared draft regulations which are to ensure the full application of these provisions. The Committee hopes that these regulations will come into force at an early date, thus giving effect to the provisions of the Convention.

Uruguay (ratification: 1933). The Committee noted the Government's statement that the draft joint regulations covering the subject matter of Conventions Nos. 16, 77 and 78 have not yet been promulgated.

The Committee expresses the hope that these regulations will come into force in the near future and will expressly provide for the compulsory medical examination of persons under 18 years of age employed on board ship, as well as for their annual re-examination in accordance with the provisions of the Convention.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Burma, Byelorussia, Ukraine, U.S.S.R.*

Convention No. 17 : Workmen's Compensation (Accidents), 1925

Number of reports requested: 28.
Number of reports received: 26.
Reports not received: 2.

(*Burma, Colombia.*)

Argentina (ratification: 1950). The Committee takes note with interest of the Government's report and of the text of the Legislative Decree of 5 July 1957 (No. 7604/57), which was adopted with a view to bringing the legislation into conformity with Article 10 of the Convention; in virtue of this Legislative Decree, the employer is required to supply and renew artificial limbs and surgical appliances required by a person injured in an industrial accident.

However, the Committee wishes to point out that this Legislative Decree does not provide for supervisory measures with a view to avoiding abuses as regards the renewal of these appliances, as required under Article 10, paragraph 2, of the Convention.

The Committee also points out that the legislation is not in conformity with the Convention as regards the following points:

Article 6 of the Convention. Whilst this Article provides that compensation may be withheld only during the first four days after the accident, the national legislation prescribes a waiting period of six days in this connection.

Article 7. The national legislation does not provide for the payment of additional compensation, required by this Article, in cases of incapacity of such a nature that the constant help of another person is necessary.

The Committee would be glad if the Government would indicate what measures it intends to take with a view to ensuring the full application of these Articles of the Convention.

Article 8. The Convention provides that the legislation shall fix such methods of review as are deemed necessary. As there does not appear to be any such procedure for review in Argentina, the Committee would be glad to have information on the present situation in this respect and on the measures which the Government may consider necessary on this matter.

Colombia (ratification: 1933). As the report for 1956-57 has not been received, the Committee finds it necessary to repeat the observations made in 1956 and 1957, which read as follows:

The Committee notes that, according to the information supplied, the compensation provided for by the 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).

The Committee hopes that the Government will not fail to take the measures and supply the information referred to above.

Greece (ratification: 1952). The Committee notes with interest that the Insurance Act of 1951 has again been extended to new districts. It expresses the hope that the Government will continue its action to ensure the full application of the provisions of the Convention (particularly as regards Articles 8, 9 and 10) in the few regions of the territory to which the Act of 1951 has not been rendered applicable.

Haiti (ratification: 1955). The Committee notes that the Government's report contains no reply to the observations made in 1957, and it finds it necessary, therefore, to repeat its previous observations, which read as follows:

The Committee observes that discrepancies exist between the national legislation and the following Articles of the Convention:

Article 2. 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 an enterprise, undertaking or establishment"), covering all residents, do not permit such a distinction.

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 urges the Government to indicate what measures it intends to take to eliminate the existing discrepancies between national legislation and the Convention.

Mexico (ratification: 1934). The Committee notes that the Social Security Act, as amended by the Decree of 29 December 1956, does not provide for additional compensation to injured persons who must have the constant help of another person (Article 7 of the Convention). It would be grateful if the Government would indicate the measures which it intends to take to eliminate this discrepancy.

Netherlands (ratification: 1927). The Committee notes with satisfaction that an Act dated 22 March 1957 brought section 17 of the Act respecting industrial accidents into conformity with Article 7 of the Convention (additional compensation to persons injured in an accident and who require the constant help of another person).

New Zealand (ratification: 1938). The Committee takes note with interest of the Government's report and of the new Workers' Compensation Act of 1956. However, it notes discrepancies between this Act and the following Articles of the Convention:

Article 5. The provision of national legislation, which lays down that compensation in the case of industrial accidents resulting in the worker's death shall always be paid to the survivors in the form of a lump sum, is not in conformity with this Article of the Convention which provides that, as a rule, the compensation shall be paid in the form of periodical payments and only authorises payment in a lump sum subject to certain conditions.

Article 9. The national legislation fixes the maximum amount of compensation for medical and surgical attendance and the supply of medicines, and the insured person is responsible for any expenses exceeding this amount; this is contrary to Article 9 of the Convention, which provides that the cost of medical aid shall be defrayed either by the employer or by an insurance institution and makes no provision for part of the cost of benefits to be borne by the injured workman.

Article 10. The restrictions provided for in the national legislation as regards the period during which the person injured in an industrial accident is entitled to the payment of the cost of repairing artificial limbs and aids and as regards the amount of such expenditure, cannot be considered as in full conformity with the Convention, which fixes no limit, either as to the period or the amount of such expenditure. Moreover, this restriction might result in the suppression of the right of the injured workman, prescribed in the Convention, to the renewal of artificial limbs and surgical appliances.

The Committee would be grateful if the Government would indicate what measures might be taken to bring these provisions of the legislation into full conformity with the Convention.

Nicaragua (ratification: 1934). The Committee takes note with interest of the Government's report. It notes that the organic Act respecting social security shows a definite progress in relation to the corresponding provisions of the Labour Code. However, having noted that the part of the Social Security Act which deals with occupational hazards has not yet come into force, the Committee wishes to point out that the provisions of the Labour Code now in force differ from those of the Convention on the following points:

Article 5 of the Convention. The Labour Code contains no provision to ensure that the compensation paid in the form of a lump sum in the case of permanent incapacity or death shall be properly utilised, as required under this Article.

Article 7. The Labour Code does not provide for the payment of the additional compensation required under this Article in the case of incapacity of such a nature that the constant help of another person is required.

Article 10. The Labour Code contains no provision prescribing the supply and normal renewal of artificial limbs and surgical appliances required by injured workmen.

Article 11. The Labour Code does not contain any measure to ensure the payment of compensation in the event of insolvency of the employer or insurer as required under this Article of the Convention.

The Committee attaches the greatest importance to the elimination of these discrepancies between the legislation and the Convention, in view of the fact that even when those provisions of the Social Security Act which relate to occupational hazards come into force, the Labour Code will continue to apply to certain categories of workers who are excluded from the scope of the Social Security Act in virtue of section 64 thereof (persons under 14 years of age and persons who have attained the age of 60 years when first entering the service of another person) and section 95 (workers in the service of an employer who has less than five permanent employees).

The Committee would also be grateful if the Government would indicate what measures it intends to take with a view to bringing the Social Security Act into conformity with Article 7 of the Convention, which provides that additional compensation must be granted in cases of incapacity of such a nature that the injured workmen must have the constant help of another person.

Sweden (ratification: 1926). The Committee takes note with interest of the statement in the report that the Government is examining the possibility of eliminating the discrepancy between the national legislation and Article 9 of the Convention, arising out of the fact that insured persons are responsible for part of the cost of medical aid. It hopes that measures will be taken at an early date with a view to eliminating this discrepancy.

United Kingdom (ratification: 1949). The Committee notes that, according to the provisions of the legislation in force, persons injured by industrial accidents are responsible for part of the cost of medical care. It would be glad if the Government would indicate what measures it intends to take to amend the legislation in order to ensure full conformity with the Convention, which provides, in Article 9, that "the cost of [medical] aid shall be defrayed either by the employer, by accident insurance institutions, or

by sickness or invalidity insurance institutions" and makes no provision for part of the cost of benefits to be borne by injured persons.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Chile, Haiti, New Zealand, Nicaragua, Uruguay.*

**Convention No. 18 : Workmen's Compensation
(Occupational Diseases), 1925**

Number of reports requested: 29.

Number of reports received: 27.

Reports not received: 2.

(*Argentina, Colombia:*)

Ceylon (ratification: 1952). The Committee takes note with interest of the new Workmen's Compensation (Amendment) Act, No. 31 of 1957. However, it notes that Schedule III to section 13 of this Act is not in full conformity with the schedule to Article 2 of the Convention. Thus, on the one hand, as regards the list of occupations corresponding to anthrax infection, the schedule deals only with employment involving the handling of animal carcasses or parts of such carcasses, or of articles manufactured therefrom, or employment in connection with animals infected with anthrax, and it does not deal with more general occupations, as required in the Convention, such as loading and unloading or transport of merchandise, which is included in the list of industries or processes in the schedule of the Convention. Moreover, as regards "poisoning by mercury, its amalgams and compounds and their sequelæ", Schedule III of the new Act does not include amalgams. The Committee would be glad if the Government would indicate what measures it intends to take to bring the legislation into conformity with the Convention on these two points.

Chile (ratification: 1933). The Committee notes that the schedule of occupational diseases in the Decree of 6 April 1948 is not in conformity with the schedule to Article 2 of the Convention in the following respects:

1. As regards poisoning "by lead, its alloys or compounds", the Decree does not mention alloys.

2. As regards the list of occupations corresponding to anthrax infection, the Decree refers only to certain industries but does not include the more general description "work in connection with animals infected with anthrax, handling of animal carcasses or parts of such carcasses including hides, hoofs and horns, and loading and unloading or transport of merchandise", in accordance with the schedule to Article 2 of the Convention.

The Committee would be grateful if the Government would indicate what measures it intends to take to complete the schedule in the Decree on these points.

Colombia (ratification: 1933). As the report for 1956-57 has not been received, the Committee finds it necessary to repeat its previous observations, which read as follows:

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 inter-

preted 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.

The Committee hopes that the Government will not fail to take the necessary measures to bring the legislation into full conformity with the Convention.

Czechoslovakia (ratification: 1932). As regards poisoning by lead and mercury, and anthrax infection, see under Convention No. 42.

France (ratification: 1931). As regards anthrax infection, see under Convention No. 42.

Federal Republic of Germany (ratification: 1928). As regards poisoning by lead and mercury, and anthrax infection, see under Convention No. 42.

Hungary (ratification: 1928). See under Convention No. 42.

Luxembourg (ratification: 1928). The Committee notes that the list of occupations corresponding to anthrax infection in the schedule of occupational diseases appended to the Grand Ducal Order of 31 March 1939 is not in full conformity with the corresponding list in the schedule to Article 2 of the Convention. Thus the Order refers to "the handling of carcasses of animals infected with anthrax and loading and unloading or transport of merchandise which is so infected", whilst the Convention contains more general provisions referring to "handling of animal carcasses or parts of such carcasses, including hides, hoofs and horns, and loading and unloading or transport of merchandise".

The Committee would be grateful if the Government would indicate what measures it intends to take to complete the list in the Order in this connection.

Nicaragua (ratification: 1934). The Committee notes that the provisions of the Social Security Act of 22 December 1955 and of the Regulations thereunder of 1956, dealing with compensation for industrial accidents and occupational diseases, have not yet entered into force. It hopes that this legislation will soon come into force and that the Government will supply information on the progress made in this connection.

Norway (ratification: 1929). See under Convention No. 42.

Poland (ratification: 1937). See under Convention No. 42, as regards anthrax infection.

Switzerland (ratification: 1927). The Committee has taken note of the Government's reply that compensation in respect of anthrax is ensured in accordance with the provisions of the Convention. The Committee nevertheless considers that it would be desirable to supplement section 3 of the Ordinance of 6 April 1956 by adding to the list of operations under the head relating to diseases transmissible by contact with animals the "loading and unloading or transport of merchandise", as provided in the Convention.

Moreover, the Committee observes that insurance in respect of occupational accidents in agriculture does

not cover occupational diseases in that sector; but it is stated in Article 1 of the Convention that the victim of an occupational disease is entitled to compensation based on "the general principles of the national legislation relating to compensation for industrial accidents". It would also appear that certain of the occupational diseases listed in the schedule to Article 2 of the Convention may affect workers employed in agriculture as well as those employed in industry; this is so, in particular, in the case of certain lead poisonings and anthrax infections.

The Committee hopes that the Government will take measures in the near future to bring its legislation into conformity with the Convention.

Yugoslavia (ratification: 1927). The Committee notes that the following discrepancies exist between the schedule of occupational diseases in the Ordinance of 25 November 1946 and the schedule to Article 2 of the Convention:

1. As regards "poisoning by lead, its alloys or compounds", the schedule in the Ordinance does not refer to alloys.

2. As regards "poisoning by mercury, its amalgams and compounds", the schedule in the Ordinance does not refer to amalgams.

3. In addition, the list of occupations in the Ordinance, corresponding to anthrax infection, mentions the handling "of merchandise composed of scraps of infected animals", whilst the Convention provides for "the handling of animal carcasses or parts of such carcasses"; moreover, the schedule in the Ordinance does not include "the loading and unloading or transport of merchandise", which is included in the schedule of the Convention.

The Committee would be grateful if the Government would indicate what measures it intends to take to complete the schedule in the Ordinance on these points.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Morocco, Spain*.

Convention No. 19 : Equality of Treatment (Accident Compensation), 1925

Number of reports requested: 46.

Number of reports received: 42.

Reports not received: 4.

(*Bolivia, Colombia, Peru, Venezuela.*)

Argentina (ratification: 1950). The Committee notes with satisfaction that Legislative Decree No. 7607 of 5 July 1957 eliminates the requirements respecting residence laid down in Act No. 9688 with regard to the survivors of foreign workers, in connection with benefits for industrial injuries, and thus brings the legislation into conformity with Article 1, paragraph 2, of the Convention.

Bulgaria (ratification: 1929). The Committee notes that regulations under the Pensions Act 1957, which will cover the matters dealt with in the Convention, are being drafted. It trusts that the new provisions will give full effect to the Convention.

France (ratification: 1928). Referring to the general observations addressed in previous years to all the governments that had ratified the Convention, the

Government states that, although the interpretation put by the Committee on this instrument may, in the Government's opinion, lead to "anomalies", the French legislation leads to the results required by the Convention, since if the amount of accident pensions is increased the full increase is also payable to any national of a State that has ratified the Convention.

The Committee (which had merely indicated what it had considered to be the effect of the Convention) was pleased to note this information.

Federal Republic of Germany (ratification: 1928). The Committee notes with satisfaction that, in reply to the observations addressed to it in preceding years, the Government states in its report that equality of treatment is now complete, as between nationals of States which have ratified the Convention and German nationals, by virtue of the Act of 27 July 1957. This Act has raised the coefficients applied to wages taken into account in calculating the periodical payments in respect of accidents, which has resulted in it becoming possible to suppress the supplementary benefits the payment of which abroad was reserved to nationals of the Federal Republic and nationals of countries which concluded reciprocal agreements with the Federal Republic.

Hungary (ratification: 1928). The Committee notes the information supplied to the Conference Committee in 1957, indicating that no distinction as regards nationality is made in the rules governing the authorisation by the Minister of Finance, which is required in connection with the transfer abroad of pensions or benefits.

Italy (ratification: 1928). The Committee notes that, in reply to the observation made in 1957, the Government confirms the views already expressed in its previous report, according to which the principle of equality of treatment laid down in the Convention does not relate to the provisions of international agreements, which regulate situations and interests proper to the contracting parties. The Government adds that difficulties, not only of a formal but also of a practical character, prevent the application of the Convention on the basis of the extended scope given to it by the Committee and suggests that the problem should be submitted to the Committee of Social Security Experts of the I.L.O.

The Committee (which had merely indicated what it considered to be the effect of the Convention) notes that, although the Committee of Social Security Experts is entrusted with the examination of questions relating to the preparation of new social security Conventions and the revision of existing Conventions, it does not appear to be required, according to its terms of reference, to examine the degree of application of ratified Conventions at present in force.

Consequently, the Committee finds it necessary to ask the Government to take the necessary measures, already taken by numerous other countries having ratified the Convention, to ensure the full application of Article 1, paragraph 1, of the Convention by granting to the nationals of all countries having ratified the Convention the same treatment as it grants to its own nationals, not only in virtue of the national legislation, but also in virtue of any bilateral or multilateral agreements.

Luxembourg (ratification: 1928). The Committee notes that, according to the report, the Government considers that the coverage of bilateral conventions cannot be extended by applying the principle of

equality of treatment laid down in the Convention. It observes, however, that the bilateral social security agreements concluded by Luxembourg provide that any supplementary benefits shall be payable to nationals of a contracting party who transfer their place of residence to the territory of another party. It follows that whereas in certain cases a Luxembourg national who goes to reside outside Luxembourg is entitled to such supplementary benefits, nationals of certain States that have ratified the Convention who similarly change their place of residence may be deprived of such benefits. Article 1 (2) of the Convention provides that nationals of other countries that have ratified the Convention shall be granted, without any condition as to residence, the same treatment as is granted to a country's own nationals, and does not distinguish between cases in which such treatment is provided for in national legislation and those in which it is the result of bilateral or multilateral agreements. In the circumstances, the Committee can only conclude that this Article is not applied, and it expresses the hope that the Government will take suitable measures to ensure the full application of this provision.

Spain (ratification: 1929). The Committee notes with regret that the Government has not replied to the observation made in 1957, but refers merely to regulation 11 of the regulations issued under the Act respecting industrial accidents. In its observation, which related precisely to regulation 11 of these regulations, the Committee had pointed out that in virtue of this text a worker's dependants who lived on Spanish territory at the time of the accident but ceased to live there remained entitled to the payment of compensation only if—

- (a) the legislation of their country accorded a similar right to Spanish subjects; and
- (b) the country of their new residence had ratified the Convention or if the payment of such compensation was provided for by special treaties.

As the condition dealt with under (b) above is not required in the case of Spanish nationals, it is not in conformity with Article 1 of the Convention, which provides that the nationals of any State having ratified the Convention enjoy equality of treatment without any condition as to residence. The Committee therefore expresses the hope that the Government will take the necessary measures to bring its legislation into conformity with the Convention.

As regards the first condition, mentioned under (a) above, the Committee notes that it is not compatible with Article 1 of the Convention except in so far as it is considered as fulfilled in the case of nationals of States having ratified the Convention. The Committee would therefore be grateful if the Government would indicate whether this is in fact the case.

United Kingdom (ratification: 1926). The Committee notes with satisfaction that, in spite of the difficulties encountered, the Government will take the necessary measures to ensure that nationals of States which have ratified the Convention who change their residence to a country with which the United Kingdom has concluded a bilateral agreement shall receive the same treatment as is received by British nationals.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Austria, Bolivia, Chile, Czechoslovakia, Dominican Republic, Egypt, Haiti, Indonesia, Luxembourg, Nicaragua, Norway, Uruguay.*

Convention No. 20 : Night Work (Bakeries), 1925

Number of reports requested: 12.

Number of reports received: 11.

Report not received: 1.

(*Colombia.*)

Bulgaria (ratification: 1929). The Committee notes with interest that section 115 of the Labour Code, as amended by the Act of 1957, provides that the industries or occupations in which night work is prohibited shall be specified by ordinance. It hopes therefore that the Government will issue an ordinance prohibiting night work in bakeries in accordance with the provisions of the Convention and that the said ordinance will ensure the full application of Articles 1, 2, 3 and 4 of the Convention.

Colombia (ratification: 1933). As the Government's report for 1956-57 has not been received, the Committee finds it necessary to repeat the observations already made on two occasions and which in 1957 read as follows:

... the Committee notes from the report [1954-55] 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 hopes that the Government will take immediate steps to give effect to this Convention, which is still totally unapplied in Colombia.

Finland (ratification: 1928). The Committee takes due note of the Government's statement that, in practice, night work is not carried out in bakeries attached to hospitals and other institutions. It hopes that, the next time the relevant legislation is reviewed, the Government will propose the necessary amendment to ensure full conformity of the law with the terms of the Convention and the existing practice.

Spain (ratification: 1932). The Committee takes note of the information supplied in reply to the observation of 1957, particularly as regards the prohibition of night work in the case of young persons.

Article 2 of the Convention. Although the Government refers to an Act of 8 April 1932 and subsequent Orders made by the Labour Ministry, specifically an Order made on 13 July 1940, and states that these prohibit work at night for a period of seven consecutive hours, the Committee wishes to point out that the observation of 1957 was based on the National Regulations Governing Work in the Baking Industry as approved by an Order of the Ministry of Labour dated 12 July 1946. These Regulations, which the Government had transmitted with its report in an edition published in 1953, apparently contain no reference to the Act of 8 April 1932 nor to the Orders mentioned by the Government to the effect that the prohibited night work period is seven hours. On the contrary, there is a specific reference in Chapter V of the National Regulations for the baking industry to a period of prohibited night work of six consecutive hours as fixed by a Decree dated 3 April 1919. As the point in question relates to a basic provision of the Convention, the Committee would be glad if the

Government would take the necessary measures to ensure full conformity with Article 2 of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Cuba, Spain.*

Convention No. 21 : Inspection of Emigrants, 1926

Number of reports requested: 24.

Number of reports received: 22.

Reports not received: 2.

(*Colombia, Venezuela.*)

No observations.

Convention No. 22 : Seamen's Articles of Agreement, 1926

Number of reports requested: 30.

Number of reports received: 28.

Reports not received: 2.

(*Colombia, Venezuela.*)

Argentina (ratification: 1950). See under Convention No. 8.

Belgium (ratification: 1927). The Committee notes that amending legislation affecting the application of Article 9 of the Convention will be tabled in the 1957-58 session of Parliament, and expresses the hope that this legislation will be enacted at an early date.

China (ratification: 1936). The Committee notes with interest the Government's statement that the Merchant Shipping Act is in full conformity with the spirit of the Convention, subject to necessary adjustments in the light of national circumstances. It welcomes the assurance that, when the legislation is amended, effect will be given to those provisions of the Convention which are not yet applied.

The Committee also notes the explanations given concerning Articles 3, 4, 8 and 9 of the Convention. The Committee is, however, of the opinion that the provisions referred to in these explanations are too general and cannot be regarded as being in full compliance with these Articles. It therefore trusts that the Government will re-examine the whole matter in the light of these observations and will include in the amending legislation explicit provisions for giving effect to Articles 3, 4 and 8.

Japan (ratification: 1955). The Committee thanks the Government for its reply to the observation made in 1957, and notes that particulars concerning wages and allowances may be entered in the pocket ledger only at the seafarer's option. While realising the minor nature of this point, the Committee nevertheless expresses the hope that when action is taken in future to amend the legislation, consideration may be given to the enactment of provisions to ensure a completely unambiguous application of Article 5, paragraph 2, of the Convention, which prohibits the entry in the document in question of any statement as to the seaman's wages.

Mexico (ratification: 1934). The Committee notes the information supplied by the Government, and wishes to draw attention to the following point:

Article 5 of the Convention. Sections 111 (XIV) and 112 (VII) of the Federal Labour Act provide for

the issue, free of charge, of a certificate of service, in which no information prejudicial to the worker may be included. The Committee wishes to point out, however, that Article 5 of the Convention contains more positive and detailed provisions and lays down that national legislation shall determine "the form of the document, the particulars to be recorded and the manner in which such particulars are to be entered". It also provides specifically that the document "shall not contain any statement as to the quality of the seaman's work or as to his wages". In these circumstances the Committee refers once again to the detailed observation made in 1956, and trusts that the Government will indicate the measures which it intends to take to give full effect to the above-mentioned provisions.

Nicaragua (ratification: 1934). From an examination of the Commercial Code sent by the Government, the Labour Code and the information supplied in the annual reports, the Committee finds that only a few of the provisions of the Convention are applied in Nicaragua.

Nicaragua's merchant marine includes a number of foreign-going vessels and the maritime provisions of its legislation thus affect a considerable number of seafarers. The Committee therefore considers that measures to bring its legislation into conformity with the Convention have now become urgent.

The Committee would therefore be grateful if the Government would indicate the measures taken or contemplated to give effect to the following provisions of the Convention: Article 3 (3), (4) and (6); Article 4; Article 5; Article 6 (3); Article 9 (1) and (3); Article 13 and Article 14.

Norway (ratification: 1940). The Committee notes from the information supplied by the Government that an agreement entered into in accordance with section 13 (1) of the Seamen's Act, read in conjunction with section 15, should be considered as an agreement for a definite period of 18 months, after which Norwegian seamen are free to terminate it in any port where the vessel loads or unloads.

Spain (ratification: 1931). The Committee notes that the fact that a seaman may give notice of termination before reaching a Spanish port "if possible" does not preclude him from giving the notice at any other port where the vessel loads or unloads. In view of this position the Committee would suggest that the Government should amend regulation 174 of the Regulations of 23 December 1952 to make explicit provision entitling a seaman, without any limitation whatsoever, to terminate his contract in a port where the vessel loads or unloads, as provided for in Article 9 of the Convention.

Uruguay (ratification: 1933). The Committee has taken note of the information supplied by the Government with regard to Articles 3 (2), 8 and 13 of the Convention. The Committee, however, considers that, while the articles of the Commercial Code cited in the report do contain certain rules that are similar in spirit to some of the provisions of the Convention, they cannot be regarded as giving full effect, in the strict sense, to all the provisions of the Convention. The Committee would recall again the statements repeatedly made by the Government, in particular in its reports for 1944-45, 1946-47, 1950-51 and 1951-52, to the effect that "there is not full conformity between the provisions of these two Conventions (Nos. 22 and

23) and the national legislation, i.e. the Commercial Code"; it was for this reason that "in 1937 and in 1939 the National Labour Institute and Related Services asked that, in view of the possible expansion of the merchant fleet, the competent authorities should consider bringing the national legislation into conformity with these Conventions, either by a special law or by amending the relevant part of the Commercial Code".

In these circumstances the Committee would urge that the Government should re-examine the entire position regarding this Convention, which was ratified 25 years ago, and take appropriate steps to give full effect to it. It also considers it necessary to add that the lack of interest on the part of the organisations concerned in the draft Maritime Workers' Code, which was submitted to the Senate for consideration in 1944, cannot release the State from its formal undertaking to give effect to this Convention by adopting the necessary laws or regulations.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Australia, Bulgaria, Canada, Colombia, Finland, India, Mexico, New Zealand, Pakistan, Poland, Spain, United Kingdom.*

Convention No. 23 : Repatriation of Seamen, 1926

Number of reports requested: 18.
Number of reports received: 17.
Report not received: 1.

(*Colombia.*)

Argentina (ratification: 1950). See Convention No. 8.

Colombia (ratification: 1933). Since the report for 1956-57 has not been received, the Committee must repeat its previous observation, which read as follows:

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 instrument, 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".

The Committee hopes that the Government will not fail to take the measures and supply the information referred to above.

Nicaragua (ratification: 1934). The Committee notes from an examination of the legislation referred to in the Government's report that, with the exception of Article 3, paragraph 1, of the Convention (which appears to be implemented by section 153, paragraph 2 and section 154 of the Labour Code), the provisions of the Convention do not seem to be applied. The Committee refers to its observation on Convention No. 22, and trusts that the Government will take the necessary measures to give full effect to the Convention.

Uruguay (ratification: 1933). See under Convention No. 22.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, China, Spain.*

Convention No. 24 : Sickness Insurance (Industry), 1927

Number of reports requested: 18.
Number of reports received: 15.
Reports not received: 3.

(*Colombia, Czechoslovakia, Peru.*)

Austria (ratification: 1929). The Committee notes that in reply to the request addressed to it in 1957, the Government states that the application of the national legislation and regulations to persons in the service of an employer enjoying extra-territorial rights meets with certain difficulties. In view of the fact that the question raised by the Government in its report in 1957 is of limited practical importance, particularly as the number of such persons (largely domestic servants) who are not entitled to at least equivalent advantages is relatively small; and in view of the fact that the question is only indirectly connected with labour and social insurance law and belongs rather to diplomatic law since it affects the rights and duties of "employers" enjoying extra-territorial rights as a result of their special status, the Committee considers that it is not appropriate for this question to be raised within the framework of the examination of the application of Conventions and Recommendations of the I.L.O. at the present time, but will keep the matter in view.

Colombia (ratification: 1933). The report for 1956-57 not having been received, the Committee can only repeat its previous observation, which was as follows:

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 hopes that the Government will at last be able to indicate, at the 42nd Session of the Conference, the progress made towards extending the application of the Convention throughout its territory.

Haiti (ratification: 1955). Noting that the report does not reply to the observations made in 1957, the Committee can only repeat these observations, as follows:

The Committee notes 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. 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.

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 further information on the measures that it intends to take to ensure full conformity between the Act referred to above and the Convention.

Hungary (ratification: 1928). The Committee thanks the Government for the statistics regarding insurance supplied in accordance with the request made in 1956.

Peru (ratification: 1945). Since the report for 1956-57 has not come to hand, the Committee can only repeat its previous observation, which read as follows:

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.

The Committee hopes that the Government will be in a position to inform the Conference at its 42nd Session of—

- (a) the measures taken to bring the legislation into conformity with the Convention; and
- (b) the progress made in extending sickness insurance to the whole country.

Spain (ratification: 1932). The Committee notes the information supplied in the report in reply to the observations made in 1957. It observes that the existence of the following discrepancies between the legislation and the Convention is confirmed by this information.

Article 2 of the Convention. The scope of the Spanish legislation respecting sickness insurance is more restricted than that of the Convention. Thus, the following persons are excluded from its scope:

- (a) domestic servants (regulations to extend the right to sickness insurance to this category of workers not yet having been issued);
- (b) foreigners (other than the nationals of Latin American countries, Portugal, Philippines and Andorra), are entitled to sickness benefits under compulsory insurance only if reciprocity is provided for by international treaties or conventions, whereas the Convention is applicable to all workers without any distinction as to nationality.

Article 3. Section 18 of the Act of 14 December 1942 and section 13 of the Decree of 7 June 1949, which provide that benefits are payable only in the case of sickness lasting for more than seven days (even if their object is to prevent fraud) are not in conformity with Article 3 of the Convention, paragraph 1 of which establishes the right to benefits from the first day of sickness (subject to the possibility of imposing a waiting period of not more than three days) and paragraph 4 of which permits the reduction or suspension of benefits in the case of wilful misconduct.

The waiting period of four days, prescribed in the same sections of the Act of 14 December 1942 and the Decree of 7 June 1949, is longer than that authorised under paragraph 2 of Article 3 of the Convention. The fact that the employer is required to pay 50 per cent. of the wages during the first four days of illness should not affect the rules regarding insurance laid down in the Convention.

The Committee hopes, therefore, that the Government will not fail to indicate what measures it intends to take to bring its legislation into conformity with the Convention.

Uruguay (ratification: 1933). The Committee takes note with interest of the progress made in the preparation of the Bill respecting sickness insurance. It hopes that this Bill will be adopted at an early date and that no effort will be spared to ensure that this Convention, which was ratified 25 years ago, shall at last be applied in Uruguay. Thus, Act No. 12177 of 4 January 1955, which provides for the payment of sickness benefit to persons employed by the Uruguayan Collective Transport Company, cannot be considered as ensuring the application of the Convention, which provides for compulsory sickness insurance for manual and non-manual workers, including apprentices, employed by industrial undertakings and commercial undertakings, and for outworkers and domestic servants.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Austria, Bulgaria, Chile, Colombia, Czechoslovakia, Haiti, Nicaragua, Spain.*

Convention No. 25 : Sickness Insurance (Agriculture), 1927

Number of reports requested: 14.
Number of reports received: 12.
Reports not received: 2.

(*Colombia, Czechoslovakia.*)

Colombia (ratification: 1933). The report for 1956-57 not having been received, the Committee can only repeat its previous observation, which was as follows:

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 hopes that the Government will not fail to take the measures and supply the information referred to above.

Spain (ratification: 1932). See under Convention No. 24, with respect to aliens (Article 2 of the Convention), benefits in case of illnesses for a period not exceeding seven days and waiting periods (Article 3).

Uruguay (ratification: 1933). See under Convention No. 24.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Austria, Bulgaria, Chile, Colombia, Czechoslovakia, Haiti, Nicaragua, Spain.*

Convention No. 26 : Minimum Wage-Fixing Machinery, 1928

Number of reports requested: 31.

Number of reports received: 27.

Reports not received: 4.

(*Bolivia, Colombia, Venezuela, Viet-Nam.*)

Argentina (ratification: 1950). The Committee regrets to note that, notwithstanding the requests made by it in 1956 and 1957, the Government has omitted to supply the information concerning practical application of the Convention specified in Article 5 thereof.

In its reports on this Convention and in replies to observations made by the Committee, the Government has repeatedly referred to Decree No. 33302 of 1945 (confirmed by Act No. 12921) as one of the principal legislative texts concerning the fixing of minimum wages, as well as to the National Wages Institution established under the provisions of this Decree. The Committee therefore observes with concern that, in the reports supplied by the Government under article 19 of the Constitution of the I.L.O., on Recommendation No. 30 and Convention No. 99, it is stated that the provisions of Decree No. 33302 have never, in fact, been put into effect, because the wage-fixing body provided for (the National Wages Institution) has never been established. The Committee also notes that the said report on Recommendation No. 30 mentions certain legislation (Act No. 14250 and legislative Decree No. 2739 of 1956) to which no reference has been made in the reports on Convention No. 26. In these circumstances, the Committee trusts that the Government will next year supply a full report regarding the provisions by which actual effect is given to the Convention.

Canada (ratification: 1935). The Committee wishes to thank the Government for its very full reply to the observations made in 1957, regarding the application of minimum wage provisions to homeworkers.

Colombia (ratification: 1933). Because the report for 1956-57 has not been received, the Committee can only repeat the observations made in 1957, as follows:

The Committee 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 hopes that the Government will not fail to take the necessary measures to bring its legislation into conformity with the Convention on the above-mentioned points.

Ecuador (ratification: 1954). The Committee regrets to note that the Government has not replied to the observations made in 1957, which were as follows:

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 what measures are proposed to give full effect to these provisions.

The Committee hopes that the Government will not fail to take the measures and supply the information referred to above.

Italy (ratification: 1930). The Committee thanks the Government for supplying up-to-date particulars of the number of industrial workers covered by collective agreements. It notes, however, that the Government has not indicated the progress made by the Bill concerning the scope of collective agreements, as requested by the Committee in 1957.

The Committee recalls that the Government stated already in its report for 1947-48 that the above-mentioned legislation was under consideration, and indicated in its report for 1951-52 that the Bill had been submitted to the Chamber of Deputies. Having regard to the considerable period which has elapsed without any apparent progress in the matter, the Committee would be grateful if the Government would indicate the exact stage which has been reached in the enactment of the Bill, and what likelihood exists of the adoption of the legislation in the near future.

The Committee trusts that the above-mentioned legislation will be enacted at an early date, as in the meantime there appear to exist no provisions to apply the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Burma, China, Colombia, Czechoslovakia, Ecuador, India, Mexico, Nicaragua, Spain, Union of South Africa, United Kingdom, Uruguay.*

Convention No. 27: Marking of Weight (Packages Transported by Vessels), 1929

Number of reports requested: 37.

Number of reports received: 36.

Report not received: 1.

(*Venezuela.*)

Federal Republic of Germany (ratification: 1933). The Committee notes with satisfaction that the Federal Government intends to take the necessary measures to repeal the exception clause with respect to the marking of the weight of large packages transported by vessels contained in section 2 of the Act of 28 June 1933.

Greece (ratification: 1929). The Committee notes with satisfaction that, following a request made by the Greek General Confederation of Labour, the Ministry of Finance has drawn up, and communicated

to the customs authorities, a circular containing instructions with a view to ensuring the application of the provisions of the Convention not only in the case of packages sent abroad, but also in the case of those transported from one area of the country to another.

Hungary (ratification: 1937). The Committee notes with satisfaction that the whole of section 2 of the Heavy Packages (Marking of Weight) Act (No. VII) of 5 May 1937, which permitted certain exceptions not provided for by the Convention, has been repealed.

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 form of report.

India (ratification: 1931). The Committee takes note with interest of the information given in reply to the observation made in 1957.

The Committee trusts that the Government will now be in a position to enact the amendments envisaged since 1952 in order to permit the appointment of officials who would ensure the application of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Cuba, Indonesia, Mexico, Nicaragua*.

**Convention No. 28 : Protection against Accidents
(Dockers), 1929**

Number of reports requested: 3.

Number of reports received: 3.

Luxembourg (ratification: 1931). The Committee notes with satisfaction that the Government intends to draw on the provisions of certain maritime Conventions, including Convention No. 28, in connection with the proposed extension of the existing legislation on conditions of work to persons employed in inland water transport, which is likely to develop as a result of the construction of the Moselle Canal and the development of a major river port at Mertert, in Luxembourg.

The Committee's satisfaction at the measures proposed to be taken by the Government is particularly marked in view of the fact that the present Convention, by virtue of Article 1, paragraph 1, applies to inland as well as maritime navigation.

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In addition, a request regarding certain other points is being addressed directly to *Nicaragua*.

Convention No. 29 : Forced Labour, 1930

Number of reports requested: 34.

Number of reports received: 30.

Reports not received: 4.

(*Burma, Liberia, Venezuela, Viet-Nam.*)

Bulgaria (ratification: 1932). The Committee thanks the Government for the detailed information supplied, from which it seems that the various provisions mentioned in the observation made in 1957 have been repealed, the last of these provisions (article 26 (1) of the Labour Code) having been repealed by an Act promulgated on 15 November 1957.

Greece (ratification: 1952). The Committee notes that the Ministry of Justice intends shortly to propose the enactment of legislative provisions prohibiting the hiring out of prisoners. It trusts that these provisions, which have now been under consideration for a number of years, will be adopted at an early date.

Liberia (ratification: 1931). The Committee notes with regret that the Government has failed to supply its report for two consecutive years, in spite of the formal assurance given in this connection by the Government representatives at the Conference. However, it notes with interest that, according to the statement made by the Government representative at the Conference in 1957, a labour code which is now being prepared will shortly be adopted.

The Committee hopes that the draft in question will finally bring the legislation into conformity with the provisions of the Convention and that the Government will not fail to repeal expressly all the legislative provisions and regulations which still permit the exaction of forced labour under conditions which are not compatible with the Convention—as for example, in the case of compulsory portage to which, according to the statement made by the Government representative at the Conference in 1957, recourse may still be had, even by private individuals.

The Committee urges the Government to inform the Conference, at its 42nd Session, whether all the provisions which are contrary to the Convention (and which were pointed out in detail by the Committee in its reports for 1956 and 1957) have finally been abolished and whether the Government is prepared to fulfil the obligations which it contracted by ratifying the Convention, when it undertook “to suppress the use of forced or compulsory labour in all its forms within the shortest possible period”.

Nicaragua (ratification: 1934). The Committee notes with interest the information supplied by the Government in answer to the request made by it in 1957.

Spain (ratification: 1932). The Committee thanks the Government for the information forwarded in reply to the request made in 1957. It has noted the Government's statement that work performed by the army is “of a purely military character”.

Viet-Nam (ratification: 1953). The Committee regrets to note that the Government has not supplied a report, and can accordingly only repeat the observations made in 1957, where it had noted 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 hopes that the Government will be able to inform the Conference at its 42nd Session of the measures it intends to take with a view to bringing this legislation into conformity with the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Ecuador, Egypt, Greece, India, Israel, Nicaragua, Spain, Sweden, Viet-Nam.*

Convention No. 30: Hours of Work (Commerce and Offices), 1930

Number of reports requested: 13.

Number of reports received: 13.

Bulgaria (ratification: 1932). The Committee notes with interest that section 43 (non-standardised working day) of the Labour Code has been repealed by the Act of 1957. It would be glad to know whether, in conjunction with this modification, the Ordinance respecting the non-standardised working day, approved on 15 March 1952, has ceased to be in force.

The Committee notes that the Government supplies no information on action taken in connection with the following point, raised in the observation made in 1957:

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.

The Committee hopes that the Government will not fail to take the measures referred to above.

Haiti (ratification: 1952). The Committee takes note with interest of the statement made in the Government's report on Convention No. 1 indicating that, in spite of political disturbances during the period under review, the competent services have taken measures to ensure that account should be taken of the observations made by the Committee, and that the legislation will have to be modified in order to ensure conformity with the recommendations made by the Committee.

Accordingly the Committee hopes that the Government will soon be in a position to take the required measures and that, when proposing the modification of the Act of 5 May 1948, the Government will take steps to ensure that the amended text and the regulations issued thereunder will include provisions on the points mentioned below, which are not fully covered by the Act in its present form:

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

Article 5. In so far as any changes in the distribution of working hours are permitted in commerce and offices on the lines indicated in this Article, the legislation should prescribe the restrictions required by subparagraphs (a), (b) and (c) of paragraph 1 and by paragraph 2.

Article 7, paragraphs 1 and 2. The legislation should specify what permanent and temporary exceptions may be authorised, due account being taken of the restrictive provisions set out in paragraphs 1 and 2 of Article 7. Employers and workers' organisations should be consulted in this connection (Article 8).

Article 7, paragraph 3. The legislation should determine, save as regards paragraph 2 (a) of Article 7, the number of additional hours of work which may be allowed in the day and, in respect of temporary

exceptions, in the year. Employers' and workers' organisations should be consulted in this connection (Article 8).

Nicaragua (ratification: 1934). The Committee takes note of the information supplied by the Government in reply to observations made in previous years and it draws the Government's attention to the following points:

Articles 4 and 5 of the Convention. The Committee takes note of the information supplied with regard to these two Articles.

Article 7, paragraph 2. The Committee notes that the temporary exceptions authorised under this paragraph of the Convention appear to be covered by section 56 of the Labour Code, which provides for overtime "in special cases". The Committee points out however that, in this connection, the Convention describes in detail the cases in which such temporary exceptions may be authorised (paragraph 2 (a) to (d) of Article 7). The Committee hopes, therefore, that the Government will take the necessary steps to amplify the provisions of section 56 of the Labour Code so as to ensure full conformity with these provisions of the Convention. See also the observation on Convention No. 1, Articles 3 and 6.

Article 7, paragraph 3. See the observation on Convention No. 1, Article 6, paragraph 2, as regards the proposed amendment of section 56 of the Labour Code (maximum number of additional hours).

Norway (ratification: 1953). The Committee takes note with interest of the information which was supplied by the Government to the Conference Committee in reply to the observations made in 1957 and which relates to the Workers' Protection Act of 7 December 1956. The Committee draws the Government's attention to the following points:

Article 7 of the Convention. The Committee notes that section 25, paragraph (d) of the Act of 7 December 1956 reproduces section 19, paragraph (d) of the Act of 1936, in virtue of which overtime is permitted when it "is warranted by the public or general interests or other considerations". The Committee therefore refers to the observation already made on this point in 1956 and 1957 and hopes that the Government will take steps to ensure that permits for overtime shall be granted only in the cases specifically authorised under Article 7 of the Convention.

The Committee notes that the amended text of section 26, paragraph (1), of the Act of 7 December 1956 provides that the overtime shall "as far as possible be evenly distributed over two or more working days". The Committee considers that, whilst this provision shows some progress, it is not yet in conformity with Article 7, paragraph (3), of the Convention, which provides that the number of additional hours which may be permitted *in a day* shall be determined by regulations; it hopes therefore that the Government will take measures to ensure compliance with this requirement of the Convention.

Spain (ratification: 1932). The Committee takes note of the Government's reply to the observation made in 1957.

It notes that the Government makes frequent references, under the various Articles of the Convention, to the Act of 9 September 1931 respecting hours of work. In this connection the Committee refers to its observation on Convention No. 1, which raises the question of the relationship between the basic

Act of 9 September 1931 and the labour regulations issued under the Act of 16 October 1942, and it notes that on the national level alone there are some 30 labour regulations governing work in commerce and offices.

Consequently the Committee would be glad if the Government would indicate what measures it intends to take to ensure that the maximum daily and weekly hours of work laid down in the Convention are applied in commerce and offices (as defined in Article 1 of the Convention) throughout the country, and that overtime is prohibited except in the cases, and within the limits, specifically laid down in the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Nicaragua, Norway.*

**Convention No. 32 : Protection against Accidents
(Dockers) (Revised), 1932**

Number of reports requested: 18.

Number of reports received: 18.

Argentina (ratification: 1950). See under Convention No. 8.

Belgium (ratification: 1952). The Committee notes with satisfaction that the new Orders issued in 1956 and 1957 give effect to the provisions of the Convention which were the subject of an observation in 1955.

The Committee also takes note of the result of the inquiry carried out by the Technical Labour Inspectorate following the making of an observation by a trade union organisation, from which it would appear that, in general, the conditions of loading and unloading are satisfactory.

China (ratification: 1935). The Committee thanks the Government for having, in reply to the request made in 1957, sent the text of the Shipping Inspection Regulations, 1931, amended in November 1951, which—according to the information submitted previously—gave effect to the Convention. The Committee finds, however, that the provisions of these regulations relating to engineering installations and other equipment on board ships are too general in character to give effect to the very precise and detailed provisions of the Convention, which do not yet appear to be applied (the attention of the Government was called to these provisions in 1957). The Committee can therefore only point out once more—

(a) that there is no provision giving effect to the following provisions of the Convention:

Article 5, paragraph 2, subparagraphs (d) and (e);

Article 5, 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;

(b) that only partial effect seems to be given to the following provisions of the Convention:

Article 5, paragraph 2, subparagraph (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 trusts that, more than 20 years having passed since the Convention was ratified, the Government will make a serious effort to ensure its application.

Cuba (ratification: 1954). The Committee is obliged to repeat the observation which it made last year regarding the absence of legislation applying any provision of the Convention, and urges the Government once more to take the necessary action without further delay so as to bring its legislation into conformity with the Convention.

Mexico (ratification: 1934). The Committee takes note of the statement made by a Government representative to the Conference Committee in 1957, which is reproduced in the report for 1956-57, that, under section 124 of the Act on General Routes of Communication, the Ministry of Transport and Public Works grants permits for loading, unloading, storage, trans-shipment, etc., and, through its inspection regulations, must determine the means of improving the equipment or systems adopted in transport services.

However, the provisions mentioned by the Government are of too general a nature to ensure the application of the very precise and detailed provisions of the Convention, certain Articles of which (Articles 4, 6, 9, 11, 12 and 13) specifically provide for the intervention of national legislation. The Committee therefore finds it necessary to urge the Government to take the necessary measures without delay, to ensure full conformity between the national legislation and the provisions of the Convention.

New Zealand (ratification: 1938). The Committee wishes to thank the Government for the detailed information given in the report. It notes that the Government was good enough to comply with the observation made in 1957 and that it will be recommended that the word "thoroughly" be inserted before the word "inspected" (or preferably "examined") in Regulation 52 (2) of the General Harbour Regulations 1954.

Spain (ratification: 1934). The Committee has noted the information furnished by the Government in reply to the observation it made in 1957, namely that Article 17 (3) of the Convention is implemented by section 101 of the General Occupational Safety and Health Regulations of 31 January 1940. The Committee, however, notes with regret that the legal provisions referred to do not cover the points mentioned in its observations made in 1957, namely—

(1) that sufficient free passage to the means of access is left at the coamings (Article 5, paragraph 3);

(2) that shaft tunnels are equipped with adequate handhold and foothold on both sides (Article 5, paragraph 4);

(3) that, 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 that the ladder must be equipped at the top with hooks or with other means for firmly securing it (Article 5, paragraph 5);

- (4) that workers may not use or be required to use other means of access than those specified or allowed by Article 5 of the Convention (Article 5, paragraph 6).

The report also contains no information regarding the practical application of the Convention, any contraventions reported, or the number of accidents and their nature.

Accordingly, the Committee would be grateful if the Government would indicate what measures it proposes to take to implement the above-mentioned provisions of the Convention and would also supply in future reports information regarding its practical application (Parts III, IV and V of the report form).

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Finland, France, Italy, Mexico, Uruguay.*

Convention No. 33 : Minimum Age (Non-Industrial Employment), 1932

Number of reports requested: 6.

Number of reports received: 6.

Argentina (ratification: 1950). The Committee takes note with interest of the text of Legislative Decree No. 5568/57 of 27 May 1957, which provides that the employment of children of from 12 to 14 years of age which may be authorised in virtue of section 1 of Act No. 11317 of 1924 shall be permitted only with respect to light work which is not injurious to their health and for not more than two hours per day. It notes with satisfaction that this Legislative Decree has removed one of the divergencies existing between the legislation and the Convention.

The Committee notes, however, that—

- (a) section 2 of Act No. 11317 is not yet in conformity with Article 1, paragraph (3), of the Convention, which provides that “employment in establishments in which only members of the employer’s family are employed” is authorised only if such employment is not “harmful, prejudicial or dangerous within the meaning of Articles 3 and 5 of this Convention”;
- (b) with respect to night work of children under the age of 14 years, the Government has not given effect to the observations made since 1954 as regards Article 3, paragraph (2), of the Convention, which provides, with respect to such children, for a period of rest during the night of at least 12 consecutive hours comprising the interval between 8 p.m. and 8 a.m., whereas under Argentine legislation the period during which it is forbidden to employ young persons under 18 years extends from 8 p.m. to 6 or 7 a.m. according to the season and therefore comprises an interval of 10 or 11 hours and not of 12 consecutive hours.

The Committee expresses the hope that the Government will take the necessary measures in the very near future to remove these discrepancies and to bring its legislation fully into conformity with the provisions of the Convention.

Austria (ratification: 1936). The Committee took note of the information supplied by the Government to the Conference Committee in 1957, to the effect that an amendment to Federal Act No. 146 of 1948 respecting the employment of children and young persons has

been drafted in order to prohibit the casual employment of children. The Committee hopes that this amendment will come into force in the near future and will bring the law into conformity with Article 3 of the Convention.

Spain (ratification: 1934). The Committee has noted from the Government’s reply to the observations of 1957 that domestic service is prohibited for persons under 14 years of age since they have to attend school until the age of 14 under an Act of 1945. The Committee would be grateful if the Government would forward a copy of the laws or regulations fixing the school-leaving age at 14 years, since the Primary Education Act of 17 July 1945 specifies an age of 12 years only.

The Committee also ventures to point out that even if the minimum age is in fact fixed at 14 years, such a provision is not sufficient to ensure the full application of the Convention; it would also be necessary to ensure compliance as regards domestic service with Article 3 (which lays down limitations of work done outside school hours by children between 12 and 14 years of age) and Article 7, paragraph (c) (providing for penalties in this regard). Consequently, the Committee trusts that the Government will take the necessary steps to ensure the full application of the Convention.

In addition, the Committee refers to the observations it made in 1957 and would be grateful if the Government would be good enough to indicate what measures are taken to facilitate the identification and supervision of young persons engaged in the employments and occupations covered by Article 6, as provided for in Article 7 (b) of the Convention.

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In addition, a request regarding certain other points is being addressed directly to the *Netherlands*.

Convention No. 34 : Fee-Charging Employment Agencies, 1933

Number of reports requested: 6.

Number of reports received: 5.

Report not received: 1.

(*Czechoslovakia.*)

Chile (ratification: 1935). The Committee notes the information supplied by the Government, that a Bill prepared with the co-operation of an expert sent by the I.L.O. is now being considered and that it is the Government’s intention to lay this Bill before Congress.

The Committee expresses its firm hope that the proposing legislation will be adopted in the near future so that the standards laid down in the Convention can be effectively applied.

Mexico (ratification: 1938). The Committee notes the Government’s report, indicating its intention to make use of the results of studies now being made by a technical assistance expert, to ensure the effective application of the requirements of the Convention.

The Committee hopes that, in considering the problem of the practical application of the Convention, due account will be taken of the observations made by it on various occasions, and that it will be possible to give full effect to the Convention at an early date.

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In addition, a request regarding certain other points is being addressed directly to *Spain*.

**Convention No. 35 : Old-Age Insurance
(Industry, etc.), 1933**

Number of reports requested: 9.
Number of reports received: 8.
Report not received: 1.

(*Peru.*)

Argentina (ratification: 1955). The Committee notes that, contrary to the provisions of Article 9, paragraph 4, of the Convention, the public authorities do not contribute to the financial resources or benefits of insurance schemes. It would therefore be grateful if the Government would indicate what measures it intends to take to apply this Article.

Czechoslovakia (ratification: 1949). The Committee has examined with interest the new Social Security Act of 30 November 1956. It notes that Article 3 of the Convention, which provides, in respect of formerly compulsorily insured persons who have not attained pensionable age, for voluntary continuation of insurance or for the maintenance of acquired rights either automatically or by periodical payment of a fee, is not applied by the new Act (section 7). The Committee therefore expresses the hope that the Government will take appropriate measures to bring its legislation into conformity with the Convention.

Peru (ratification: 1945). The report for 1956-57 not having been received, the Committee can only repeat its previous observation, which was as follows:

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).

The Committee hopes that the Government will not fail to take the measures referred to above.

Poland (ratification: 1948). The Committee notes that the Act of 11 September 1956 has raised to five years (two years under the previous legislation) the period during which the rights of formerly compulsorily insured persons are automatically maintained. The Committee observes, however, that Article 3 of the Convention does not provide for any limitation of the period of maintenance of the rights of formerly compulsorily insured persons (whether these rights are maintained automatically or by the voluntary continuation of the insurance). The Committee would therefore be grateful if the Government would indicate what measures it intends to take to bring its legislation into conformity with the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Bulgaria, Chile, Czechoslovakia, Poland.*

Convention No. 36 : Old-Age Insurance (Agriculture), 1933

Number of reports requested: 8.
Number of reports received: 8.

Argentina (ratification: 1955). See under Convention No. 35.

Czechoslovakia: (ratification: 1949). See under Convention No. 35.

Poland (ratification: 1948). See under Convention No. 35.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Bulgaria, Chile, Czechoslovakia, Poland.*

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: 1949). The Committee notes with satisfaction that, following the observations made by it with respect to the qualifying period necessary to acquire the right to an invalidity pension, section 19 of the Act of 6 November 1957 has reduced to five years the maximum length of service necessary for this purpose, thus giving effect to Article 5 of the Convention.

Czechoslovakia (ratification: 1949). See under Convention No. 35 (maintenance of rights of formerly compulsorily insured persons who are not on pension).

Peru (ratification: 1945). See under Convention No. 35 as regards insured persons' right of appeal and the scope of the insurance.

Poland (ratification: 1948). See under Convention No. 35.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Chile, Czechoslovakia, Poland.*

Convention No. 38 : Invalidity Insurance (Agriculture), 1933

Number of reports requested: 7.
Number of reports received: 7.

Bulgaria (ratification: 1949). See under Convention No. 37.

Czechoslovakia (ratification: 1949). See under Convention No. 37.

Poland (ratification: 1948). See under Convention No. 35.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Chile, Czechoslovakia, Poland.*

**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: 1949). See under Convention No. 37 as regards the qualifying period (Article 4).

Czechoslovakia (ratification: 1949). See under Convention No. 35 (maintenance of rights of formerly compulsorily insured persons not on pension).

Peru (ratification: 1945). As the report for 1956-57 has not arrived, the Committee can only repeat its previous observation, which was as follows:

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.

The Committee hopes that the Government will not fail to take the measures referred to above.

Poland (ratification: 1948). See under Convention No. 35.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Czechoslovakia, Poland.*

Convention No. 40 : Survivors' Insurance (Agriculture), 1933

Number of reports requested: 5.
Number of reports received: 5.

Bulgaria (ratification: 1949). See under Convention No. 39.

Czechoslovakia (ratification: 1949). See under Convention No. 39.

Poland (ratification: 1948). See under Convention No. 35.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Czechoslovakia, Poland.*

Convention No. 41 : Night Work (Women) (Revised), 1934

Number of reports requested: 12.
Number of reports received: 9.
Reports not received: 3.

(*Brazil, Peru, Venezuela.*)

Greece (ratification: 1936). In reply to the observation made by the Committee in 1957 the Government states in its report that, in view of the discrepancy between Act No. 3239/54 and the provisions of Convention No. 41 mentioned by the Committee, the Government has prepared and submitted to the Council of Ministers for examination a Bill for the ratification of Convention No. 89. The report adds that this Bill will shortly be submitted to the legislature for consideration.

The Committee notes this information with interest and would be grateful if the Government would indicate the progress made in the ratification of Convention No. 89. It also ventures to stress that, so long as Convention No. 41 is not denounced (such denunciation following automatically on the ratification of Convention No. 89) the Government remains bound to apply its provisions in full.

Hungary (ratification: 1936). The Committee notes that no perceptible change has taken place in the percentage of women employed at night, as compared with previous years. It may be recalled in this connection that the Government informed the Conference Committee in 1956 that roughly 10 per cent. of women workers were called upon to do night work because of manpower shortages. On the other hand, the Government points out in its report for 1956-57 that it is giving careful consideration to the conditions of work of women.

In these circumstances, the Committee can only reiterate the hope that the Government will soon be able to take effective steps to ensure complete conformity between its national law and practice and the provisions of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Iraq, Peru.*

**Convention No. 42 : Workmen's Compensation
(Occupational Diseases) (Revised), 1934**

Number of reports requested: 29.
Number of reports received: 27.
Reports not received: 2.

(*Bolivia, Brazil.*)

Argentina (ratification: 1950). The Committee thanks the Government for having supplied the statistics requested in 1957.

Austria (ratification: 1936). The Committee notes with interest that the Government, in reply to the observations made in 1957, stated that it intended to include lead alloys and mercury amalgams in the schedule of toxic substances when the General Social Insurance Act came to be amended. The Committee hopes that this amendment will be made at an early date.

With respect to substances which may give rise to cancer of the skin, it appears to the Committee that the expression "similar substances" at present included in Annex I to the General Social Insurance Act cannot be interpreted sufficiently widely to cover mineral oil and bitumen, as specifically stated in the Convention. The Committee hopes that when the General Social Insurance Act is revised the necessary amendments with respect to this point will also be made.

Bulgaria (ratification: 1949). The Committee takes note with interest of the new schedule of occupational diseases. However, as regards the substances liable to cause primary epitheliomatous cancer of the skin, the Committee notes that the schedule mentions only "work in connection with resin, soot, paraffin, anthracite, radium radiations, X-rays and other carcinogenic substances". In view of the lack of precision of the expression "carcinogenic substances", the Committee considers that this provision should be complemented by a specific reference, as required by the schedule to Article 2 of the Convention, to processes involving the handling of "pitch, bitumen, mineral oil or the compounds, products or residues of these substances".

The Committee would be grateful if the Government would indicate what measures it intends to take to bring the legislation into conformity with the Convention as regards this point.

Czechoslovakia (ratification: 1949). The Committee notes that there are discrepancies on the following points between the schedule of occupational diseases appended to the new Act of 30 November 1956 and the schedule to Article 2 of the Convention:

1. As regards "poisoning by lead, its alloys or compounds", the schedule to the Act does not mention *alloys*.

2. As regards "poisoning by mercury, its amalgams and compounds", the schedule to the Act does not include *amalgams*.

3. As regards substances liable to cause primary epitheliomatous cancer of the skin, the schedule to the Act merely refers in general to "carcinogenic substances". In view of the imprecise nature of this expression, the Committee considers that this provision should be supplemented by a specific reference, as provided for in the schedule to Article 2 of the Convention, to "any process involving the handling or use of tar, pitch, bitumen, mineral oil, paraffin or residues of these substances".

4. Moreover, as regards the list of occupations corresponding to anthrax infection, the schedule to the Act (No. 22 of the list) does not mention the "loading and unloading or transport of merchandise", as provided for in the schedule to Article 2 of the Convention.

As regards anthrax infection, the Committee would also be glad to know what interpretation is given to the provision of the Act which refers to "diseases that may be transmitted by animals to men, either directly or through an intermediary". It is not clear from this text whether the "handling of animal carcasses or parts of such carcasses, including hides, hoofs and horns", which is mentioned by the Convention, is covered by this provision.

The Committee would be grateful if the Government would indicate what measures it intends to take to complete the schedule to the Act of 1956 on these points.

France (ratification: 1948). The Committee notes with interest the information supplied by the Government in answer to the observations made in 1957. It observes that, while the Convention provides for the payment of compensation in respect of pathological conditions due to the substances or causes set out in the schedule to Article 2, whatever form they may take, the schedules contained in the French legislation are worded so as to cover only certain pathological conditions brought about by the various causes or

substances. As a consequence of the adoption of such a system, the national legislation fails to cover all the forms of pathological condition falling within the Convention. Thus—

1. As regards poisoning due to halogen derivatives of hydrocarbons of the aliphatic series, the schedules contained in the national legislation establish a right to compensation only in respect of poisoning by tetrachlorethane (schedule 3 to the Decree of 11 December 1946), carbon tetrachloride (schedule 11), di-, tri-, and tetrachlorethylene* (schedule 12) and methyl bromide and methyl chloride (schedules 26 and 27). These substances do not constitute all the halogen derivatives of hydrocarbons of the aliphatic series, mentioned by the Convention.

2. As regards phosphorus poisoning, the French legislation appears to provide for the payment of compensation only in cases of phosphorus-necrosis due to yellow phosphorus (schedule 5) and acute, chronic or recurrent dermatitis due to phosphorus sesquisulphide (schedule 17). These cases do not appear to cover all phosphorus compounds nor all the forms of poisoning covered by the Convention.

3. As regards primary epitheliomatous cancer of the skin, the national legislation recognises as cases of poisoning only diseases due to coal-tar pitch or substances containing the same (schedule 16). This excludes compensation in cases of epitheliomatous cancer due to tar, bitumen, mineral oil, paraffin and the products or residues of these substances.

4. The Committee also observes that the list of corresponding trades, etc., in respect of anthrax infection (schedule 18 to the Decree of 11 December 1946) does not contain a general reference to "loading and unloading or transport of merchandise", in accordance with the schedule to Article 2 of the Convention.

The Committee would be grateful if the Government would indicate the measures which it intends to take to bring the legislation into full conformity with the Convention on the above-mentioned points. It trusts that, as regards the first three points, these measures will be taken irrespective of the prior occurrence of a certain number of cases of poisoning.

Federal Republic of Germany (ratification: 1955). The Committee takes note with interest of the Government's first report. It notes, however, the following discrepancies between the schedule of diseases in the Ordinance of 26 July 1952 and the schedule to Article 2 of the Convention:

1. As regards poisoning "by lead, its alloys or compounds", the schedule in the Ordinance does not include *alloys*.

2. As regards poisoning "by mercury, its amalgams and compounds", the schedule in the Ordinance does not include *amalgams*.

3. As regards primary epitheliomatous cancer of the skin, the Ordinance does not include bitumen and mineral oil in the list of substances liable to cause this complaint.

4. The list of occupations in the Ordinance corresponding to anthrax infection does not include the "loading and unloading or transport of merchandise", in accordance with the schedule to Article 2 of the Convention.

The Committee would be grateful if the Government would indicate what measures it intends to take to bring its legislation into conformity with the provisions of the Convention.

Greece (ratification: 1952). The Committee notes with interest that the Government intends to make the necessary changes in the legislation on compensation for occupational diseases, to bring it into complete conformity with the provisions of the Convention, before the 42nd Session of the Conference. The Committee would be grateful if the Government would indicate at the Conference whether these measures have been taken and would supply a copy of the new legislation as soon as it has been promulgated.

Hungary (ratification: 1935). Following the observations made by the Committee in 1956 and 1957 concerning the list of occupations corresponding to anthrax infection contained in the second schedule to Decree No. 195/1951, the Government indicated in 1957 in a statement to the Conference Committee that "regular occupation" means that the worker's "occupation is regular, that is to say, that he is a worker who is under contract of employment". The Committee notes this clarification with interest; it nevertheless appears to the Committee that, as the words "regular occupation" are used in the list of occupational diseases only with respect to anthrax infection, they might impose a limitation incompatible with the general terms of the Convention, which cover even casual workers. In these circumstances, the Committee considers it desirable that, in the course of the present revision of the list of occupational diseases contained in the second schedule to Decree No. 195/1951, the list should be brought into complete conformity with the Convention by the deletion of the words "regular occupation", which are liable to lead to confusion.

The Committee also observes, again in connection with the list of occupations corresponding to anthrax infection, that the Decree in question, by referring to the "loading and unloading and transport of infected merchandise", places on the worker the onus of proving the occupational origin of the disease, as he must establish that he has been in contact with infected merchandise. It is evident that this onus would sometimes be difficult to discharge and that is the reason why the Convention, by referring in general terms to the "loading and unloading or transport of merchandise", establishes a general presumption in favour of the occupational origin of the disease in the case of all workers engaged in such operations.

The Committee accordingly requests that on this point also the legislation be brought into conformity with the terms of the Convention.

Mexico (ratification: 1937). The Committee notes with interest the Decree of 31 December 1956 amending the Labour Code of 1931. It finds, however, that the effect of this Decree is to amend only certain items in the schedule of occupational diseases and that the following discrepancies exist between it and the schedule to Article 2 of the Convention:

1. With respect to "poisoning by lead, its alloys or compounds" the schedule in the Labour Code (item XXXI in the list) does not mention *alloys*.

2. In the case of "poisoning by mercury, its amalgams and compounds", the schedule in the Labour Code (item XXXII in the list) does not mention *amalgams*.

3. With regard to occupations liable to give rise to anthrax infection, the schedule in the legislation (item I in the list) mentions only a limited number of jobs instead of covering in general terms "the handling

of animal carcasses or parts of such carcasses, including hides, hoofs and horns, and the loading and unloading or transport of merchandise".

4. With regard to "phosphorus poisoning by phosphorus or its compounds" the schedule in the Labour Code (item XXXIX) lists only poisoning caused by chromates and alkaline chromates, which cannot be considered to cover all aspects of phosphorus poisoning.

5. With regard to poisoning by benzene or its homologues and their nitro- and amido-derivatives and poisoning by the halogen derivatives of hydrocarbons of the aliphatic series, items XXXVII and XXXVIII in the list given in the Labour Code mention only colouring matters in the first case and *carbides* of hydrogen in the second case, thereby covering only a small part of the substances to which the Convention schedule relates.

6. With regard to substances liable to cause primary epitheliomatous cancer of the skin, the schedule in the Labour Code (items XL and XLIX) refer only to tar, paraffin and paints, whereas the Convention further refers to pitch, bitumen, mineral oil and the compounds, products or residues of these substances.

The Committee would be grateful if the Government would indicate what measures it intends to take to bring its legislation into conformity with the Convention.

Norway (ratification: 1935). The Committee notes with interest the new schedule of occupational diseases contained in the Decree of 8 March 1957. It observes that, as regards cases in which anthrax infection is presumed to arise out of the employment (item i of the schedule), the Decree does not mention "loading and unloading or transport of merchandise", as required by the Convention.

The Committee would be grateful if the Government would indicate the measures which it intends to take to bring the legislation into conformity with the Convention.

Poland (ratification: 1948). The Committee takes note of the information furnished by the Government to the Conference Committee in 1957 as regards the unrestricted nature of the list of carcinogenic substances, in respect of which compensation is due when a tumour develops (point 18 of the list in the Order of 1956).

As regards point 24 of the list of occupational diseases in the Order of 14 May 1956, the Committee notes that the list of occupations corresponding to anthrax infection does not include "loading and unloading or transport of merchandise" as required in the schedule to Article 2 of the Convention. It follows that since the national legislation provides only for compensation in the case of workers in contact with infected animals or contaminated objects, these workers will be required to supply proof that they were in fact in contact with such contaminated animals or objects; whilst, under the Convention, any worker employed in "loading and unloading or transport of merchandise" is entitled to the presumption that any anthrax infection affecting him is due to an occupational cause.

The Committee would therefore be grateful if the Government would indicate what measures it intends to take to complete the list in the Order in this connection.

Uruguay (ratification: 1954). The Committee notes that under the legislation in force, and contrary to the provisions of the Convention, diseases caused by phosphorus, arsenic and the halogen derivatives of hydrocarbons of the aliphatic series are not regarded as occupational diseases for which compensation would be due. Further, the list of processes corresponding to primary epitheliomatous cancer of the skin does not include the handling or use of tar, as does the schedule to Article 2 of the Convention.

The Committee would be grateful to the Government if it would indicate what measures it intends to take to bring its legislation into harmony with the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Austria, Belgium, Bulgaria, Federal Republic of Germany, Haiti, Hungary, New Zealand, Norway, Sweden, Uruguay.*

Convention No. 43 : Sheet-Glass Works, 1934

Number of reports requested: 9.

Number of reports received: 8.

Report not received: 1.

(*Czechoslovakia.*)

Bulgaria (ratification: 1949). The Committee takes due note of the information supplied by the Government, in reply to the observation made in 1957, indicating that, in practice, the workers employed in sheet-glass works on a system of four shifts may not be called upon to work overtime (section 9 (e) of the Ordinance respecting overtime, approved on 3 May 1952).

The Committee also notes that persons employed under a system of four shifts work a six-hour day and 36-hour week.

Czechoslovakia (ratification: 1938). The Committee takes note of the statement made by a Government representative to the Conference Committee in 1957, indicating that working hours were to be reduced in the near future to 42 per week in the few sheet-glass works in which longer hours were still worked.

The Committee regrets that no further information has been supplied in this connection, and trusts that the Government will be in a position to indicate to the Conference that the necessary measures have been taken to ensure the application of all the provisions of this Convention.

Mexico (ratification: 1938). The Committee finds it necessary to repeat the following observation, already made in 1957, in regard to which no information has been supplied by the Government:

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.

The Committee insists that the Government should finally supply this information, since the Committee is otherwise unable to evaluate the manner in which Conventions Nos. 43 and 49 are applied in Mexico.

United Kingdom (ratification: 1937). The Committee notes from the information supplied by the Government that, in the automatic sheet-glass factory to which the Convention applies, "hours have again been worked in excess of those prescribed in Article 2 of the Convention and in circumstances not provided for by the limited exceptions permitted under Article 3". The Committee would be glad to know whether, in these cases, the penalties prescribed in section 3 (4) of the Hours of Employment (Conventions) Act, 1936, have been imposed.

The Committee notes that the Government is reviewing the situation and it hopes that measures will be taken without fail at an early date to ensure that the Convention should once again be applied in the United Kingdom.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, France, Mexico, Uruguay.*

Convention No. 44 : Unemployment Provision, 1934

Number of reports requested: 8.

Number of reports received: 7.

Report not received: 1.

(*Czechoslovakia.*)

Bulgaria (ratification: 1949). The Committee notes with satisfaction that, following the observations made by it during preceding years, the Act of 4 November 1957 has established in the new section 161 of the Labour Code the right to cash benefits in the case of manual workers and salaried employees who have been dismissed for reasons for which they are not responsible and have been unable to find work within a specified time. The Committee also notes that an order now being prepared will determine the conditions of payment, the amounts and the duration of these benefits. The Committee hopes that this order will be adopted at an early date.

Czechoslovakia (ratification: 1957). The report for 1956-57 not having been received, the Committee can only repeat the observation made in 1957, which was as follows:

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".

The Committee hopes that the Government will not fail to take the measures and supply the information referred to above.

Convention No. 45 : Underground Work (Women), 1935

Number of reports requested: 39.
 Number of reports received: 35.
 Reports not received: 4.

(*Brazil, Czechoslovakia, Peru, Venezuela.*)

Bulgaria (ratification: 1949). The Committee notes that the Schedule to the Order of the Ministry of Health and Social Welfare and the Central Council of Trade Unions respecting the utilisation of women's labour of 6 January 1953, which sets out the types of work on which, by virtue of section 5 of the Order, women may not be employed, lists only certain mining operations and does not establish a general prohibition of employment of women on underground work in any mine, as required by Article 2 of the Convention. The Committee would be glad if the Government would take appropriate measures to give full effect to the Convention in this respect.

China (ratification: 1936). The Committee thanks the Government for communicating extracts from the Mines Act, 1936, as amended in 1950. It notes that, although section 5 of the Act provides that women and child workers shall not be employed for work in mine pits, the scope of the Act is limited by section 1 to mines which employ 50 or more miners working simultaneously in mine pits. The Committee wishes to point out that the Convention applies to all mines regardless of the number of workers employed, and would therefore be grateful if the Government would take the necessary measures to bring the legislation into full conformity with the Convention.

Federal Republic of Germany (ratification: 1954). The Committee notes the Government's statement in the report, in reply to the observation made in 1957, that the exceptions permitted by section 28 of the Ordinance of 30 April 1938 respecting hours of work are of no practical significance as far as the application of section 16 (1) (prohibiting underground work by women) is concerned, but that the possibility of limiting the scope of section 28 will be considered when the Ordinance is next amended. The Committee would be glad to be kept informed of all developments in the matter.

Greece (ratification: 1936). The Committee thanks the Government for the information supplied in answer to the observations made in 1957. It notes with interest that, following the receipt of representations from the Greek General Confederation of Labour, measures have been taken to confirm that the Convention is being strictly applied, and that reports so far received from local labour inspection offices indicate that no contraventions of the relevant legislation have been discovered. The Committee trusts that the final results of the investigations now in progress will be communicated in due course.

Hungary (ratification: 1938). The Committee notes the statements made by the Government to the Conference Committee in 1957 and in its reports that the number of women employed in underground work is diminishing.

The Committee also notes that a complete prohibition of underground work by women is to be included in proposed amendments to the Labour Code, and trusts that this prohibition will be enacted at the earliest possible moment.

Convention No. 48 : Maintenance of Migrants' Pension Rights, 1935

Number of reports requested: 7.
 Number of reports received: 7.

Hungary (ratification: 1937). The Committee notes with regret that in the written statement to the Conference Committee in 1957 the Government again expresses the opinion that the Convention cannot be applied in practice in the absence of bilateral agreements.

In these circumstances the Committee must emphasise, as it did in 1955, 1956 and 1957, that the Convention is an independent instrument, and is therefore capable of application without the conclusion of bilateral agreements between the States which are parties to it. Observing that the Convention, although ratified 21 years ago, is a dead letter in Hungary, the Committee strongly urges the Government to reconsider its attitude—which is incompatible with the obligation assumed by Hungary when it ratified the instrument and with the position of the other States which have ratified it in respect of the relationship between their systems of invalidity-old-age-survivors' insurance and that of Hungary—and to take the necessary measures to ensure the application of the Convention.

Poland (ratification: 1938). The Committee notes with satisfaction the information furnished to the Conference Committee in 1957, from which it appears that the taking into account of periods of insurance or employment under the legislation of another State which has ratified the Convention is not subject to the existence of a bilateral agreement.

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In addition, requests regarding certain other points are being addressed directly to the following States:
Netherlands, Spain.

Convention No. 49 : Reduction of Hours of Work (Glass-Bottle Works), 1935

Number of reports requested: 7.
 Number of reports received: 6.
 Report not received: 1.

(*Czechoslovakia.*)

Czechoslovakia (ratification: 1938). The Committee takes note of the statement made by a Government representative as regards sheet-glass works (see under Convention No. 43), and expresses the hope that similar measures will be taken without delay as regards glass-bottle works also and that effect will be given to this Convention, which is still unapplied in Czechoslovakia.

Mexico (ratification: 1938). See under Convention No. 43.

New Zealand (ratification: 1938). The Committee thanks the Government for the information supplied in reply to the observation made in 1957.

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In addition, requests regarding certain other points are being addressed directly to the following States:
Bulgaria, France, Mexico.

Convention No. 50 : Recruiting of Indigenous Workers, 1936

Number of reports requested: 7.

Number of reports received: 7.

No observations.¹

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A request regarding certain points is being addressed directly to *Argentina*.

Convention No. 52 : Holidays with Pay, 1936

Number of reports requested: 18.

Number of reports received: 16.

Reports not received: 2.

(*Brazil, Czechoslovakia.*)

Bulgaria (ratification: 1949). The Committee takes note with satisfaction of the modifications made in the Labour Code, particularly as regards section 84, which in its modified form prohibits the replacement of the annual holiday by cash compensation. The Committee understands this to mean that any agreement to relinquish the right to an annual holiday, or to forgo such a holiday would be void (Article 4 of the Convention), whether or not such relinquishment was subject to cash compensation. It hopes that this will be made clear in the new ordinance respecting holidays which is to be issued.

Burma (ratification: 1954). The Committee takes note with interest of the detailed information supplied in reply to the observation made in 1957.

It finds that this information shows that there are considerable divergencies between the provisions of the Convention and the national legislation, particularly as regards the scope of the holidays with pay provisions, both from the geographical point of view and from the point of view of the categories of workers covered. However, the Committee is aware of the difficulties involved in the extension of the recently adopted social legislation to all areas and all employed workers, and of the relation between the scope of the Leave and Holidays Act on the one hand, and that of the Factories Act and Shops and Establishments Act on the other.

Nevertheless the Committee trusts that the Government understands that full compliance with the terms of the Convention cannot be ensured until all the workers employed in the undertakings and establishments listed in Article 1 of the Convention are entitled to an annual holiday in accordance with the Convention. Consequently it hopes that the Government will continue to press for the progressive extension of the annual holidays provisions (a) to workers in factories employing less than ten workers where a process is carried on with the aid of power, and in factories employing less than 20 workers where power is not used, (b) to workers employed in construction work of all kinds, (c) to workers employed in transport by road, (d) to shops and establishments situated elsewhere than in the Rangoon area, etc. It would be glad if the Government would indicate in each annual report on this Convention what progress has been made in this connection.

Pending the extension of the scope of the annual holidays provisions, the Committee notes that the

Government refers to the amendment of certain provisions of the legislation, and it hopes that the Government will take measures to ensure that the minimum requirements of the Convention are fully applied in the case of the workers entitled to annual holidays:

- (a) As regards workers in respect of whom leave and holidays are provided under the Minimum Wages Act, provisions should be adopted to ensure that a minimum holiday of six uninterrupted working days is granted in each case (Article 2, paragraphs 2 and 4, of the Convention), that a holiday of at least 12 working days is granted to young persons (Article 2, paragraph 2), that the minimum holiday shall not include public and customary holidays or interruptions of attendance at work due to sickness (Article 2, paragraph 3), that the duration of the holiday shall be increased with the length of service (Article 2, paragraph 5) and that any agreement to relinquish or forgo an annual holiday shall be void (Article 4).
- (b) As regards workers covered by the Leave and Holidays Act, section 3 (2) of this Act (which provides that an alternative holiday is not permitted if the public holiday falls on any other holiday) should be amended; moreover provisions should be adopted to ensure that neither public and customary holidays nor interruptions of attendance at work due to sickness should be deducted from the annual holiday (Article 3).
- (c) Section 4 (3) of the Leave and Holidays Act should be modified so as to ensure that in each case the worker shall have the minimum annual holiday with pay prescribed in the Convention.

Cuba (ratification: 1953). The Committee notes with satisfaction that a draft Decree has been submitted to the Council of Ministers, providing for the repeal of section 9 of Decree No. 1435 of 1953 and for the suspension of the application of section X of Act No. 40 of 1935, which sections deal with the postponement or reduction of paid holidays. The Committee hopes that this draft Decree will shortly be approved and enforced.

Egypt (ratification: 1954). The Committee took note with interest of the first report supplied by the Government on the application of this Convention.

Article 1 of the Convention. The Committee finds that section 1, paragraph (c), of Legislative Decree No. 317 of 1952 excludes from the national provisions respecting annual holidays with pay the following categories of persons: "Employees of establishments where no machinery is used, where less than five workmen are normally employed and where the commercial and industrial profits tax payable by the owner under the last annual assessment does not exceed E £20; . . . workers in the service of persons carrying on non-commercial occupations in respect of which the tax levied under the last assessment does not exceed the said amount."

The Committee points out that no provision is made in the Convention for the exclusion from its scope of these categories of employees and workers. It hopes, therefore, that the Government will take the necessary measures to ensure the full implementation of Article 1, paragraph 1, of the Convention.

Finland (ratification: 1949). The Committee notes the Government's statement that the Bill containing provisions for the implementation of certain clauses

¹ See under observations on the application of Conventions in non-metropolitan territories (Chapter VIII).

of the Convention was to have been tabled in autumn 1957. It trusts that no obstacle has prevented the Government from submitting this Bill to Parliament and that information concerning its enactment will shortly be communicated to the I.L.O.

France (ratification: 1939). The Committee notes with interest from the information supplied by the Government in reply to the observation made in 1957 that section 4 of the Decree of 1 August 1936 prohibits any overlapping of interruptions of work due to sickness and of annual holidays with pay.

The Committee also notes the Government's statement that no use has ever been made of section 54 (*m*) of Book II of the Labour Code in virtue of which annual holidays may be suspended in certain undertakings by the Secretary of State for Labour. In these circumstances the Committee hopes that the Government will take steps in due course to repeal this provision of the Labour Code and thus ensure not only practical but also legislative conformity with the Convention.

Greece (ratification: 1952). The present position with regard to suspensions of annual holidays in bakeries is not clear, as the Government's report refers to a Royal Decree of 14 November 1956 authorising the substitution of compensatory pay for holidays, and does not mention Order No. 37295 of 8 June 1957 which, according to a governmental statement to the Conference, forbids the replacement of the annual paid holiday by cash payments. Moreover, the national legislation in general cannot be considered as in conformity with the Convention in this respect until the necessary modification has been made in section 5 (3) of the Act of 5 September 1945, in virtue of which the granting of annual holidays may be suspended. Consequently, the Committee hopes that action will be taken without any further delay to bring the legislation into conformity with the Convention.

Israel (ratification: 1951). The Committee notes with satisfaction that the Act promulgated on 18 July 1957 provides for the deletion of section 3, paragraph (2), of the Annual Holidays Act, under which workers whose remuneration consists exclusively of a share in profits were excluded from the annual holidays provisions. It is also pleased to note that the regulations provided for by section 26 of the Act of 4 July 1951 were issued on 19 May 1957 and require employers to keep registers showing, *inter alia*, the date of entry into service of workers, the period during which holidays were granted and the holiday remuneration paid, together with the date on which it was paid.

Italy (ratification: 1952). The Committee takes note with interest of the detailed reply furnished by the Government in connection with the observation made in 1957.

Whilst the Committee has noted the Government's statements that the doubts expressed by the Committee in 1957 as regards the implementation of the Convention in Italy are without foundation, and that there is no need for new legislative measures regulating holidays, it finds it necessary to make the following observation once again:

It recalls the terms of the observation made in 1957 regarding wage earners, as opposed to salaried employees; it notes once again that, although the principle of an annual holiday with pay is established in the National Constitution, there is no guarantee

that the collective agreements, which fix the duration of the annual holiday and other related matters, include provisions covering all the points prescribed in the Convention and that the Government is unable to intervene between the contracting parties to impose the insertion of clauses in collective agreements. It notes also that the workers who are not members of the signatory organisations, and hence not legally covered by the relevant collective agreements, benefit from annual holidays in accordance with custom or equity.

The Committee is aware that in many cases the prescriptions regarding annual holidays, as fixed by collective agreements, are more favourable than the minimum standards laid down in the Convention, but it points out that the present fluid position as regards the granting of annual holidays to wage earners in Italy makes it extremely difficult to estimate the manner in which the Convention is in fact applied.

Consequently, the Committee finds it necessary to repeat its previous observations by drawing the Government's attention 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 may be fixed by collective agreements".

Uruguay (ratification: 1954). The Committee takes note of the information supplied by the Government in reply to the observation made in 1957 as regards Articles 1 and 7 of the Convention.

As regards Article 2 of the Convention, the Committee is glad to learn that the Act of 27 December 1956 provides that the annual paid holiday is increased from 12 to 20 days. In connection with this Act the Committee takes note of the difficulties experienced by the Government in applying the prohibition laid down in the Act, to grant holidays with pay during carnival week. The Committee points out that since wages are not normally paid to manual workers during the closing of undertakings in carnival week and since the object of Article 2, paragraph 3 (*a*), of the Convention is to prevent the deduction from annual paid holidays of paid public holidays, it is not contrary to the terms of the Convention to authorise the granting of annual holidays of manual workers during carnival week, provided this does not have an unfavourable effect on the application of the remaining provisions of the Convention.

As regards Article 4 of the Convention, the Committee notes the Government's statement that section 10 of the Act of 17 December 1945, in virtue of which holidays may be replaced by compensation amounting to three times the normal remuneration, is generally applied only to foreign technicians, and that the treble remuneration required when holidays are not granted is sufficient to ensure that local technicians should receive an annual holiday. The Committee points out that, under the terms of the Convention, the prescribed minimum annual holiday must be granted in all cases after one year's service and that the right to this minimum holiday may not be relinquished or forgone in any circumstances. It hopes therefore that the Government will take steps to ensure that the necessary modification of section 10 of the Act of 1945 is brought about.

Viet-Nam (ratification: 1953). The Committee notes with interest that the Government is considering the modification of section 208 of the Labour Code, which authorises the wage earner to postpone all

or part of his holiday until the end of his contract. The Committee points out, in connection with this proposed amendment, that no postponement of the holiday is permitted as regards the minimum periods fixed by the Convention (i.e. six working days in the case of adults and 12 working days in the case of young persons); on the other hand, any part of the holiday which exceeds the minimum periods prescribed in the Convention might be accumulated and taken at a later date.

The Committee also notes with satisfaction that Order No. 23-LDTN/LD/ND of 24 February 1955 is to be amended so as to ensure that neither public and customary holidays nor interruptions of attendance at work due to sickness may be deducted from the annual holiday.

The Committee hopes that the Government will indicate what progress may have been made in connection with the two proposed modifications in question.

Yugoslavia (ratification: 1953). The Committee notes that the Government supplies no information regarding the adoption of the Bill on labour relations which, *inter alia*, is to modify section 5 of the Decree of 4 July 1946 (authorising certain exceptions in the granting of annual holidays). It hopes that steps will be taken to ensure the adoption of this Bill at an early date, so as to eliminate the divergency between the national legislation and the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Burma, Cuba, Czechoslovakia, Egypt, Greece, Mexico, Uruguay, Yugoslavia*.

Convention No. 53 : Officers' Competency Certificates, 1936

Number of reports requested: 13.
Number of reports received: 12.
Report not received: 1.

(*Brazil*.)

No observations.

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Requests regarding certain points are being addressed directly to the following States: *Argentina, Bulgaria*.

Convention No. 55 : Shipowners' Liability (Sick and Injured Seamen), 1936

Number of reports requested: 6.
Number of reports received: 6.

Italy (ratification: 1952). The Committee takes note with interest of the information supplied to the Conference Committee and repeated in the report, according to which the Bill which is to ensure conformity between the national legislation and Articles 6 and 11 of the Convention is now in the final stages of preparation. It hopes that the new Act will come into force at an early date.

Convention No. 56 : Sickness Insurance (Sea), 1936

Number of reports requested: 4.
Number of reports received: 4.

No observations.

Convention No. 58 : Minimum Age (Sea) (Revised), 1936

Number of reports requested: 19.
Number of reports received: 18.
Report not received: 1.

(*Brazil*.)

Belgium (ratification: 1938). The Committee notes that the Bill to amend the Act of 5 June 1928 respecting articles of agreement, which is to ensure conformity with the Convention, will be submitted to Parliament during the 1957-58 session. The Committee hopes that this amendment will come into force at the earliest possible date.

Cuba (ratification: 1953). The Committee notes with interest that a Presidential Decree, fixing the minimum age for admission to all types of employment at 15 years, has been submitted to the Cabinet. The Committee looks forward to receiving information concerning its adoption.

Uruguay (ratification: 1954). The Committee notes that the tripartite committee set up in October 1955 to study the co-ordination of the national legislation with Conventions Nos. 58, 59, 60, 77, 78, 79, 89 and 90 has not yet submitted its final report. The Committee trusts that the necessary measures will soon be taken to bring the legislation into conformity with the above-mentioned Conventions.

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In addition, a request regarding certain other points is being addressed directly to *Japan*.

Convention No. 59 : Minimum Age (Industry) (Revised), 1937

Number of reports requested: 8.
Number of reports received: 8.

China (ratification: 1940). The Committee has noted the information supplied by the Government in reply to the observations made in 1957, to the effect that the children's work referred to in section 5 of the Mines Act corresponds to the definition given in section 6 of the Factories Act, which provides that children below 14 years of age may not be employed in factories. In this regard the Committee draws the Government's attention to the fact that Article 8, paragraph 3, of the Convention lays down a minimum age of 15 years, not 14, and that this limit applies to every kind of work in mines, not only that carried out underground.

The Committee hopes that the Government will take the necessary steps to give effect to the Convention, and would be grateful if the Government would report any measures it intends to take with this end in view.

Moreover, the Committee would be grateful if the Government would indicate whether registers of young miners are kept and, if so, would send with its next report a copy of the provisions that make this compulsory, together with a copy of the form used for this purpose.

Cuba (ratification: 1954). See under Convention No. 58.

Italy (ratification: 1952). The Committee takes note of the difficulties mentioned by the Government, but finds that no progress appears to have been made in the review which was to lead to an amendment of the

legislation in force so as to raise from 14 to 15 years the minimum age for the admission of children to industrial employment.

The Committee expresses the hope that the necessary amendments will be adopted without any further delay, thus giving effect to this Convention, which was ratified in 1952.

New Zealand (ratification: 1947). The Committee notes with satisfaction that Act No. 66 of 25 October 1956, to amend the Factories Act 1946, prohibits the employment in factories of all children under 15 years of age, and thus brings the national legislation into conformity with the provisions of the Convention.

Uruguay (ratification: 1954). See under Convention No. 58.

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In addition, a request regarding certain other points is being addressed directly to *Pakistan*.

Convention No. 60 : Minimum Age (Non-Industrial Employment) (Revised), 1937

Number of reports requested: 5.

Number of reports received: 5.

Bulgaria (ratification: 1949). The Committee is pleased to note that the minimum age of admission to employment has been fixed by amendments to the Labour Code at 16 years (in exceptional cases, and subject to prior authorisation from the Ministry of Labour, 15 years). The Committee has also noted that the only exceptions allowed with regard to persons under 15 years of age are in conformity with Article 4 of the Convention (relating to work in the interests of art, science or education) and that the conditions in which such exemptions are to be allowed will be specified in a special ordinance.

The Committee would be grateful if the Government would forward a copy of the above-mentioned ordinance as soon as it comes into force.

Cuba (ratification: 1954). See under Convention No. 58.

Italy (ratification: 1952). See under Convention No. 59.

New Zealand (ratification: 1947). Since the report states that, contrary to the case of the Minimum Age (Industry) Convention (Revised), 1937 (No. 59), no progress has been made towards the elimination of existing discrepancies between the national legislation and the Convention, and that the matter is not regarded as urgent, the Committee can only repeat the observation which it made in 1957:

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 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 supervision 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: 1954). See under Convention No. 58.

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In addition, a request regarding certain other points is being addressed directly to *Cuba*.

Convention No. 62 : Safety Provisions (Building), 1937

Number of reports requested: 10.

Number of reports received: 10.

Belgium (ratification: 1951). The Committee notes with interest that the Government promulgated an Order on 10 July 1957 to give effect to the provisions of Article 7, paragraph 8, and of Article 13 of the Convention.

Finland (ratification: 1947). The Committee notes with interest that, in accordance with the wish which it expressed in 1957, the Government will make every effort to ensure the full application of paragraph 3 of Article 15 of the Convention (risk of any part of a suspended load becoming accidentally displaced) when the safety provisions are revised, and trusts that this revision will take place at an early date.

France (ratification: 1950). The Committee notes that the revision of the legislation undertaken with a view to bringing the latter into conformity with various Articles of the Convention is still in progress, and expresses the hope that this revision may be effected at an early date.

Mexico (ratification: 1941). The Committee thanks the Government for the information supplied in reply to its previous observations as regards the application of Article 9, Article 15, paragraphs 2 and 3, and Article 18 of the Convention. It must once more note, however, that the national legislation does not ensure the application of the following provisions of the Convention:

Article 3, paragraph (a). As regards the employers' obligation to bring the laws and regulations to the notice of all persons concerned, the Government states that labour legislation is published in the Official Gazette (*Diario oficial*). It does not seem to the Committee, however, that such a measure is sufficient to give effect to the provisions of the Convention, which specifically provides that the legislation must "require employers to bring [these laws or regulations] to the notice of all persons concerned".

Article 8. The Building Regulations of the Department of the Federal District, referred to by the Government in connection with this Article, seem to apply only to the Federal District and cannot therefore ensure the application of the relevant provisions throughout Mexico.

Article 10, paragraph 3. Article 510 of the Occupational Accident Prevention Regulations of 1934 provides for lighting only when work is done by night, whereas the Convention provides that "every place where work is carried on and the means of approach thereto shall be adequately lighted", which implies an obligation to make special arrangements when certain work sites or certain approaches are insufficiently lighted even by day.

Article 10, paragraph 5. No provision of the national legislation provides that no materials on the sites shall be so stacked or placed as to cause danger to any person.

Article 11. The provisions cited in the report with regard to this Article contain none of the specific provisions of the Convention as regards the quality and strength of hoisting machines and tackle, including their attachments, anchorages and supports.

Article 12. It does not seem that the regulations of 1934 provide for periodical examinations and tests of hoisting appliances and tackle.

Article 14, paragraphs 1 to 4. It does not appear that the regulations of 1934 provide for the measures laid down in this Article as regards the safe working load.

Article 15, paragraph 1. It appears that the above-mentioned regulations do not provide that motors, gearing, transmissions, electric wiring and other dangerous parts of hoisting appliances shall be provided with efficient safeguards.

Article 17. No provision of the national legislation lays down what steps are to be taken for 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.

The Committee hopes that the Government will, in the near future, take the necessary steps to give full effect to the above-mentioned provisions of the Convention by adopting regulations that will apply throughout the country.

Poland (ratification: 1950). The Committee notes that the Government's report contains no new information as regards the repeated observations made on the application of Article 8, paragraph 2 (b) (adequate width of working platforms and gangways), and Article 17 (measures to be taken when work is carried on in proximity to any place where there is danger of drowning). It therefore expresses the earnest hope that the Government will indicate specifically what are the regulations which ensure the application of these two provisions of the Convention, the Government's report for 1951-52 having referred to the preparation of such regulations. Should these texts not yet have been promulgated, the Committee would be glad if the Government would take the necessary steps to ensure the immediate adoption of the indispensable regulations.

Uruguay (ratification: 1954). The Committee notes with interest that the drafting of new legislation, intended to give effect to all the provisions of the Convention referred to in the observations of 1957, is about to be completed.

In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Federal Republic of Germany, Mexico, Poland.*

Convention No. 63 : Statistics of Wages and Hours of Work, 1938

Number of reports requested: 21.
Number of reports received: 20.
Report not received: 1.

(*Czechoslovakia.*)

Australia (ratification: 1939). The Committee was glad to learn from the Government's reply to the observation of 1957 that, although summary index numbers of wage rates in agriculture are not published at present, the compilation and publication of wage rates for individual occupations in agriculture have continued, in accordance with Article 22 of the Convention.

Burma (ratification: 1955). The Committee notes the statement in the Government's first report that Parts III and IV of the Convention (statistics of time rates of wages and of normal hours of work in mining and manufacturing industries, and statistics of wages and hours of work in agriculture) are excluded from acceptance. Because no declaration of exclusion was appended to the ratification, as provided for in Article 2, paragraph 1, of the Convention, Parts III and IV are binding on Burma and the Committee hopes that the Government will find it possible to give effect to them in due course.

As regards Part II of the Convention (statistics of average earnings and of hours actually worked in mining and manufacturing industries) the Committee notes that figures for 1955 were being compiled and were to be published. It hopes that the statistics in question will become available at an early date, in accordance with Article 1 of the Convention.

Cuba (ratification: 1954). In the absence of any reply to the points it had raised in 1957, the Committee once again expresses the wish to receive information in the next report on 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.

The Committee hopes that the Government will not fail to take the measures and supply the information referred to above.

Czechoslovakia (ratification: 1950). In the absence of the Government's report, reference must be made to the observation of 1957 which read as follows:

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.

The Committee hopes that the Government will not fail to supply the information referred to above.

Denmark (ratification: 1939). Referring further to its observation of 1957, concerning the publication in 1955 of statistics of hours actually worked in 1953, the Committee notes that the present report also makes no reference at all to such statistics.

The Committee would be glad, therefore, if the Government would indicate whether statistics of hours actually worked continue to be compiled and what measures have been taken to ensure their publication within 12 months following the date to which they refer (Article 1 (b) of the Convention).

Egypt (ratification: 1940). As the report contains no information in response to the observation for 1957, the Committee reiterates the points then raised.

Article 10, paragraph 2, of the Convention. The report again states that separate statistics of earnings according to sex and age are not compiled because women comprise about 3 per cent. of total employment in Egyptian industry, and juveniles no more than 9 per cent. Since Article 10 calls for the compilation of separate statistics by age and sex except when "all but an insignificant number of wage earners" belong to the same sex or age groups, and as the above-mentioned percentages do not appear to be insignificant in relation to total employment, the Committee trusts that the Government will find it possible to compile and publish the statistics provided for in this Article of the Convention.

Article 12. The report again states that index numbers showing the general movements of earnings per week are not yet compiled at regular intervals but are to be despatched shortly. The Committee trusts that these index numbers will be compiled and published in the near future.

France (ratification: 1951). The Committee finds that the extension of statistics of time rates of wages to industries other than mining and metallurgical industries, which was the subject of observations in 1956 and 1957, has not yet been undertaken. The Committee once again calls attention to the fact that such extension is required under Article 15, paragraph 1, of the Convention, and trusts that the Government will find it possible to comply with this provision at an early date.

Federal Republic of Germany (ratification: 1954). The Committee took note with interest of the information supplied in response to the observation of 1957.

Mexico (ratification: 1942). The Committee wishes to thank the Government for the detailed information supplied in response to the observations of 1956 and 1957.

Article 5 of the Convention. The Committee is glad to note that statistics of average earnings and of hours actually worked in building and construction have been compiled, but observes that the statistics for mining mentioned in the report were not transmitted to the International Labour Office. In respect of hours of work in manufacturing, the Committee notes that the data supplied related to *total* man-hours worked in individual industries rather than to *average* hours actually worked, as required by this Article.

Article 12. The Committee finds that while index numbers of average earnings in individual industries are compiled, index numbers showing the general movement of average earnings (i.e. in the covered industries taken together) are not yet compiled.

Articles 13 to 21. The Committee notes that statistics of time rates of pay and normal hours of work in manufacturing, mining and construction, and index numbers of the general movement of wage rates, are not available as the industries concerned are within local jurisdiction, rather than within the competence of the Ministry of Labour and Social Security. The Committee hopes that the Government will be able to obtain the relevant figures from the local authorities.

The Committee would be glad if the Government would indicate what progress is being made towards compiling the various data mentioned above and towards publishing the data already compiled, as provided for in Article 1 of the Convention.

The Committee learned with interest in this connection that a Government representative at the 1957 Session of the Conference had expressed Mexico's wish to receive technical assistance in the field of labour statistics.

Norway (ratification: 1940). The Committee notes with interest, from the information supplied in response to the observation of 1957, that it is now proposed to compile statistics of average hours of work on a regular annual basis. The Committee trusts that these data will be published at an early date.

Sweden (ratification: 1939). The Committee notes that the report contains no information in response to the observation of 1957 concerning the compilation and publication of statistics of hours actually worked in the manufacturing, building and construction industries (Article 5, paragraph 1, of the Convention).

The Committee was informed, on the other hand, that such statistics are in fact compiled and published for manufacturing.

In these circumstances the Committee trusts that the Government will find it possible, at an early date, to communicate to the I.L.O., in accordance with Article 1 (c) of the Convention, all the data concerning hours actually worked, required by Article 5 of this instrument.

Uruguay (ratification: 1954). In the observation made in 1957, commenting upon the Government's first report, it had been noted that a committee had been established to study the application of the Convention and that statistics complying with the different Articles of this instrument would be made available in 1957 and 1958.

The information since supplied by the Government merely indicates that, due to material and staff

difficulties, the National Labour Institute has been unable as yet to organise a statistical section and that a study of yearly wages had been made by this Institute; the results of this study have not, however, been transmitted to the I.L.O. The Committee can only reiterate its desire to receive detailed information on the progress made in giving effect to the requirements of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Burma, Ceylon, Finland.*

**Convention No. 64 : Contracts of Employment
(Indigenous Workers), 1939**

Number of reports requested: 4.

Number of reports received: 4.

No observations.¹

**Convention No. 65 : Penal Sanctions
(Indigenous Workers), 1939**

Number of reports requested: 3.

Number of reports received: 2.

Report not received: 1.

(*Ghana.*)

No observations.¹

**Convention No. 67 : Hours of Work and Rest Periods
(Road Transport), 1939**

Number of reports requested: 2.

Number of reports received: 2

Uruguay (ratification: 1954). The Committee takes note of the information supplied by the Government in reply to the observation made in 1957. However, having been informed that the Government has communicated recently to the I.L.O. a Decree dated 29 October 1957 which supersedes the text mentioned in the Government's reply, the Committee defers until its next session its examination of the position in *Uruguay* as regards this Convention.

* * *

In addition, a request regarding certain other points is being addressed directly to *Cuba*.

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: 1951). The Committee notes with satisfaction that a Basic Act on maritime training was adopted on 11 July 1957 and that a draft Royal Order under the said Act, giving effect to the provisions of the Convention, is being considered by the competent authorities. The Committee trusts that the Order in question will be adopted at an early date.

Italy (ratification: 1952). The Committee notes with satisfaction that the hope expressed by it in 1957 has been fulfilled and that regulations intended to give effect to the Convention have been made.

Poland (ratification: 1954). The Committee notes with satisfaction that an Ordinance concerning the certificates of competency of officers and ratings on board Polish vessels has been issued and is likely to be brought into force soon. The Committee would be grateful if the detailed information requested in the relevant form of annual report could be supplied.

Portugal (ratification: 1952). As the report for 1956-57 has not been received, and that for 1955-56 was not supplied either, the Committee can only repeat the observation which it made in 1956; this 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 hopes that the Government will not fail to supply the information referred to above.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, France.*

**Convention No. 73 : Medical Examination
(Seafarers), 1946**

Number of reports requested: 12.

Number of reports received: 11.

Report not received: 1.

(*Portugal.*)

Bulgaria (ratification: 1949). The Committee notes that new legislation regarding medical examination is under consideration. It trusts that this legislation will bring the national law into full conformity with the provisions of the Convention and in particular that it will provide for the application of the Convention to seafarers entering employment for not more than three months, who are at present excluded from the provisions regarding medical examination by section 6 of Ordinance No. 66 of 16 February 1953, and will also give effect to Articles 4, 5 and 8 of the Convention. It trusts that this legislation will be expedited and would be grateful if a copy could be supplied when available.

Portugal (ratification: 1952). Since the report for 1956-57 has not arrived, the Committee can only repeat its previous observation, which read as follows:

Article 4. No specific provisions appear to exist prescribing after consultation with the 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 medical certificates as required by this Article.

The Committee hopes that the Government will not fail to take the measures referred to above.

¹ See under observations on the application of Conventions in non-metropolitan territories (Chapter VIII).

Uruguay (ratification: 1954). The Committee regrets to note that no information has been supplied in answer to the observation made in 1957. It would be glad if the Government would indicate the progress made by the Special Committee concerned with the preparation of the legislation to give effect to the Convention, and trusts that such legislation will be enacted at an early date.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Belgium, Finland, France, Italy, Japan, Poland, Portugal.*

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: 1951). See under Convention No. 69.

Poland (ratification: 1954). See under Convention No. 69.

Portugal (ratification: 1952). As the report for 1956-57 has not been received, and as the report for 1955-56 was not supplied either, the Committee finds it necessary to repeat the observation which it made in 1956; this 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 hopes that the Government will not fail to take the measures referred to above.

Convention No. 77 : Medical Examination of Young Persons (Industry), 1946

Number of reports requested: 10.

Number of reports received: 9.

Report not received: 1.

(*Guatemala.*)

Argentina (ratification: 1955). The Committee notes with interest the information given in the Government's first report. It observes that there exist no provisions for the medical examination and re-examination of persons between 18 and 21 years of age employed in occupations involving high health risks, as required by Article 4 of the Convention, and trusts that the Government will take appropriate measures to implement the Convention on this point.

Cuba (ratification: 1954). The Committee regrets to note that the Government does not reply to the observation made in 1957, which was as follows:

Article 6. Since no measures have been taken as yet with regard to the occupational guidance or rehabilitation of the 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 by paragraphs 1 and 2 of this Article.

The Committee hopes that the Government will not fail to take the measures referred to above.

France (ratification: 1951). The Committee notes that the Bill relating to the organisation of medical services in mines, which was tabled on 15 March 1956, has not yet been approved. It trusts that this legislation will be enacted at an early date, and that it will implement the Convention in respect of the undertakings specified in Article 1, paragraph 2 (a), thereof.

Italy (ratification: 1952). The Committee regrets to note that, although already in 1955 a Government representative stated to the Conference Committee that the legislation relating to the protection of women and young persons was being revised, according to the latest report, this revision is still only at the stage of inquiries and studies. The Committee trusts that the necessary measures to bring national legislation into conformity with the Convention as regards the various points to which attention was drawn in 1955 will be taken at the earliest possible moment.

Uruguay (ratification: 1954). See under Convention No. 58.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Cuba, France, Guatemala, Iraq, Israel.*

Convention No. 78 : Medical Examination of Young Persons (Non-Industrial Occupations), 1946

Number of reports requested: 9.

Number of reports received: 8.

Report not received: 1.

(*Guatemala.*)

Argentina (ratification: 1955). See under Convention No. 77.

Bulgaria (ratification: 1949). The Committee regrets to note that the Government has not replied to the observation made in 1957 regarding measures of identification to ensure the application of the system of medical examination to young persons engaged in itinerant trading or other occupations falling within Article 7, paragraph 2 (a), of the Convention.

The Committee trusts that the Government will either prohibit the employment of young persons in such trading or occupations or will make provision for the aforesaid measures of identification.

Cuba (ratification: 1954). See under Convention No. 77.

France (ratification: 1951). The Committee regrets to note that the Government has not replied to the observation made in 1957, and once more expresses the hope that the necessary measures will be taken at an early date to give effect to the Convention in respect of children and young persons engaged in domestic service or working on their own account, and to implement Article 7, paragraph 2 (a), of the Convention (measures of identification to ensure application of the Convention to persons engaged in itinerant trading, etc.).

Italy (ratification: 1952). See under Convention No. 77.

Poland (ratification: 1947). The Committee regrets to note that the Government has supplied no information regarding the progress made towards the adoption

of the draft Order to prohibit domestic work by young persons, to which reference was originally made as long ago as 1953.

The Committee trusts that this Order will be adopted at an early date, failing which measures should be taken to apply the Convention to young persons employed in domestic service.

Uruguay (ratification: 1954). See under Convention No. 58.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Bulgaria, Cuba, Guatemala, Israel.*

**Convention No. 79 : Night Work of Young Persons
(Non-Industrial Occupations), 1946**

Number of reports requested: 9.
Number of reports received: 8.
Report not received: 1.

(*Guatemala.*)

Argentina (ratification: 1955). The Committee notes from the Government's first report that section 6 of the Employment of Women and Young Persons Act (No. 11317) of 30 September 1924 prohibits the employment of young persons under 18 years of age from 8 p.m. to 7 a.m. in winter and from 8 p.m. to 6 a.m. in summer, whereas the Convention requires such a prohibition to cover a period of at least 14 consecutive hours in the case of children under 14 years of age (Article 2) and of at least 12 consecutive hours in the case of children between 14 and 18 years (Article 3).

The Committee hopes that the Government will be able to bring the national legislation into conformity with the above-mentioned provisions of the Convention.

Bulgaria (ratification: 1949). The Committee notes that, whereas Article 3 of the Convention defines the term "night" as a period of at least 12 consecutive hours, including the interval between 10 p.m. and 6 a.m., under the definition of night contained in section 39 of the Labour Code work may in summer start at 5 a.m. The Committee hopes that steps will be taken to eliminate this discrepancy.

Dominican Republic (ratification: 1953). In reply to the observations made in 1957, the Government states that in practice, once the day's work of eight hours has been completed, work cannot be resumed until 24 hours after the beginning of the previous day's work, and that this makes it impossible for persons under 18 years of age to have a nightly rest of only eight hours when working in continuous process undertakings. The Government adds that in any case there are no non-industrial undertakings operating continuously in the Dominican Republic.

The Committee also notes with interest that the question of making more explicit provision to give effect to Article 3 of the Convention (under which there must be at least 12 consecutive hours' rest at night) is nevertheless being examined.

Guatemala (ratification: 1952). The Committee notes the information supplied in the Government's first report which related to the period 1954-55 but arrived too late for examination in 1957. It finds that under section 116 of the Labour Code the night period during which work is prohibited for young persons is defined as a period between 8 p.m. and 5 a.m., i.e. only nine hours, whereas Article 2 of the

Convention lays down a rest period of at least 14 consecutive hours including the interval between 8 p.m. and 8 a.m. for children under 14 years of age, and Article 3 lays down a night rest of at least 12 consecutive hours for young persons between 14 and 18 years. The Committee hopes that the Government will take action to eliminate this fundamental discrepancy at an early date.

Israel (ratification: 1953). For the register of young persons (Article 6 of the Convention) see under Convention No. 5.

Italy (ratification: 1952). See under Convention No. 77.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Bulgaria, Cuba, Guatemala, Israel.*

Convention No. 81 : Labour Inspection, 1947

Number of reports requested: 25.
Number of reports received: 24.
Report not received: 1.

(*Guatemala.*)

Austria (ratification: 1949). The Committee notes with interest that the Government is giving full consideration to the demands made by the Austrian Workers' Chamber (the statutory institution representing the workers' interests) for the strengthening of the inspection staff and in particular for the appointment of a medical expert to the Mines Inspectorate.

Bulgaria (ratification: 1950). The Committee was glad to note the Government's statement in reply to the observation of 1957 that a provision requiring inspectors to treat the source of any complaint as confidential (Article 15 (c) of the Convention) is to be inserted in the new Labour Inspection Regulations now being prepared.

Since the Government does not indicate what measures have been taken in order to prepare and publish an annual general report on the working of the inspection services (Articles 20 and 21), the Committee can only reiterate the hope that this document will be published at an early date.

Dominican Republic (ratification: 1953).

Article 13 of the Convention. Referring to the observations of 1957 with regard to the studies which the Government stated were being made in the field of industrial safety and hygiene, the Committee would be interested to learn whether any changes have been made in the power of inspectors to enable full effect to be given to paragraph 2 of Article 13.

Articles 20 and 21. The Committee thanks the Government for the information concerning the inspection service contained in the document, attached to the Government's report, which describes the activities of the Department of Labour during 1956. It hopes, however, that an annual general report giving full information on activities of the inspection service will in future be published in accordance with Articles 20 and 21 of the Convention.

France (ratification: 1950). The Committee must note once again, with great regret, that publication of the annual general inspection report, required under Article 20 of the Convention, has still not taken place. The only information available in this

connection is a government statement during the 1957 Session of the Conference that consideration was being given to the possibility of publishing such a report in one of the official gazettes, for example, the *Revue française du travail*.

As such a procedure could be considered to give effect to the above-mentioned Article of the Convention and as this Convention was ratified over seven years ago, the Committee trusts that the Government will find it possible to ensure publication of the inspection report in the near future.

Guatemala (ratification: 1952). In the absence of the Government's report, the Committee must refer to its observation of 1957 which read as follows:

The Committee . . . 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.

The Committee hopes that the Government will not fail to take the measures and supply the information referred to above.

Haiti (ratification: 1952). The Committee notes the statement in reply to the observation of 1957 that there exists no formal legislation requiring industrial accidents and occupational diseases to be notified to the labour inspectorate (Article 14 of the Convention) and that a chapter on labour inspection is to be inserted in the Annual Report of the Labour Department (Articles 20 and 21).

The Committee hopes that the Government will find it possible to give full effect to the above-mentioned provisions of the Convention at an early date.

Iraq (ratification: 1951). The Committee notes with interest that work on the preparation of a general annual report on the functioning of the labour inspection services is still continuing and that it is hoped to provide this document in the near future. The Committee trusts that the Government will find it possible to publish this document at an early date and to include in it the various particulars enumerated in Article 21 of the Convention.

Italy (ratification: 1952). The Committee took note of the Annual Inspection Report for 1955 and of the Government's statement that the corresponding report for 1956 was in preparation. The Committee trusts that future reports will be published within 12 months after the end of the year to which they relate and will contain statistics of industrial accidents and occupational diseases, as laid down in Articles 20 and 21 of the Convention.

Japan (ratification: 1953). The Committee took note with interest of the Annual Inspection Report for 1954 and of the Government's intention to publish the report for 1955 early in 1958. The Committee trusts that the Government will find it possible to publish future reports within 12 months after the end of the year to which they relate, as laid down in Article 20 of the Convention.

Pakistan (ratification: 1953). The Committee notes from the information supplied in response to the observations of 1957 that amendments to the Mines Act, 1923, and the Factories Act, 1934, are to give effect to Articles 14 and 15 of the Convention. The Committee hopes that these amendments will also give effect to Article 12, paragraph 1 (c) (powers of labour inspectors), as indicated by the Government in 1956.

The Committee further notes that no Annual Reports have so far been published on the working of certain labour laws (Employment of Children Act; Sind Shops and Establishments Act; Mines Maternity Benefit Act; Provincial Shops and Establishments and Maternity Benefit Laws), but that the authorities concerned are being requested to compile such reports in accordance with Article 21 of the Convention.

The Committee wishes to point out in this connection that the last report on the working of the Mines Act received in the International Labour Office covers the period 1947-48 and that the last report on the working of the Factories Act covers the year 1954 and was published in 1957. The Committee trusts that the Government will find it possible to ensure publication of future reports within 12 months after the end of the year to which they relate, as provided for in Article 20, paragraph 2, of the Convention.

The Committee finally notes that the report on the working of the Factories Act, published in 1957, does not deal with staff of the labour inspection service or with statistics of occupational diseases. It hopes that future reports will contain these particulars, as laid down in Article 21 of the Convention.

Turkey (ratification: 1951). The Committee took note of the Government's assurance that labour inspectors do have powers to make orders requiring measures with immediate executory force (Article 13, paragraph 2 (b), of the Convention). The Committee also notes that the annual general inspection report is to be supplied at an early date and trusts that publication of this document in accordance with Articles 20 and 21 of the Convention will not be further delayed.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Argentina, Bulgaria, Cuba, Federal Republic of Germany, Greece, India, Iraq, Israel, Pakistan, Yugoslavia*.

Convention No. 82 : Social Policy (Non-Metropolitan Territories), 1947

Number of reports requested: 4.
Number of reports received: 4.
No observations.¹

Convention No. 84 : Right of Association (Non-Metropolitan Territories), 1947

Number of reports requested: 5.
Number of reports received: 5.
No observations.¹

Convention No. 85 : Labour Inspectorates (Non-Metropolitan Territories), 1947

Number of reports requested: 5.
Number of reports received: 5.
No observations.¹

¹ See under observations on the application of Conventions in non-metropolitan territories (Chapter VIII).

**Convention No. 86 : Contracts of Employment
(Indigenous Workers), 1947**

Number of reports requested: 2.
Number of reports received: 1.
Report not received: 1.

(Guatemala.)

No observations.¹

**Convention No. 87: Freedom of Association and
Protection of the Right to Organise, 1948**

Number of reports requested: 18.
Number of reports received: 16.
Reports not received: 2.

(Burma, Guatemala.)

Belgium (ratification: 1951). The Committee thanks the Government for the information furnished in reply to the request made in 1957 with respect to the representation of the General Council of Belgian Liberal Trade Unions on joint committees.

Cuba (ratification: 1952). The Government states in its report that the necessary amendments to the legislation for the purpose of permitting public officials to establish trade unions and to join them in freedom have encountered difficulties of a constitutional nature, because the right of association of public officials is governed in the Constitution by provisions different from those which apply to other categories of workers. The Committee has been surprised to receive this information, which does not correspond with the information given to the Conference in 1957 by a Government representative, who stated that "there was no obstacle of a constitutional nature to the repeal of the existing legislation which refused public officials the right of association" and that "repeal of the relevant provisions of Decree No. 2605 of 7 November 1933, which had the force of law, would be the subject of a presidential message to Congress, which would meet at the end of September". It would nevertheless appear from the information given by the Government that the difficulties encountered are essentially due to the impossibility of providing, firstly, that public officials may belong to the same trade unions as other workers and, secondly, that trade unions of public officials should be the subject of registration by the Ministry of Labour. In this connection, the Committee wishes to emphasise, as it has already done in the general conclusions that it made in 1957 when it examined the reports furnished in accordance with articles 19 and 22 of the I.L.O. Constitution by a considerable number of member States, that the fact that public officials may adhere only to trade unions which do not admit other workers to membership does not appear to be incompatible with the terms of the Convention, provided, however, that the trade unions of public officials enjoy all the guarantees prescribed by the Convention. Moreover, in so far as the conditions attached to the registration of trade unions are not such as may be tantamount to "previous authorisation", no difficulty would appear to be occasioned, as regards the application of the Convention, by a requirement that such registration must be effected, in the case of trade unions of public officials, with a Ministry different from that which is responsible for registering trade unions catering for other workers.

¹ See under observations on the application of Conventions in non-metropolitan territories (Chapter VIII).

The Committee hopes that, in the light of these explanations, the Government will be able to take, at an early date, the necessary measures to repeal or amend the provision in Decree No. 2605 of 1933 which refuses public officials the right of association.

With regard to the clauses in the same Decree No. 2605 of 1933 which provide in general terms that "trade unions cannot indulge in political activities", it would also seem that the information furnished by the Government goes back on the statement made by a Government representative at the Conference that "the amendment of the provisions of Decree No. 2605, which provided that trade unions could not indulge in political activities, would also be the subject of a presidential message to Congress". In this connection, the Committee has noted that the Government wishes to be informed as to the meaning to be attached to the words "political activities" and desires to know, in particular, whether these terms must be taken to mean, firstly, that "trade unions may form themselves into political parties" and, secondly, that "the leaders or members of trade unions may aspire to elective office and give public support to the candidatures of workers or parties". In this connection, the Committee can only refer to the explanation that it gave in 1957, both in the observation made with respect to Cuba and in its general conclusions referred to above, and draw the attention of the Government once again to the resolution adopted by the International Labour Conference in 1952, according to which the fundamental mission of trade unions "should be the economic and social advancement of the workers", which, moreover, is confirmed by Article 10 of the Convention, which provides that "the term 'organisation' means any organisation of workers or of employers for furthering and defending the interests of workers or of employers". As the Committee emphasised in 1957, it is for the Government to decide—"within the limits of the control laid down in the Convention", and especially in the provisions of Article 3, paragraph 2, according to which "the public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof", and Article 8, paragraph 2, which provides that "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 the Convention—how and in what way abuses by those trade unions which might devote themselves to purely political activities "of such a nature as to compromise the continuance of the trade union movement or its social and economic functions" might be stopped in appropriate cases.

With regard to the third point (the presence of an official of the Ministry of Labour at trade union meetings), which has been the subject of observations by the Committee for several years, the Government representative at the 1957 Session of the Conference indicated that "it would be sufficient to amend the regulations of Decree No. 2605 so as to limit the function of the official to the taking of minutes". The Government's report confirms this statement. The Committee, while noting that this amendment to the regulations would no doubt clarify the position with regard to the powers of this official, must nevertheless observe, as it has already emphasised on several occasions, that section 15 of Decree No. 2605 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". The result is that, even if in practice, as the Government has indicated in previous reports, the appointment is made only if

an express request therefor is made by the trade unions, the discretionary power thus conferred on the Secretariat of State for Labour by provisions of a legislative nature might permit it to interfere in the activities of trade unions, which is not compatible with Article 3 of the Convention. The Committee, therefore, must urge once again that section 15 of Decree No. 2605 be repealed or 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 therefor is made by the organisations concerned.

Finally, the Committee has been informed that, in response to recommendations made by the Governing Body of the International Labour Office, on the proposal of the Committee on Freedom of Association, the Government stated that certain Decrees issued between 1951 and 1956, which constituted interference in trade union elections, had not been the subject of observations on the part of the Committee of Experts on the Application of Conventions and Recommendations and should not, therefore, be considered to constitute an infringement of freedom of association. With regret, the Committee finds itself obliged to observe that, in reply to the request for information that it addressed to the Government in its report in 1956—"Are there provisions in the national legislation respecting the election of trade union leaders?"—the Government representative at the 1956 Session of the Conference, whose statement was later confirmed by the Government's report, confined himself to making a reference to Decree No. 2605 of 1933. Although, according to the information furnished by the Government, the decrees in question, which suspended all trade unions elections in certain cases, have since been repealed, the Committee can only deplore the fact that a Government omitted, in reply to a request for information made to it by the Committee, to bring to its notice provisions contained in the legislation in force.

Denmark (ratification: 1951). The Committee has noted with interest the information furnished by the Government in its report in reply to the request made to it in 1957. In spite of the lack of precision in certain parts of this information, an analysis of the legal provisions referred to by the Government has enabled the Committee to observe—

- (a) that the existence of recognised organisations in no way prohibits the creation of other organisations of civil servants;
- (b) that non-recognised organisations may, in spite of the recognition of other organisations, present demands to the administration (section 21, paragraph 3, of Act No. 301 of 1946);
- (c) that the "recognition" of organisations by the administration is accorded and maintained according to certain objective criteria enabling the administration to assure itself that the organisation in question is representative and, especially, is conditional on the organisation admitting to membership all the civil servants concerned;
- (d) finally, that any decision concerning transfer, demotion or disciplinary dismissal may be taken only after consultation with the recognised organisation (section 18, paragraph 6, of Act No. 301 of 1946).

The Committee would be glad if the Government would confirm whether the above represents an accurate summary of the position.

Guatemala (ratification: 1952). The Committee takes note with interest of the statement made by a Government representative to the Conference in 1957 indicating in particular that "the right of association of [public] officials would be recognised within a short time".

As the Government has not supplied a report for the period 1956-57, the Committee finds it necessary to repeat the observations made in 1957, which read as follows:

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 associations . . . 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.

The Committee hopes that the Government will not fail to take the measures and supply the information referred to above.

Mexico (ratification: 1950). The Committee has noted with interest the information furnished in reply to the request that it made to the Govern-

ment in 1956 and 1957. The Committee has observed that certain provisions in the "New Statute for Workers in the Service of Authorities of the Union" do not appear to be compatible with the guarantees laid down in the Convention, particularly as this Statute is applicable not only to public officials but also to the workers of nationalised undertakings (Article 5). This is the case, in particular, with respect to the following provisions:

1. By the terms of sections 49 and 50 of the Statute, no organisation of officials or of workers in nationalised undertakings may be set up and registered when another organisation already exists in the service and only the registered organisation enjoys legal personality. The result is that, contrary to Article 2 of the Convention, these workers are deprived *by legislation* of the right "to establish organisations of their own choosing without previous authorisation".

2. By the terms of section 47 of the Statute, workers "in positions of confidence" and those who "perform similar duties" are deprived of all right to organise. This provision does not appear to be compatible with Article 2 of the Convention which provides that workers "without distinction whatsoever" shall have the right to establish and join organisations.

3. According to section 53 of the Statute, any re-election of members of the management committee of a trade union is prohibited. As the Committee has pointed out on several occasions, a provision of this kind, when it is prescribed by legislation, is not compatible with Article 3 of the Convention, which provides that "organisations shall have the right . . . to elect their representatives in full freedom".

4. Section 56 of the same Statute prohibits organisations of officials and of persons employed in nationalised undertakings from adhering to federations or confederations of industrial or agricultural workers. It seems difficult to reconcile this provision with Article 5 of the Convention, which provides that "workers' and employers' organisations shall have the right to establish and join federations and confederations".

5. According to section 60 of the Statute, the provisions applicable to trade unions of officials and workers in nationalised undertakings, and, in particular, sections 49, 50 and 53, are also applicable to any federation of such trade unions and, therefore, do not appear to be compatible with Article 6 of the Convention, which provides that Articles 2, 3 and 4 of the Convention "apply to federations and confederations of workers' and employers' organisations".

6. Bearing in mind that legal personality appears to be indispensable for trade unions in Mexico, the fact that the acquisition of such legal personality by a trade union organisation of public officials and workers in nationalised undertakings is subject to the rules laid down in sections 49 and 50 of the Statute referred to above in paragraph 1, according to which no new organisation can be recognised when an organisation already exists in the service concerned, 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.

7. Finally, the provisions of section 47 of the Statute, which provide that a public official or a worker in a nationalised undertaking who has joined a trade union must compulsorily remain a member of that trade union (unless he is expelled by the union), taken together with sections 49, 50 and 60 of the same Statute, according to which only a single trade union organisation can exist in one service and only one federation for the whole of the workers concerned, result in the establishment of a trade union monopoly *by legislation*. In this connection, the Committee wishes to emphasise the fundamental difference which exists, with respect to the guarantees of freedom of association and protection of the right to organise laid down in the Convention, between a situation in which a trade union monopoly is instituted or maintained *by legislation*, and the *factual situations* which are found to exist in certain countries in which all the trade union organisations join together *voluntarily* in a single federation or confederation, without this being the direct or indirect result of legislative provisions applicable to trade unions and to the establishment of trade union organisations. The fact that workers and employers generally find it in their interests to avoid a multiplication of the number of competing organisations does not, in fact, appear sufficient to justify direct or indirect intervention by the State, an intervention which might go against the fundamental guarantees laid down in the Convention, which provides that "workers and employers . . . shall have the right to establish and . . . to join organisations of their own choosing" (Article 2) and that workers and employers may "exercise freely the right to organise" (Article 11).

The Committee would be grateful if the Government would be good enough to indicate what measures it intends to take to repeal or amend the provisions of the "New Statute for Workers in the Service of the Authorities of the Union" in order to bring them into conformity with the provisions of the Convention.

In this connection, the Committee must emphasise, as it has already done on several occasions, that if certain restrictive provisions (as, for example, the obligation imposed on public officials to belong to organisations which do not admit other workers to membership) do not appear to be incompatible with the provisions of the Convention when they apply solely to workers who are in a special situation, as are public officials, such restrictions do not appear to be acceptable when they are applicable to workers employed in undertakings of an industrial or commercial character, even when those undertakings are managed by the State.

Pakistan (ratification: 1951). The Committee noted with interest that the Government is examining a Bill to amend the legislation on trade unions, in which regard will be had to the observations previously made. The Committee expresses the hope that adoption of this Bill will enable all workers "without distinction whatsoever", and in particular public officials, to establish organisations "of their own choosing" and to join such organisations freely (Article 2 of the Convention). Indeed, as already pointed out on several occasions, the Committee considers that the provisions now applying to public officials (under which a separate association must be set up for each main class of officials) are not in accordance with the Convention.

Philippines (ratification: 1953). The Committee has noted with interest the statement by the Government representative at the Conference in 1957 and the

further information contained in the Government's report.

The Committee observes that while, as provided in Article 8, paragraph 1, of the Convention, "workers and employers and their respective organisations... shall respect the law of the land", paragraph 2 of the same Article nevertheless adds that "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 the Convention.

Moreover, the Committee has noted that, as the Government itself points out in its report, although the registration of organisations is voluntary, according to the legislation, only *registered* organisations possess legal personality and have the right to represent their members in collective bargaining. The result is that a *non-registered* organisation is hardly in a position to "further and defend the interests" of its members and that, in consequence, although the registration prescribed by law is in theory voluntary, *in fact* any organisation that desires to have the means of attaining the objects assigned to it under its rules must comply with this formality. Therefore, the Committee considers that in such cases registration should not be subject to conditions which might, in fact, transform the formality into a kind of "previous authorisation".

With reference to the statement made by a Government representative at the Conference in 1957, according to which "it was vital to the existence of the country that a union should not be a cloak for subversion", the Committee certainly considers that a group which adopted the rules and the form of a trade union only in order to engage in activities foreign to trade union activities could naturally not enjoy the guarantees laid down in the Convention. However, the Committee considers that it would be difficult to determine in advance whether an organisation applying for registration would or would not engage in activities foreign to trade union activities. As the Committee emphasised in its general conclusions in 1957, normal control of the activities of trade unions should be effected *a posteriori* and by the judicial authorities; and the fact that an organisation which seeks to enjoy the status of an occupational organisation might in certain cases engage in activities foreign to trade union activities does not appear to constitute sufficient reason for subjecting trade union organisations *a priori* to control with respect to their composition and with respect to the composition of their management committees.

Again, the fact that a registered trade union which did not furnish the affidavits with respect to its officers prescribed by the law might be deregistered, with the consequence of deprivation of legal personality, seems to be difficult to reconcile with the provisions of Article 4 of the Convention, according to which "workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority", and with the provisions of Article 3, paragraph 1, according to which "workers' and employers' organisations shall have the right... to elect their representatives in full freedom".

The Committee has noted with interest that the Government is studying the possibility of making certain amendments to the existing procedure, and expresses the hope that the Government will take account of the foregoing observations.

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In addition, requests regarding certain other points are being addressed directly to the following States: Ireland, Mexico, Netherlands, Pakistan, Sweden.

Convention No. 88: Employment Service, 1948

Number of reports requested: 23.
Number of reports received: 21.
Reports not received: 2.

(Czechoslovakia, Guatemala.)

Cuba (ratification: 1952). The Committee regrets to note that the Government's report does not contain information in reply to the observation made in 1957. The Committee recalls that in 1956 a Government representative informed the Conference Committee that the organisation of an employment service would require an administrative adjustment and legislative reform which called for the services of a technical assistance mission. The Committee hopes that the Government will in the near future take the necessary steps to give full effect to the Convention, which it ratified in 1952.

Dominican Republic (ratification: 1953). The Committee notes from the information provided in reply to the observations made in 1957 that the staff of the employment service is trained by means of special courses.

With reference to the application of Article 4 of the Convention, the Committee notes that, although there are no joint advisory committees on employment matters, the professional organisations of employers and workers are consulted in certain cases. However, the Committee hopes that the Government will be able in the near future to establish such committees, which are intended to provide close and constant advice on the development of employment service policy (Articles 4 and 5).

Egypt (ratification: 1954). The Committee notes the information supplied in the Government's first report.

The Committee observes that, under section 1 (b) of Act No. 244 of 1953, the employment service covers only "unemployed persons who have already held posts or been employed in commerce or industry, or whose education or practical experience renders them suitable for such employment" and therefore appears to apply neither to workers seeking employment outside industry and commerce (e.g. agriculture), nor to unskilled workers seeking employment for the first time, nor to employed persons wishing to change their employment.

As the scope of the service established by Act No. 244 of 1953 is limited, whereas the Convention provides for an employment service of a general character, the Committee hopes that the Government will take appropriate measures to extend the scope of the existing service so as to bring it into conformity with the Convention.

Federal Republic of Germany (ratification: 1954). The Committee notes the information supplied in the report concerning the points dealt with in the observation made in 1957 (Article 1, paragraph 2, and Article 6 (e) of the Convention). From this information it appears that, under the new Act of 3 April 1957, close co-operation has been established between the Federal Institution of Employment and Unemployment Insurance and the Ministry of Labour as regards the organisation of the employment market, in accordance with the economic and social policy adopted by the Government.

Guatemala (ratification: 1952). The Committee notes the information supplied by the Government in its first report, for 1954-55, which arrived too late to be examined in 1957.

From this information it appears that there is at present no employment service, as required by the Convention, but that the Minister of Labour and Social Welfare intends to organise such a service in accordance with the Convention.

The Committee hopes that an employment service satisfying the requirements of the Convention will be established at an early date.

Italy (ratification: 1952). The Committee notes from the discussion which took place in the Conference Committee in 1957 and from the Government's report that a divergence of opinion continues to exist as regards the composition of the advisory committees (Articles 4 and 5 of the Convention) which co-operate with the employment service and assist it in formulating its policy.

Under Article 4, paragraph 3, of the Convention the representatives of employers and workers on these committees are to be appointed in equal numbers. While the Government recognises, however, that under Act No. 264 of 29 April 1949 the number of workers' representatives on the relevant national, provincial and local committees exceeds that of the employers, it points out on the one hand that this discrepancy is made good by the appointment of representatives of the managers of undertakings, of farmers cultivating their own land and of craft workers, and on the other hand that the larger representation of workers provided for in the above Act, adopted prior to Italy's ratification of the Convention, must be maintained in accordance with article 19, paragraph 8, of the I.L.O. 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".

In its observation of 1957 the Committee had expressed the view that the numerical composition of advisory bodies is essentially an administrative matter and had expressed the hope that suitable arrangements could be made in Italy on a mutually agreed basis. Since it has not yet been possible to make such arrangements the Committee has deemed it necessary to reconsider this problem and has come to the following conclusions.

It would appear preferable, in this case, not to invoke article 19, paragraph 8, of the Constitution, which deals with conditions of work rather than with procedural matters such as those referred to in Article 4, paragraph 3, of the Convention. Basing itself exclusively on the provisions of the Convention, the Committee wishes to put forward the following considerations:

1. It is clear from the terms of Article 6 (a) that the basic purpose of the service provided for by the Convention is to "assist workers to find suitable employment and assist employers to find suitable workers", i.e. to be of help to both parties in the employment market.

2. In order to ensure the co-operation of the interested parties in the working of the employment service, the Convention provides in Articles 4 and 5 for consultative committees composed of representatives of these bodies.

3. Since any inequality in the representation of these interests on the committees would be likely to prejudice the functioning of these bodies, the Convention provides for representation on an equal basis, a requirement which may also be found in a number of other Conventions.

4. The practical implementation in Italy of the principle of equal representation would appear to

depend essentially on the definition of the employers who are to be represented on the committees.

5. The Convention does not contain any provision on this point, but it is clearly impossible to give effect to its Articles 4 and 5 unless the two interested parties reach agreement between themselves on this definition.

The Committee is bound to conclude therefore that the efficient working of the consultative bodies, and consequently of the employment service they are designed to advise, will not be brought about by any theoretical views which the Committee might put forward but only by practical agreement among the parties concerned. The Committee trusts therefore that the Government will be in a position, on the basis of such an agreement, to consider the possibility of amending the above-mentioned Act No. 264 of 1949 so as to give effect to the spirit as well as the letter of Articles 4 and 5 of the Convention.

Philippines (ratification: 1953). The Committee regrets to note that the employment service at present functioning in the Philippines still consists only of one employment office in Manila. As the Philippines undertook, in ratifying the Convention, to maintain a "national system of employment offices", comprising a "network of local and, where appropriate, regional offices, sufficient in number to serve each geographical area of the country and conveniently located for employers and workers" (Articles 1, 2 and 3 of the Convention), the Committee must voice its concern at this situation and express the hope that the Government will find it possible in the near future to give full effect to the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Egypt, Greece, Iraq, Philippines.*

Convention No. 89: Night Work (Women) (Revised), 1948

Number of reports requested: 18.

Number of reports received: 15.

Reports not received: 3.

(*Czechoslovakia, Guatemala, Syria.*)

Austria (ratification: 1950). The Committee notes that the Government confirmed at the Conference in 1957 and in its report that the Labour Inspectorate ensures that the essence of the provisions of the Convention—which have the force of law in Austria by reason of ratification—are fully applied, but that it intends to include in its Hours of Work Bill a provision prohibiting night work by women which would comply with the requirements of the Convention.

The Committee also notes that, as indicated in the Government's report, the Congress of the Chambers of Labour has submitted comments on the application of this Convention together with a request that measures be taken immediately to give effect to the Convention by legislation.

Without underestimating the measures which the Government has taken to give effect to the Convention in practice, the Committee hopes that the legislation contemplated for several years to bring the legislation expressly into full conformity with the Convention will be enacted in the near future.

Czechoslovakia (ratification: 1950). In the absence of the report for 1956-57, the Committee has taken note of the statement made by a Government represent-

ative in the Conference Committee, that new labour legislation at present being drafted would contain provisions which in practice would exclude night work by women.

The Committee trusts that the above-mentioned provisions will bring the legislation into full conformity with the Convention at an early date, and will in particular provide for a nightly rest of at least 11 consecutive hours.

Dominican Republic (ratification: 1953). The Committee notes the Government's statement (in reply to the observations made in 1957) that, in practice, once the day's work of eight hours has been completed, work cannot be resumed until 24 hours after the beginning of the previous day's work, so that it is impossible for women workers employed in continuous process undertakings to have only eight hours' rest at night in certain circumstances, as suggested by the Committee.

The Committee also notes that the possibility of giving more explicit legislative effect to Article 2 of the Convention (providing for a minimum nightly rest of at least 11 consecutive hours) is being examined, and hopes that such legislative action may be taken in the near future.

France (ratification: 1953). The Government's report indicates, in reply to the observation made in 1957, that although the repeal of section 22 (a) of Book II of the Labour Code (authorisation of exceptions as regards work connected with national defence) is not contemplated, the instructions given to the labour inspectors, to consult employers' and workers' organisations before authorising such exceptions, are still in force.

As regards night work of women in bakeries, the Committee notes the information contained in the report that, since such undertakings are not considered as industrial establishments, night work by women is not prohibited, provided it is not carried out during the period of general prohibition (10 p.m. to 4 a.m.). The report adds that in any case women are not employed in the baking of bread. The Committee wishes to point out however that the legislation should be amended to bring it into conformity with the provisions of the Convention, which provide for a nightly rest for women of at least 11 consecutive hours (Article 2 of the Convention).]

Guatemala (ratification: 1952). Since the report for 1956-57 has not been received, the Committee feels bound to repeat its observations on the following points:

- (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 once more expresses the hope that the Government will be able to take the necessary measures to bring its legislation into conformity with the Convention on the matters mentioned above.

The Committee also notes the Government's statement that the next report would contain information on the practical application of the Convention, and accordingly once more expresses the hope that this information will be forthcoming.

Pakistan (ratification: 1951). The Committee regrets to note that the Mines (Amendment) Bill which, according to the assurances given by the Government since 1955, is to provide that exceptions to the prohibition of night work shall henceforth be authorised only "when in case of serious emergency the national interest demands it" (Article 5, paragraph 1, of the Convention), has not yet been submitted to Parliament.

The Committee trusts that effect will be given to this provision of the Convention at an early date.

Uruguay (ratification: 1954). See under Convention No. 58.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Netherlands, New Zealand, Philippines.*

Convention No. 90: Night Work of Young Persons (Industry) (Revised), 1948

Number of reports requested: 10.
Number of reports received: 8.
Reports not received: 2.

(*Czechoslovakia, Guatemala.*)

Czechoslovakia (ratification: 1950). Since the report for 1956-57 has not been received, the Committee finds it necessary to repeat its earlier observation, which read as follows:

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 the 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.

The Committee hopes that the Government will not fail to take the measures and supply the information referred to above.

Guatemala (ratification: 1952). The Committee notes the information contained in the Government's first report, for 1954-55, which arrived too late for examination in 1957.

The Committee observes that, whereas Article 2 of the Convention defines the term "night" as a period of at least 12 consecutive hours, under section 116 of the Labour Code the night period (during which work is prohibited for young persons under 18 years of age) runs from 8 p.m. to 5 a.m.

The Committee hopes that the Government will at an early date bring the legislation into full conformity with the Convention on this important point.

Israel (ratification: 1953). As regards registers of young workers (Article 6) see under Convention No. 5.

Italy (ratification: 1952). See under Convention No. 77.

Mexico (ratification: 1956). The Committee wishes to thank the Government for its voluntary report on the effect given to this Convention, which came into force for Mexico only on 20 June 1957. The Committee notes from this report that section 68 of the Federal Labour Act of 18 August 1931 defines the night period (during which the employment of young persons is prohibited under section 77 of the Federal Labour Act) as beginning at 8 p.m. and ending at 6 a.m., i.e. a period of *ten* consecutive hours, whereas Article 2, paragraph 1, of the Convention provides for a night period of *twelve* consecutive hours.

The Committee hopes that the Government will find it possible to eliminate this fundamental discrepancy between the national legislation and the Convention.

Netherlands (ratification: 1954). The Committee has taken note of the information supplied in reply to its observations in 1957. The report states that the conditions of work in freight handling at airports are governed by the Decree of 11 August 1954 concerning warehouses, which provides for a period of nightly rest for young persons between 7 p.m. and 6 a.m.

The Committee notes that, although persons other than drivers who accompany consignments moving by road are not yet subject to the provisions on hours of work, the Government indicates that regulations, now being drafted, which will cover this class of workers, will prohibit night work by young persons.

The Committee trusts that these regulations will come into force at an early date.

Pakistan (ratification: 1951). The report indicates, with regard to the Committee's observation made in 1957, that measures are in hand to eliminate the discrepancies pointed out and that the relevant Bills will be furnished to the I.L.O. as soon as finalised.

The Committee takes note of this information. In view of the fact that four years have elapsed since the examination of the first report on this Convention, it hopes that the above-mentioned legislation will soon be adopted.

Uruguay (ratification: 1954). See under Convention No. 58.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Czechoslovakia, Guatemala, India, Mexico, Netherlands, Philippines*.

Convention No. 92: Accommodation of Crews (Revised), 1949

Number of reports requested: 11.
Number of reports received: 9.
Reports not received: 2.

(*Brazil, Portugal.*)

Brazil (ratification: 1954). The Committee regrets to note that the Government has not supplied the report on this Convention for the period 1956-57. Furthermore, it notes that the written information given to the Conference Committee in 1957 contains no new material and merely reports that the Government is attempting to draw up regulations which will ensure the practical application of the provisions of the Convention.

In these circumstances, the Committee must urge once more, as it did in 1957, that the final adoption and enforcement of the said regulations be completed as soon as possible and that detailed information on the subject be communicated without delay.

Cuba (ratification: 1952). In the absence of any new information in the current report, the Committee must urge the Government to take the necessary action to give effect to Parts II, III and IV of the Convention, application of which was entrusted to the Directorate-General of Health and Welfare of the Ministry of Labour by Resolution No. 74 of 24 May 1956.

Poland (ratification: 1954). The Committee notes the Government's statement that legislation to give effect to the Convention (to which the Government has referred since its report for 1954-55) will probably be enacted in 1958. The Committee trusts that there will be no further delay in enacting and bringing into force the legislation in question.

Portugal (ratification: 1952). As the report for 1956-57 has not been received and that for 1955-56 was not supplied either, the Committee can only repeat the observation which it made in 1956; this 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 hopes that the Government will not fail to take the measures and supply the information referred to above.

Convention No. 94: Labour Clauses (Public Contracts), 1949

Number of reports requested: 14.
Number of reports received: 13.
Report not received: 1.

(*Guatemala.*)

Cuba (ratification: 1952). The Committee notes the information supplied to the Conference Committee in 1957, but regrets that, notwithstanding the observations which it has made since 1955, no provision appears to have been made for the insertion in public contracts of labour clauses "ensuring to the workers concerned wages (including allowances), hours of work and other conditions of labour which are not less favourable than those established for work of the same character in the trade or industry concerned in the district where the work is carried on" (Article 2, paragraph 1, of the Convention).

The Committee once more expresses the hope that the Government will at an early date take the necessary measures to ensure the insertion of such labour clauses in public contracts, and will at the same time provide for the implementation of the provisions of the Convention relating to the contracts to be covered (Article 1, paragraphs 1 to 3), the consultation of employers' and workers' organisations on the terms of the labour clauses (Article 2, paragraph 3), measures to inform persons tendering for contracts of the terms of the clauses (Article 2, paragraph 4) and measures to ensure the observance of the clauses (Articles 4 and 5).

Denmark (ratification: 1955). The Committee notes the Government's first report on this Convention, according to which, although wages and other conditions of work of workers engaged on public contracts covered by the Convention are in conformity with the collective agreements in force, no legal provisions corresponding to those of the Convention exist. The Committee draws the Government's attention, in this connection, to the general observations regarding this Convention made in 1956 and 1957. It reiterates that, even if in general the conditions enjoyed by workers employed on public contracts are in conformity with the operative collective agreements, a government is not 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, in respect of which no exceptions can be permitted.

The Committee accordingly trusts that the Government will take measures to provide for the insertion in public contracts of labour clauses meeting the requirements of Article 2, paragraphs 1 and 2, and will also give effect to the provisions of the Convention regarding the contracts to be covered (Article 1, paragraphs 1 to 3), the consultation of employers' and workers' organisations on the terms of the labour clauses (Article 2, paragraph 3), measures to inform persons tendering for contracts of the terms of the clauses (Article 2, paragraph 4) and measures to ensure the observance of the clauses (Articles 4 and 5).

Finland (ratification: 1951). The Committee notes the information supplied by the Government, in reply to the observations made in 1957; regarding Article 1, paragraph 3, and Article 2, paragraphs 3 and 4, of the Convention. The Committee observes, however, that no indication has been given of the steps which the Government has taken or proposes to take with a view to the insertion of appropriate labour clauses not only in public building contracts, but in all contracts falling within Article 1, paragraph 1 (c), of the Convention. The Committee trusts that the necessary measures to this end will be taken at an early date.

The Committee also observes that the Government has not supplied the information, requested by the Committee since 1955, regarding the effect given to Article 4 (publicity, records, etc.) and Article 5 (san-

tions, etc.) and trusts that this information will be given in the Government's next report.

As regards Article 1, paragraph 3, the Government states that all building contracts concluded by the State with subcontractors contain the prescribed general provisions, which include the labour clauses. The Committee would be glad to know what measures are taken to ensure the observance of the labour clauses by subcontractors who do not conclude any contract directly with the State.

As regards Article 2, paragraph 3, the Committee would be glad to receive further particulars of the manner in which employers' and workers' organisations are consulted on the terms of labour clauses.

Philippines (ratification: 1953). The Committee notes that, in spite of persistent recommendations by the Secretary of Labor, Congress has so far failed to enact laws to give effect to the Convention. The Committee hopes that there will be no further delay in taking appropriate measures to implement the Convention, which was ratified five years ago.

Uruguay (ratification: 1954). The Committee notes with regret that, although the observation of 1957 requested detailed information on the application of the various Articles of the Convention, in accordance with the report form adopted by the Governing Body, no new information has been provided. The Committee trusts that the Government will not fail to supply such detailed information in its next report, as, on the basis of the particulars so far given, it is not apparent whether labour clauses are inserted in public contracts in accordance with the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Austria, Bulgaria, Guatemala, Israel, Philippines.*

Convention No. 95: Protection of Wages, 1949

Number of reports requested: 15.

Number of reports received: 14.

Report not received: 1.

(*Guatemala.*)

Ecuador (ratification: 1954). The Committee regrets to note that the Government has not replied to the observations made by the Committee in 1957, which were as follows:

The Committee... 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 what measures it intends to take to give effect to these provisions of the Convention.

The Committee would be glad if the Government would take appropriate measures to give effect to the above-mentioned provisions of the Convention.

Philippines (ratification: 1953). The Committee thanks the Government for the information supplied in answer to the observations made in 1957, and would like to refer to the following points:

Scope of the legislation. As noted in 1957, the Minimum Wage Law, on which the application of many provisions of the Convention is based, excludes certain categories of workers (i.e. employees in retail or service enterprises employing not more than five

persons, farm tenancy, domestic servants and related services). The Committee would be glad if the Government would indicate the measures which it proposes to take to give effect to the Convention in respect of these workers.

Article 7, paragraph 2, of the Convention. The provisions cited by the Government, in answer to the observations of 1957, refer to the value of facilities provided *as part of the wage*. The paragraph in question, however, concerns the prices of goods in works stores and of services operated in connection with an undertaking, payment for which may be quite independent of any payment of wages to the worker. The Committee would therefore be glad to know what measures the Government proposes to take to give effect to this paragraph.

Article 13, paragraph 1. The Committee refers to its observations of 1957 and requests the Government to indicate what measures it proposes to take to provide for payment of wages on working days only.

Article 13, paragraph 2. The Committee would be glad if the Government would indicate the measures which it intends to take to prohibit the payment of wages in taverns, stores, shops or places of amusement which are less than one kilometre from the undertaking.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Bulgaria, Ecuador, Greece, Guatemala, Mexico, Philippines, Poland, Uruguay.*

Convention No. 96: Fee-Charging Employment Agencies (Revised), 1949

Number of reports requested: 13.
Number of reports received: 11.
Reports not received: 2.

(*Bolivia, Guatemala.*)

Finland (ratification: 1951). The Committee notes the information supplied by the Government in reply to the observation made in 1957, to the effect that none of the existing employment agencies is authorised to place or recruit workers abroad.

France (ratification: 1953). The Committee wishes to thank the Government for the information supplied in reply to the observations made in 1957, and notes with interest that the provisions relating to the abolition of the right to assign or transfer fee-charging agencies are fully applied. It also notes the information supplied as regards the procedure for consulting employers' and workers' organisations (Article 4, paragraph 3, of the Convention).

The Committee further notes that the Government is considering the preparation of legislation concerning the placement of artists (Article 5).

The Committee expresses the hope that the credits necessary for the indemnification of fee-charging employment agencies will soon become available so as to make possible the abolition of such agencies in accordance with Part II of the Convention.

Guatemala (ratification: 1953). The Committee notes the information supplied by the Government in its first report, for 1954-55, which arrived too late to be examined in 1957.

The Committee notes from this report that there are no fee-charging employment agencies in the coun-

try but that national law permits the operation of recruiting agents, who receive fees for their services.

Since these agents fall within the meaning of "fee-charging employment agency" as defined in Article 1, paragraph 1 (*a*), of the Convention and as Guatemala undertook to abolish such agencies when conducted with a view to profit (Part II of the Convention), the Committee hopes that the Government will at an early date take the necessary measures to this effect.

Italy (ratification: 1953). The Committee thanks the Government for the detailed information provided in reply to the observations made in 1957.

The Committee notes in particular that a parliamentary working party has been appointed to prepare a new Bill to regulate the placement of domestic servants, and trusts that this Bill will be enacted at an early date.

The Committee also notes the Government's statement that the new Bill will provide for the abolition of the agencies now acting as intermediaries between employers and domestic workers, and that the Government will consider making arrangements for consulting the employers' and workers' organisations concerned so as to give effect to Article 4, paragraph 3, of the Convention.

Pakistan (ratification: 1952). With reference to its observations of 1957, the Committee notes with interest the statement in the Government's report that it proposes to prepare legislation which will contain provisions ensuring the full application of the Convention.

The Committee accordingly hopes that it will thus be possible in the near future to give full effect to the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Cuba, Federal Republic of Germany, Sweden.*

Convention No. 97: Migration for Employment (Revised), 1949

Number of reports requested: 11.
Number of reports received: 10.
Report not received: 1.

(*Guatemala.*)

France (ratification: 1954). The Committee notes from the information supplied by the Government, in answer to the observations made in 1957, that maternity allowances are payable to foreigners only if their child is French by birth or acquires French nationality within three months of its birth (section 519 of the Social Security Code). However, having regard to the statement by a French Government representative to the Conference Committee in 1953 (in respect of the Maternity Protection Convention (No. 3)) that "by virtue of the very old jurisprudence confirmed by article 26 of the French Constitution, treaties had priority over internal legislation", the Committee wonders whether section 519 of the Social Security Code has not been tacitly amended by Article 6, paragraph 1 (*b*), of the Convention, which provides that social security benefits shall be granted to immigrants "without discrimination in respect of nationality". If so, the Committee would be grateful if the Government would indicate what measures have been taken (or are proposed to be taken) to give this provision of the Convention adequate publicity with a view to informing foreign immigrants of the extent

of their rights. If, on the other hand, ratification of the Convention has not had the above-mentioned effect, it would be necessary to amend section 519 of the Social Security Code expressly to provide for payment of this social security benefit to all migrant workers, irrespective of their or their children's nationality.

Further, the Committee notes the statement in the Government's report that, as France is not a country of emigration, no special measures have been taken on the national level to organise the emigration of French nationals. It trusts that, should this situation change at any time, the Government will take all necessary measures.

Guatemala (ratification: 1952). The Committee takes note with interest of the Government's first report, which related to the period 1954-55 and which arrived too late to be examined in 1957. The Committee observes, however, that under present legislation and practice certain Articles of the Convention are not applied. This is the case with respect to Article 2 (maintenance of an adequate and free service to assist migrants for employment), Article 3 (appropriate steps against misleading propaganda relating to emigration and immigration), Article 7 (existence of an employment service), Article 8 (provision that no migrant for employment shall be returned to his country of origin because he is unable to follow his occupation by reason of occupational illness or injury) and Article 6 of Annex I (measures for safeguarding the welfare of migrants and members of their families during their journey and for providing them with necessary assistance in their settlement).

The Committee would be grateful to the Government if it would indicate the measures it intends to take to bring its legislation with regard to these matters into conformity with the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Cuba, France, Guatemala, Israel, Norway, Uruguay.*

Convention No. 98: Right to Organise and Collective Bargaining, 1949

Number of reports requested: 20.
Number of reports received: 18.
Reports not received: 2.

(*Brazil, Guatemala.*)

Belgium (ratification: 1953). See under Convention No. 87.

Dominican Republic (ratification: 1953). The Committee has been pleased to note the information supplied, in reply to the observation made in 1957, to the effect that the Labour Code has been amended in order to abolish the provisions of the legislation requiring prior authorisation by the Government of a collective agreement.

Egypt (ratification: 1954). The Committee refers to the observation made in respect of Convention No. 11, and once more requests the Government to take the necessary measures to extend to *all workers*, in accordance with Article 1 of Convention No. 98, the measures of protection against certain acts of anti-trade union discrimination provided for in sections 39bis and 40 of Legislative Decree No. 317 of 1952.

Guatemala (ratification: 1952). The Committee notes with regret that the Government has not supplied a report for the period 1956-57. Consequently it finds it necessary to repeat the observation made in 1957:

As regards workers (other than civil servants) employed in public undertakings [the Committee] 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 ... to what extent use is made of collective agreements in Guatemala.

The Committee hopes that the Government will not fail to take the measures and supply the information referred to above.

Turkey (ratification: 1952). The Committee notes with regret that this year's report contains no new information regarding the legislative measures which, according to the report for the period 1955-56, the Government intended to table with a view to protecting intellectual workers against acts of anti-trade union discrimination. It expresses the hope that the Government will be able to inform the Conference at its 42nd Session what progress may have been made with a view to adopting the suggested legislative measures.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Brazil, Denmark, Dominican Republic, Egypt, Indonesia, Pakistan, Turkey, Uruguay.*

Convention No. 99: Minimum Wage Fixing Machinery (Agriculture), 1951

Number of reports requested: 11.
Number of reports received: 11.

Federal Republic of Germany (ratification: 1954). In 1957 the Committee observed that, whereas the Convention permitted abatement of minimum rates only for the purpose of preventing curtailment of employment opportunities of handicapped workers (Article 3, paragraph 5), the legislation of the Federal Republic appeared to permit abatement generally by collective agreement and as part of a compromise (section 8 (2) and (3) of the Act of 11 January 1952 respecting minimum conditions of employment). In reply to these observations, the Government has stated that the question has no practical significance at present, because, in view of the existence of appropriate collective agreements, minimum conditions have not so far needed to be prescribed under the Act of 1952.

While the discrepancies noted in 1957 may not be of practical importance at the present time, measures to eliminate them will become necessary if at any time minimum conditions of employment are prescribed for workers in agricultural undertakings or related occupations. The Committee would accordingly be glad if the Government would give consideration to the amendment of the Act of 1952 as occasion arises.

Netherlands (ratification: 1954). The Committee thanks the Government for the information supplied in answer to its observations of 1957. It notes that the wages of apprentices and handicapped workers are fixed by individual agreement by virtue of provisions to that effect contained in collective agreements and wage regulations approved or made under the Extraordinary (Labour Relations) Decree of 1945. The non-application of the fixed rates to apprentices appears to be permitted under Article 1, paragraph 2,

of the Convention (subject to the requirements of that paragraph regarding consultation of employers' and workers' organisations). The Committee considers, however, that a general exclusion of handicapped workers is not permitted by the Convention, as Article 3, paragraph 5, of the Convention enables the competent authority to permit exceptions in respect of handicapped workers only "in individual cases" and "where necessary to prevent curtailment of the opportunities of employment" of such workers.

The Committee would be grateful if the Government would take appropriate measures to eliminate this discrepancy.

United Kingdom (ratification: 1953). The Committee thanks the Government for the information supplied in answer to its observation of 1957, regarding the fixing of minimum wages for female agricultural workers in Northern Ireland.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Federal Republic of Germany, Netherlands, Philippines, Uruguay*.

Convention No. 100: Equal Remuneration, 1951

Number of reports requested: 10.

Number of reports received: 10.

Belgium (ratification: 1952). The Committee notes with interest the report prepared by the Ministry of Labour and Social Welfare on the present position regarding the application by the joint committees of the principle laid down in the Convention. It also notes that the joint committees have been requested to pursue their consideration of this question and to make a further report in 1958. The Committee considers that the action so far taken represents a valuable example of the promotion of the principle of equal remuneration "by means appropriate to the methods in operation for determining rates of remuneration", and will be glad to learn of the progress achieved in the implementation of the principle.

Mexico (ratification: 1952). The Committee notes the Government's reply to the observation made in 1957, according to which it has not been found necessary to take special measures to encourage the application of the principle of equal remuneration, as the principle is always respected.

Philippines (ratification: 1953). The Committee thanks the Government for the information supplied in answer to the observations made in 1957. With reference to the Government's statement that, since Republic Act 697, as amended, expressly provides for equal remuneration for work of equal value it is not deemed necessary to make such provision in collective agreements, the Committee would be glad if the Government would confirm that all such agreements do in fact provide for equal rates of remuneration for men and women workers.

The Committee has noted the information on the place of women in the Philippine economy included in and appended to the Government's report. It notes, in particular, that according to a recent survey a primary factor explaining the wide difference between men's median weekly earnings and those of women is the fact that most women are presently employed in industries and occupations in which wage

levels and rates are relatively lower than those in the industries and occupations in which the great bulk of the male labour force is employed, and that a further factor in the situation is the relatively low proportion of women employed on higher-skilled, better-paying work. However, the Committee also notes that wages within undertakings, and particularly piece rates, tend to be fixed in an arbitrary manner, often according to what the management considers appropriate for the worker to earn in a particular job, and not on the basis of job evaluation. As a result, there is a variety of rates from factory to factory and even within the same undertaking for almost the same kind of jobs, a situation which in practice leads to lower rates of remuneration for women workers, particularly those engaged on industrial home work.

The Committee would therefore be glad if the Government would indicate (a) the further measures by which it proposes to promote and ensure the application of the principle of equal remuneration (Article 2 of the Convention) and (b) the further measures by which it proposes to promote the objective appraisal of jobs on the basis of the work to be performed (Article 3). In the latter connection the Committee repeats its earlier request that the Government should supply particulars of job appraisals carried out by the job evaluators of the Wage Administration Service and of the action taken as a result of such evaluations.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Austria, Cuba, Dominican Republic, France, Philippines*.

Convention No. 101: Holidays with Pay (Agriculture), 1952

Number of reports requested: 11.

Number of reports received: 11.

Cuba (ratification: 1954). See under Convention No. 52.

Uruguay (ratification: 1954). The Committee refers to the observation made in 1957 regarding increased holidays in the case of longer service and takes note with interest of the Act of 27 December 1956 which provides, *inter alia*, for such increased holidays (Article 5 (b) of the Convention).

Yugoslavia (ratification: 1955). See the observation on Convention No. 52, as regards certain exceptions in the granting of holidays (Article 8 of Convention No. 101).

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In addition, requests regarding certain other points are being addressed directly to the following States: *France, Federal Republic of Germany, Uruguay*.

Convention No. 102: Social Security (Minimum Standards), 1952

Number of reports requested: 7.

Number of reports received: 6.

Report not received: 1.

(*Greece*.)

Denmark (ratification: 1955). The Committee notes with interest the Government's first report. It observes that the following discrepancies exist between national legislation and Part IV of the Convention (Unemployment Benefit).

Article 24 of the Convention. Under section 16 (5) of the Employment Exchanges and Unemployment Insurance Act, 1947, the waiting period: (a) "may be increased up to 15 days by further provisions in the rules"; and (b) "shall be extended by . . . not more than 45 days", "if during the last six months before ceasing to be employed a member has been in receipt of remuneration which, taken together with any other unemployment benefit received, corresponds to his average daily earnings or the average daily earnings in the occupation for a period exceeding six months". These provisions are not in conformity with Article 24, paragraph 3, of the Convention, which limits the waiting period to seven days. The Committee therefore hopes that the Government will take the necessary action to bring Danish legislation into conformity with the Convention on this point.

Norway (ratification: 1954). The Committee notes with interest the information provided by the Government, both to the Conference Committee in 1957 and in its annual report, in reply to the Committee's observations, and particularly the following points:

Part V: Old-age benefit. Article 28. The Committee thanks the Government for the statistical information communicated in reply to the question contained in the report form under Article 65, paragraph 10, read in conjunction with Article 28.

Article 30. The Committee notes that section 3 (a) of the Old-Age Insurance Act, which provided for exclusion from the right to pension following certain classes of convictions in courts of law, was repealed by an Amendment Act dated 22 May 1953.

It also notes with satisfaction that the new Old-Age Insurance Act of 6 July 1957 no longer provides for exclusion from the right to pension in the cases provided for under section 3 (b) of the old Act; as the Committee pointed out in 1957, these cases did not correspond to those in which benefit may be suspended under Article 69 of the Convention, read in conjunction with Article 30.

Part VI: Employment injury benefit. Article 36. See under Part V, Article 28.

Article 37. The Committee notes that, according to the report, section 27, subsection (3), of the Accident Insurance Act of 24 June 1931 (providing that "an alien or his surviving relatives shall not be entitled to compensation if they were not domiciled in the Kingdom at the time of the accident") has not been applied in practice for about ten years. The Committee also notes with satisfaction that, according to the annual report provided by the Government on the application of Convention No. 19, this subsection has been repealed by the Accident Insurance Amendment Act of 21 June 1956.

Sweden (ratification: 1953). The Committee notes with interest the information provided in reply to the observations made in 1957, regarding the following Parts of the Convention.

Part IV: Unemployment benefit. Article 24. The Committee notes that the new Ordinance respecting unemployment funds, No. 629/1956, provides that, as a rule, the waiting period may not exceed six days, but that, for special reasons, the fund may fix a longer period. The report states that since 1 September 1957 only one fund—the Commercial Travellers' Unemployment Fund—has fixed a longer waiting period, namely 12 days, and that this case should be regarded as covered by Article 24, paragraph 4. The Committee points out that paragraph 4 permits the waiting

period to be adapted to conditions of employment "in the case of seasonal workers", and that, in general, commercial travellers cannot be considered to be seasonal workers. The Committee would therefore be grateful if the Government would indicate the measures which it intends to take to bring the legislation into conformity with this Article of the Convention.

Part VI: Employment injury benefit. Article 34. The Committee notes that, according to the report, pending completion of the reform of the employment injury insurance scheme, it will not be possible to eliminate all contribution by insured persons during the period of co-ordination (90 days after the accident) between the employment injury and the sickness insurance schemes. The Government adds, however, that "it is not impossible that such action may be envisaged in the coming years". Since in its report on the application of Convention No. 17 the Government states that it is concerned to eliminate all contribution by insured persons during the co-ordination period, the Committee hopes that the Government will indicate the action it intends to take to this end to ensure the full application of Article 34.

Article 36. The Committee thanks the Government for the information given on the choice of the standard beneficiary (Article 65, paragraph 6 (b)) and on the application of Article 65, paragraph 10.

Part XII: Equality of treatment of non-national residents. Article 68. The Committee thanks the Government for the information provided on the application of sections 13 and 14 of the Ordinance of 15 June 1934.

Part XIII: Common provisions. Article 71. The Committee regrets to find that the Government has not replied to the observations regarding the application of paragraph 3 of this Article which were made in 1957. It can therefore only repeat 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" cannot be fully applied so long as the fixing of the minimum rate of unemployment benefits is left to the unemployment insurance funds themselves. It hopes that the Government will not fail to indicate the action it intends to take in order to give full effect to this Article of the Convention.

Yugoslavia (ratification: 1954). The Committee notes with interest the information given by the Government in reply to the request made in 1957, regarding the following Parts of the Convention:

Part VI: Employment injury benefit. Article 33. The Committee notes that, according to the report, there are no statistics on the number of employees in the industries, occupations and employments figuring in the second schedule in the Occupational Diseases Ordinance 1946, and consequently insured against the risk of occupational disease. In these circumstances, the Committee considers that the Government has not provided proof that the requirements of Article 33 (a) of the Convention (under which the protected persons must comprise prescribed classes of employees constituting not less than 50 per cent. of all employees) are fulfilled as regards *occupational diseases*. The Committee hopes that the Government will spare no effort to produce proof of this, in accordance with Article 76 of the Convention, in its next report.

Part XIII: Common provisions. Article 69. The Committee notes that section 5 of the Criminal Code, 1954, repeals section 83 of the Social Insurance Act, under which a person convicted of a felony or misdemeanour could be temporarily deprived of social insurance rights.

The Committee notes, however, that permanent loss of social insurance rights may still follow as an automatic penalty from a sentence of loss of nationality. It also notes that, according to the report, this case of forfeiture of rights is not one of those covered by Article 69 (a) and (b) of the Convention. In these circumstances the Committee would be grateful if the Government would indicate the action it intends to take in order to bring its legislation into accordance with the Convention by restricting cases of suspension of benefit to those provided for in Article 69.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Denmark, Israel, Norway, Sweden, United Kingdom, Yugoslavia.*

Convention No. 103: Maternity Protection (Revised), 1952

Number of reports requested: 3.

Number of reports received: 3.

Cuba (ratification: 1955). The Committee regrets to note that the Government in its report fails to provide the information requested by the Committee as to the measures it proposes to take to eliminate the following discrepancies between its national legislation and the provisions of the Convention:

- (a) 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.
- (b) 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 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 in certain cases women may be deprived of freedom of choice with regard both to the hospital and the doctor.

The Committee would be glad if the Government would indicate the action taken to bring the national legislation into complete conformity with the Convention.

Uruguay (ratification: 1954). The Committee notes with satisfaction that the Decree of 1 June 1954 on maternity protection has been interpreted as covering women employed in all branches of activity. It regrets to note, however, that the Government's report does not refer to the discrepancies to which attention was drawn in 1957, and accordingly urges the Government to take the necessary measures to bring the legislation into conformity with the Convention on the following points:

Article 3 of the Convention. 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 does not accord with Article 3, paragraph 2, of the Convention, under which "the period of maternity leave shall be at least 12 weeks".

Article 4, paragraphs 4 and 8. Section 1 of the Decree of 1954 provides that, 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 of absence". This does not accord with Article 4 of the Convention, which provides 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". The Committee trusts that the Government will bring the legislation into conformity with the Convention on this point at the earliest possible moment, having regard particularly to the fact that the creation of a system of maternity insurance, provided for by the Decree of 1 June 1954, has been the subject of consideration by the Government for a number of years.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Cuba, Uruguay.*

Appendix I. Reports Received and Reports Not Received by 29 March 1958

Reports due: 1,418. Reports received: 1,300. Reports not received: 118.

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Afghanistan ¹	5	4, 13, 14, 41, 45	0	—	5
Albania	4	4, 5, 6, 21	0	—	4
Argentina	43	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 26, 27, 29, 30, 32, 33, 34, 35, 36, 41, 42, 45, 50, 52, 53, 58, 73, 77, 78, 79, 81	1	18	44
Australia	14	7, 8, 9, 15, 16, 21 ¹ , 22, 26 ¹ , 27, 29, 45, 63 ¹ , 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	49	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 ¹ , 53, 55, 56, 58, 62, 64, 69, 73, 74, 82, 84, 85, 87, 88, 89, 94, 97, 98, 100, 101	0	—	49
Bolivia	0	—	6	5, 14, 19, 26, 42, 96	6
Brazil	0	—	13	3, 5, 6, 7, 16, 41, 42, 45, 52, 53, 58, 92, 98	13
Bulgaria	59	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, 94, 95, 100	0	—	59
Burma	17	1, 2, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 26, 27, 41, 52, 63	3	17, 29, 87	20
Byelorussia	4	10, 11, 15, 16	0	—	4
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	0	—	24	1, 2, 3, 4, 5, 7, 8, 9, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26	24
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	15	12, 17, 18, 19, 21, 26, 27, 35, 36, 37, 38, 39, 40, 42, 48	19	1, 4, 5, 10, 11, 13, 14, 24, 25, 34, 43, 44, 45, 49, 52, 63, 88, 89, 90	34
Denmark	25	2, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 21, 29, 42, 52, 53, 58, 63, 87, 92, 94, 98, 102	0	—	25

¹ Reports received too late to be summarised in Report III (Part D).

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Dominican Republic . . .	11	1, 5, 7, 10, 19, 79, 81, 88, 89, 98, 100	0	—	11
Ecuador	4	26, 29, 45, 95	0	—	4
Egypt	11	2, 11, 19, 29, 41, 45, 52, 53, 63, 88, 98	0	—	11
Finland	33	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, 73, 81, 87, 92, 94, 96, 98	0	—	33
France	61	2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 26, 27, 29, 32, 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) . . .	27	2, 3, 7, 8, 9, 11, 12, 15, 16, 17, 18, 19, 22, 23, 24, 25, 26, 27, 42, 45, 62, 63, 81, 88, 96, 99, 101	0	—	27
Ghana ¹	11	15, 16, 19, 29, 45, 50, 58, 59, 64, 84, 85	1	65	12
Greece	24	1, 2, 3, 5, 6, 7, 8, 9, 11, 13, 14, 15, 16, 17, 19, 27, 29, 41, 42, 45, 52, 81 ¹ , 88 ¹ , 95 ¹	1	102	25
Guatemala	0	—	14	77, 78, 79, 81, 86, 87, 88, 89, 90, 94, 95, 96, 97, 98	14
Haiti	10	1, 12, 14, 17, 19, 24, 25, 30, 42, 81	0	—	10
Hungary	21	2, 3, 6, 7, 10, 12 ¹ , 13 ¹ , 14 ¹ , 15, 16, 17, 18, 19, 21, 24, 26, 27, 41, 42, 45, 48	0	—	21
Iceland	4	11, 15, 87, 98	0	—	4
India	20	1, 4, 5, 6, 11, 14, 15, 16, 18, 19, 21, 22, 26, 27, 29, 32, 45, 81, 89, 90	0	—	20
Indonesia	4	19, 27, 29, 45	0	—	4
Iraq ¹	8	18, 19, 41, 42, 58, 77, 81, 88	0	—	8
Ireland	32	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, 82, 89, 92, 98	0	—	32
Israel	17	1, 5, 10, 14, 20, 29, 30, 52, 77, 78, 79, 81, 90, 94, 97, 101, 102	0	—	17
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, 89, 90, 94, 95, 96, 97	0	—	51
Japan	21	2, 5, 7, 8, 9, 10, 15, 16, 18, 19, 21, 22, 27, 29, 42, 50, 58, 73, 81, 88, 98	0	—	21
Liberia	0	—	1	29	1
Luxembourg	27	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 28	0	—	27

¹ Reports received too late to be summarised in Report III (Part I).

OBSERVATIONS CONCERNING ANNUAL REPORTS ON RATIFIED CONVENTIONS

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
Mexico	33	6, 7, 8, 9, 11, 12, 13, 14, 16, 17, 19, 21, 22, 23, 26, 27, 29, 30, 32, 34, 42, 43, 45, 49, 52, 53, 55, 62, 63, 87, 95, 99, 100	0	—	33
Morocco	8	4, 12, 13, 14, 17, 18, 19, 41	0	—	8
Netherlands	37	2, 5, 8, 9, 10, 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	—	37
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, 97, 98, 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	36	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, 97, 98, 101, 102	0	—	36
Pakistan	21	1, 4, 6, 11, 14, 15, 16, 18, 19, 21, 22, 27, 32, 45, 59, 81, 87, 89, 90, 96, 98	0	—	21
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	9	1, 4, 6, 14, 17, 18, 19, 27, 45	4	69, 73, 74, 92	13
Rumania ¹	17	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 24, 27	0	—	17
El Salvador	1	12	0	—	1
Spain	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	—	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	0	—	1	89	1
Tunisia	2	13, 19	0	—	2
Turkey	8	2, 14, 42, 45, 81, 88, 96, 98	0	—	8
Ukraine	4	10, 11, 15, 16	0	—	4
Union of South Africa . .	7	2, 19, 26, 42, 45, 63, 89	0	—	7
U.S.S.R.	4	10, 11, 15, 16	0	—	4

¹ Reports received too late to be summarised in Report III (Part I).

REPORT OF THE COMMITTEE OF EXPERTS

Country	Reports received		Reports not received		Total
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
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	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	8	4, 5, 6, 13, 14, 27, 45, 52	2	26, 29	10
Yugoslavia	30	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, 81, 100, 101, 102, 103	0	—	30

Appendix II. Statistical Table of Annual Reports on Ratified Conventions

Period	Reports requested	Reports received at the date requested		Reports received in time for the session of the Committee ¹		Reports received in time for 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	— ²	—
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 ³	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	1,063	86.1	1,170	94.8
1955-56	1,333	332	24.9	1,234	92.5	1,283	96.2
1956-57	1,418	210	14.7	1,300	91.7		

¹ The opening date of the session of the Committee of Experts has, in general, been the end of March or the beginning of April. In a number of cases, however, the session has opened on other dates, varying between 29 February, in 1932, and 23 July, in 1945; the date limit for the receipt of reports has accordingly varied.

² The Conference did not meet in 1940.

³ First year for which this figure is available.

VIII. Observations on the Application of Conventions in Non-Metropolitan Territories (Articles 22 and 35 (Paragraphs 6 and 8) of the Constitution)

A. GENERAL OBSERVATIONS

Belgium

The Committee notes that the Government has supplied this year only a few reports on the application of ratified Conventions in the Belgian Congo and in Ruanda-Urundi and that these reports arrived too late for examination by the Committee. The Committee trusts that the Government will not fail in future to communicate in good time, as it has done regularly during previous years, reports on the application of all ratified Conventions in these territories. As regards Ruanda-Urundi, the Committee would be grateful if the Government would specify in each of its reports what legislative provisions have made the laws of the Belgian Congo applicable to this territory.

France

Overseas Departments.

The Committee would be glad if the Government would in future communicate all the reports requested on the application of ratified Conventions in the Overseas Departments. It requests particularly that these reports be in all cases drawn up in accordance with the report forms adopted by the Governing Body and contain all available information on the practical application of Conventions.

Overseas and Associated Territories.

The Committee notes, from the information contained in the reports of certain territories, that the Right of Association (Agriculture) Convention, 1921 (No. 11) and the Protection of Wages Convention, 1949 (No. 95) have been extended to these territories by decree. The Committee hopes that the Government will communicate declarations in accordance with article 35 of the Constitution in respect of these two Conventions. In this connection, it has once more seemed to the Committee that declarations of application or acceptance might also be made in respect of Conventions Nos. 45, 52, 89, 99, 100 and 101.

Portugal

The Committee regrets to note that the Government has not supplied any reports this year on the application of ratified Conventions in non-metropolitan territories. Last year only some of the reports had been supplied, and the Committee trusts that the Government will not fail in future to comply strictly with its constitutional obligations.

Spain

The Committee had noted with regret last year that the Government had not supplied detailed reports on the application of ratified Conventions in non-metropolitan territories. It regrets all the more that no report whatever has been supplied this year and must insist once more that the Government 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 that the Government has not supplied reports in respect of certain territories and hopes that the Government will not fail in future to supply reports on the application of all ratified Conventions in all non-metropolitan territories.

The Committee noted with satisfaction the information supplied by the Government that the texts of all the Conventions which the United Kingdom had ratified up to 31 December 1956 had been communicated to the governments of the territories falling within the definition of article 35, paragraph 4, of the Constitution. The Committee would be glad to be informed of the decisions taken as a result of this action.

The Committee also took note with satisfaction of the large number of declarations (157, comprising 69 declarations of application without modification, 14 of application with modifications, 2 of non-application and 72 "decision reserved") on application in non-metropolitan territories which have just been received and which relate in particular to the following Conventions: Labour Inspection, 1947 (No. 81); Employment Service, 1948 (No. 88); Labour Clauses (Public Contracts), 1949 (No. 94); and Protection of Wages, 1949 (No. 95).

Guernsey, Jersey and Isle of Man.

The Committee noted, as regards the general position of these territories, to which it had referred in its 1957 report, that the Government had submitted statements showing the extent of application in these territories of Conventions ratified by the United Kingdom between 20 April 1948 and 16 October 1950.

United States

The Committee thanks the Government for having been good enough to supply, in response to its request, separate reports on the application of each of the ratified Conventions in the territories. It notes, however, with regret that no report was supplied this year on the application of these Conventions in the Panama Canal Zone and hopes that such reports will be supplied in future.

B. INDIVIDUAL OBSERVATIONS

Convention No. 2 : Unemployment, 1919

Number of reports requested: 5.
Number of reports received: 5.

Netherlands

Surinam.

The Committee thanks the Government for the statistical information furnished in answer to the observation made in 1957.

Convention No. 3 : Maternity Protection, 1919

Number of reports requested: 15.
Number of reports received: 15.

France

Comoro Islands.

The Committee notes with interest that, as from 1 October 1956, the payment of the allowance equivalent to 50 per cent. of the wage, which is made to pregnant women, is ensured by the territorial com-

pensation fund for family allowances. The Committee notes that the Government is now in a position to declare the Convention applicable without modification in this territory.

French Equatorial Africa.

The Committee thanks the Government for having communicated, in reply to the request addressed to it in 1957, information concerning the conditions of allocation and payment of maternity benefits by Equalisation Funds. The Committee notes with interest that the regulations now in force go beyond the obligations assumed by the Government, which should, therefore, be able to cancel the modifications subject to which the Convention was declared applicable.

Martinique.

In view of the fact that, according to the information supplied, the modification to Article 3 (c) of the Convention (benefits payable by employers) in the declaration of application is no longer used and that benefits are now payable by the social security system, it would appear that the Convention could be made applicable without modifications.

Réunion.

The Committee thanks the Government for the statistics it has supplied in reply to the requests made in 1956 and 1957.

St. Pierre and Miquelon.

The Committee thanks the Government for the information which it has been good enough to communicate with respect to the application of Article 4 of the Convention. It notes with interest the fact that an employer may not dismiss a woman during her absence on maternity grounds nor at such date as would entail the notice expiring during such period.

Togoland.

The Committee draws once again attention to the fact that, maternity benefits having been payable since 1 February 1956 by the Equalisation Fund of the territory, the Government should be able to cancel the modifications subject to which the Convention was declared applicable.

* * *

In addition, requests regarding certain other points are being addressed directly to *France* (Overseas Departments).

Convention No. 4 : Night Work (Women), 1919

Number of reports requested: 16.

Number of reports received: 16.

France

French Equatorial Africa.

With reference to the observation made in 1957 and to the reply given by a Government representative to the Conference Committee in the same year, the Committee trusts that the Government will amend General Order No. 3759 of 25 November 1954 to bring its provisions into conformity with those of the Convention as regards the granting of exceptions in respect of night work by women.

Algeria and Overseas Departments.

See Chapter VII, Convention No. 89, France.

Togoland.

The Committee trusts that the amendments which, according to the Government's report, it proposes to make to section 2 of Decree No. 884-55 (which are to increase from 10 to 11 hours the period comprised in the definition of night work) will be adopted at an early date, so as to bring the local legislation into conformity with section 114 of the Overseas Labour Code and with Article 3 of the Convention.

Convention No. 5 : Minimum Age (Industry), 1919

Number of reports requested: 15.

Number of reports received: 15.

Denmark

Faroe Islands.

As this year's report does not record any progress in the matter, the Committee reiterates the observation it made in 1957, which was worded as follows:

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).

The Committee hopes that the Government will not fail to take the measures and supply the information referred to above.

France

St. Pierre and Miquelon.

The Committee noted that the Local Ordinance of 19 July 1956, No. 368, which amends that of 14 August 1954, No. 446, permits boys over 12 years of age and girls over 13 to do certain work in the frozen-fish industry. The Committee draws the Government's attention to the fact that Article 2 of the Convention (under which children under the age of 14 years may not work in industrial undertakings) is subject to exceptions in respect only of family undertakings (Article 2) and technical schools (Article 3).

The Committee hopes that the above-mentioned ordinances will be repealed in order to give effect to the Convention.

The Committee would also be grateful if the Government would indicate what action is taken to ensure compliance with Article 4 of the Convention, under which every employer is required to keep a register of persons under the age of 16 years employed by him, including the dates of their births.

* * *

In addition, requests regarding certain other points are being addressed directly to *France* (Cameroons, French Somaliland).

Convention No. 6 : Night Work of Young Persons (Industry), 1919

Number of reports requested: 18.

Number of reports received: 18.

Denmark

Greenland.

The Committee takes note of the information supplied by the Government according to which, in view of the small number of young persons employed in

industry, the competent authorities consider that they can ensure the practical application of the standards of the Convention without having recourse to the promulgation of special legislation regulating the night work of young persons. The Government indicates that it has sent instructions to the competent authorities with a view to ensuring the application of the provisions of the Convention.

Although the Committee understands that the subject is not of major importance, and although it appreciates the measures taken by the Government, it feels that it would be desirable to adopt legislative provisions to give the standards of the Convention binding force throughout the territory.

France

Algeria.

See Chapter VII, Convention No. 6, France.

Cameroons.

See under French Equatorial Africa.

Comoro Islands.

The Committee thanks the Government for the information supplied in reply to the observation made in 1957 and notes the Government's statement that Article 2, paragraph 2, of the Convention is not applicable, since the only factory which at certain times of the year remains open until 11 p.m. does not employ workers below 18 years of age.

French Equatorial Africa.

The Committee notes with interest the information supplied by the Government in reply to observations made in 1957, to the effect that, although the local regulations permitting exceptions are wider in scope than the Convention, in actual fact such exceptions are authorised only within the limits prescribed by the Convention, pursuant to the provisions of section 114 of the Labour Code for Overseas Territories.

In these circumstances, and in view of the fact that the exceptions authorised by the local regulations go beyond the list of the five categories of industries provided for by Article 2, paragraph 2, of the Convention and are therefore contrary to the Convention and to the Labour Code for Overseas Territories, the Committee hopes that these regulations will be amended at an early date.

French Guiana.

See Chapter VII, Convention No. 6, France.

French Polynesia.

The Committee thanks the Government for the information supplied in reply to the observations made in 1957 and notes the Government's statements, first, that the exceptions in Article 2 of the Convention do not apply to the territory in question, in view of that fact that none of the industries listed in subparagraphs (a) to (e) of paragraph 2 of this Article exist in the territory, and secondly that in electricity works and bakeries, which are the only establishments in which night work is carried on, no young persons under 18 years of age are employed.

French Somaliland.

See under French Equatorial Africa.

French West Africa.

See under French Equatorial Africa.

Guadeloupe.

See Chapter VII, Convention No. 6, France.

Madagascar.

See under French Equatorial Africa.

Martinique.

See Chapter VII, Convention No. 6, France.

New Caledonia.

The Committee notes with interest the information supplied by the Government in reply to the observations made in 1957, to the effect that the local regulations prior to the Labour Code for Overseas Territories were repealed *ipso jure* by the Act of 16 December 1956, full effect thus being given to the provisions of the Convention from that time onwards.

With reference to the regulations governing exceptions, the Committee notes with interest that, according to the Government's report, the final text of the collective agreement for industry dated 17 June 1957 provides that young persons between 16 and 18 years of age may not be allowed to work at night except in the exceptional circumstances provided for in the international Conventions.

Réunion.

See Chapter VII, Convention No. 6, France.

St. Pierre and Miquelon.

See under French Equatorial Africa.

Togoland.

The Committee thanks the Government for the information given in reply to the observation made in 1957. As far as the rules relating to exceptions are concerned, the Committee notes that the granting of such exceptions cannot arise since there is only one industrial undertaking in the territory carrying on work continuously and the Labour Inspectorate has established that no persons below 18 years of age are employed in the undertaking in question.

While taking note of these assurances, the Committee hopes that the local regulations will be amended so as to provide expressly that exceptions shall only be granted in the cases provided for by the Convention.

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In addition, a request regarding certain other points is being addressed directly to *Denmark* (Faroe Islands).

Convention No. 7 : Minimum Age (Sea), 1920

Number of reports requested: 6.

Number of reports received: 6.

No observations.

Convention No. 8 : Unemployment Indemnity (Shipwreck), 1920

Number of reports requested: 6.

Number of reports received: 6.

No observations.

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A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

Convention No. 9 : Placing of Seamen, 1920

Number of reports requested: 1.
Number of reports received: 1.

*Netherlands**Netherlands Antilles.*

The Committee has examined the information supplied by the Government, from which it would appear that there exist no provisions prohibiting the carrying on of placement of seamen for pecuniary gain or fees (Article 2 of the Convention), nor any employment service satisfying the requirements of Article 4. The Committee accordingly trusts that the Government will take appropriate measures to give effect to these provisions of the Convention and, in this connection, will take account of the requirements of the Convention regarding the constitution of advisory committees (Article 5), freedom of choice of ship and of choice of crew (Article 6), arrangements for seamen of other countries which have ratified the Convention (Article 8), and the compilation of statistics (Article 10).

* * *

In addition, a request regarding certain other points is being addressed directly to the *Netherlands* (*Netherlands Antilles*).

Convention No. 10 : Minimum Age (Agriculture), 1921

Number of reports requested: 6.
Number of reports received: 6.

*France**Guadeloupe.*

As the report for 1956-57 does not contain any new information, the Committee repeats the observation made last year, which read as follows:

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.

The Committee hopes that the Government will not fail to supply the information referred to above.

Martinique.

As the report for 1956-57 does not contain any new information, the Committee reiterates the observation made last year, which read as follows:

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.

The Committee hopes that the Government will not fail to supply the information referred to above.

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In addition, requests regarding certain other points are being addressed directly to the following States: *France* (Overseas Departments), *Netherlands* (*Netherlands Antilles*).

Convention No. 11 : Right of Association (Agriculture), 1921

Number of reports requested: 8.
Number of reports received: 8.

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**French West Africa.*

The Committee notes that the Order to regulate the use of white lead in cases where it is still permitted has not yet been issued. It hopes that the Government will take the necessary steps to ensure that this order is made at an early date.

Togoland.

See under French West Africa.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *France* (Comoro Islands, French Equatorial Africa, Madagascar, St. Pierre and Miquelon), *Netherlands* (Surinam).

Convention No. 14 : Weekly Rest (Industry), 1921

Number of reports requested: 16.
Number of reports received: 16.

*Denmark**Faroe Islands.*

The Committee takes note of Ordinance No. 441, which has been communicated by the Government in reply to a request made by the Committee.

Greenland.

The Committee thanks the Government for the information supplied in reply to the request made in 1957.

*France**French Equatorial Africa.*

The Committee thanks the Government for the information supplied in reply to the observation made in 1957.

Togoland.

The Committee thanks the Government for the information supplied in reply to the observation made in 1957.

*New Zealand**Cook Islands.*

The Committee thanks the Government for the detailed information supplied in reply to the observation made in 1957.

Western Samoa.

The Committee thanks the Government for the detailed information supplied in reply to the observation made in 1957.

Convention No. 15 : Minimum Age (Trimmers and Stokers), 1921

Number of reports requested: 6.

Number of reports received: 6.

No observations.

Convention No. 16 : Medical Examination of Young Persons (Sea), 1921

Number of reports requested: 6.

Number of reports received: 6.

No observations.

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A request regarding certain points is being addressed directly to *Denmark* (Greenland).

Convention No. 17 : Workmen's Compensation (Accidents), 1925

Number of reports requested: 10.

Number of reports received: 10.

*Netherlands**Netherlands Antilles.*

Having noted that new regulations concerning industrial accidents and occupational diseases are now being examined, the Committee expresses the hope that the Government will, without fail, eliminate the divergencies at present existing between the legislation and the following Articles of the Convention:

Article 7. The legislation at present in force does not provide for the additional compensation prescribed in this Article for cases where the injured workman must have the constant help of another person.

Article 10. The national legislation contains no provisions providing for the supply and renewal of artificial limbs and surgical appliances to injured workmen, as required under this Article.

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In addition, requests regarding certain other points are being addressed directly to the following States: *France* (Overseas Departments), *Netherlands* (Netherlands Antilles).

Convention No. 18 : Workmen's Compensation (Occupational Diseases), 1925

Number of reports requested: 3.

Number of reports received: 3.

No observations.

Convention No. 19 : Equality of Treatment (Accident Compensation), 1925

Number of reports requested: 11.

Number of reports received: 10.

Report not received: 1.

(*Union of South Africa : South West Africa.*)

*Denmark**Greenland.*

The Committee notes with interest that the Government has appointed the members of a committee which is to examine the question of setting up an insurance scheme covering industrial accidents occurring to workers employed in undertakings which have their headquarters in Greenland.

It would be grateful if the Government would supply information on the work of this committee.

Convention No. 22 : Seamen's Articles of Agreement, 1926

Number of reports requested: 4.

Number of reports received: 4.

No observations.

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A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

Convention No. 23 : Repatriation of Seamen, 1926

Number of reports requested: 1.

Number of reports received: 1.

No observations.

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A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

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**French Polynesia.*

The Committee thanks the Government for the information supplied, in answer to the request made in 1957, regarding the practical application of the Convention (Article 5).

Madagascar.

The Committee thanks the Government for the information supplied, in answer to the request of 1957, regarding the operative minimum wage rates.

*United Kingdom**Guernsey.*

The Committee notes with interest the measures proposed by the Labour and Welfare Committee of the States of Guernsey (Parliament) with a view to bringing the legislation and practice into conformity with the Convention.

Convention No. 27 : Marking of Weight (Packages Transported by Vessels), 1929

Number of reports requested: 6.

Number of reports received: 6.

No observations.

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A request regarding certain points is being addressed directly to the *Netherlands* (Surinam).

Convention No. 29 : Forced Labour, 1930

Number of reports requested: 80.

Number of reports received: 76.

Reports not received: 4.

(*Spain*, Spanish Guinea, Spanish West Africa;
United Kingdom : Kenya, Uganda.)

General Observations

The Committee notes from the information contained in the annual reports that in several territories certain forms of compulsory labour are considered as falling within the exceptions mentioned in Article 2, paragraph 2, of the Convention, particularly subparagraphs (*d*) (work in cases of emergency) and (*e*) (minor communal services), but that frequently the nature of the work in question appears not to be such that it can be brought within these exceptions. This is the case, for example, as regards compulsory portage (specific provisions as to which are contained in Article 18 of the Convention), the cultivation of crops in the case of danger of famine (which falls within Article 19), and—with few exceptions—anti-soil erosion work (which constitutes, rather, “public works” falling within Article 10 of the Convention).

The Committee would therefore be glad if information could be supplied in next year's reports on this question and if, in particular, an indication could be given of the extent to which, in accordance with Article 1, paragraph 2, of the Convention, recourse is had to the work or services in question only “as an exceptional measure, subject to the conditions and guarantees” laid down in the other Articles of the Convention.

The Committee also trusts that all reports will contain the information specified in Article 22 of the Convention.

Australia

Papua.

The Committee notes with satisfaction that Regulation 127 of the Native Regulation Ordinance has been repealed, and that in consequence the possibility of exacting forced labour for portage has been abolished.

France

Guadeloupe.

The Committee notes the observations made by a local workers' organisation, which considers that the system of tenant labour current in Guadeloupe infringes the tenants' liberty. It also notes the comments made by the Government, from which it appears that under this system the tenant undertakes to cultivate a given surface in sugar cane and to sell this cane to the factory to which the estate is attached. He also undertakes to do a given number of days' work, in return for a normal wage, on the land farmed by the factory itself.

Consequently the Committee considers that the system of tenant labour described in the report does not constitute a form of “forced or compulsory

labour”, defined in Article 2 of the Convention as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.

Netherlands

Netherlands Antilles.

The Committee notes with interest the information supplied by the Government in answer to the request made in 1957. It notes particularly that sections 185, 381 and 297 of the Penal Code prescribe penal sanctions in respect of the illegal exaction of forced labour.

Surinam.

The Committee notes with interest the information supplied by the Government in answer to the request made in 1957.

United Kingdom

Bechuanaland.

The Committee notes the information supplied to the Conference Committee and in the Government's last report, in answer to the observations made in 1957. It observes that, according to the Government, there is no likelihood that provision can be made for medical examination of men called upon to perform communal tribal labour (Article 11, paragraph (*a*)), that the issue of certificates to such persons in accordance with Article 12, paragraph 2, is considered impracticable, in view of clerical and accounting inadequacy of tribal organisations, and that the Workmen's Compensation Proclamation does not apply to communal labour, as it is casual labour (Article 15).

The Committee notes the difficulties mentioned by the Government. It must, however, emphasise, as it has done on a number of occasions, that under Article 1, paragraph 2, of the Convention, pending the complete suppression of forced labour, recourse may be had to such labour only as an exceptional measure and then “subject to the conditions and guarantees” laid down in the Convention. The Committee therefore trusts—

(1) that the Government will take appropriate measures to suppress existing forms of forced labour within the shortest possible period; and

(2) that, in so far as in the meantime recourse is had to forced labour as an exceptional measure, the conditions and guarantees laid down in the Convention (including the unqualified requirements of Article 12, paragraph 2 and Article 15) will be fully applied.

British Honduras.

The Committee notes the information supplied by the Government regarding the proposed amendment of the labour legislation. It trusts that the amendments will be enacted and enter into force without further delay.

Fiji.

The Committee notes the information supplied to the Conference Committee and in the Government's last report. It observes that the Government refers to the compulsory transport of officials as falling within Article 2, paragraph 2 (*e*) of the Convention (minor communal services). The Committee is of the opinion that such services constitute, in fact, a case of compulsory labour for transport, within Article 18, and should accordingly “be abolished within the shortest possible period”. The Committee trusts that the Government will take appropriate measures to this end.

Kenya.

The Committee regrets to note that no report has been supplied for 1956-57. However, it notes with interest the statement made by a Government representative at the 1957 Conference, that the distinction between traditional communal work and enforced communal labour required under the Emergency Regulations was that, in the former case, headmen and chiefs had no power to enforce sanctions on those refusing to work.

The Committee trusts that the Government will be able to indicate that it has been possible to repeal the emergency measures adopted in recent years.

Zanzibar.

The Committee notes with satisfaction that the Defence (Land Requisition and Personal Service) Regulations, 1943, under which compulsory planting orders could be made, have been revoked.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium* (Belgian Congo and Ruanda-Urundi), *Netherlands* (Netherlands Antilles and Surinam), *United Kingdom* (Basutoland, Fiji, Gambia, Seychelles, Sierra Leone, Zanzibar).

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.

No observations.

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Requests regarding certain points are being addressed directly to the following States: *France* (Cameroons, French Equatorial Africa, Togoland), *Netherlands* (Netherlands Antilles).

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.

No observations.

Convention No. 42: Workmen's Compensation (Occupational Diseases) (Revised), 1934

Number of reports requested: 10.
Number of reports received: 10.

France

Overseas Departments.

See Chapter VII, Convention No. 42, France.

Netherlands

Surinam.

The Government's report indicates that certain occupational diseases are assimilated to industrial accidents from the point of view of compensation. The Committee insists that, in conformity with the assurance given by the Government representative to the Conference Committee in 1956, and confirmed in the report supplied for the period of 1955-56, the list of occupational diseases should be supplemented and brought into conformity with the list in the schedule under Article 2 of the Convention.

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In addition, a request regarding certain other points is being addressed directly to the *Netherlands* (Netherlands Antilles).

Convention No. 44: Unemployment Provision, 1934

Number of reports requested: 3.
Number of reports received: 3.

United Kingdom

Guernsey.

The Committee wishes to thank the Government for the information supplied in the report, that recommendations concerning the introduction of an unemployment insurance scheme will be placed before the States in 1958.

Convention No. 45: Underground Work (Women), 1935

Number of reports requested: 4.
Number of reports received: 3.
Report not received: 1.

(*Union of South Africa: South West Africa.*)

*Netherlands**Netherlands Antilles.*

The Committee notes the Government's statement that there is no legislation to implement the Convention, since work of the kind covered by it does not occur. The Committee trusts that the Government will keep the position under observation and take appropriate measures to give effect to the Convention should mining operations at any time be undertaken in the territory. The Government is also requested to confirm in each subsequent report, so long as the present position remains unchanged, that no mines exist in the territory.

Convention No. 50 : Recruiting of Indigenous Workers, 1936

Number of reports requested: 38.

Number of reports received: 38.

*United Kingdom**Brunei.*

The Committee notes with interest that regulations to fix the maximum remuneration of licensees' agents (Article 13, paragraph 3, of the Convention) were to be issued before the end of 1957.

Gambia.

The Committee would be glad if the Government would indicate the progress made in the enactment of the new Labour Ordinance (originally referred to in the report for 1953-54), which is to give effect to Articles 4, 7, 8, 9, 12, 14 and 17 of the Convention.

Hong Kong.

The Committee notes the Government's statement, in reply to the observations made in 1957, that legislation to give effect to the Convention is under consideration, and trusts that it will be possible to enact this legislation at an early date.

Kenya.

The Committee notes with satisfaction that the Employment of Women, Young Persons and Children Ordinance has been amended so as to prohibit absolutely the recruitment of persons under 16 years of age (Article 6 of the Convention).

Northern Rhodesia.

The Committee notes with interest the information supplied by the Government in answer to the observations made in 1957.

As regards Article 13, paragraph 2, of the Convention, the Government states that it is a condition attached to all licences that the licensee should render returns showing the districts in which recruiting has been done and the numbers recruited. The Committee notes, however, that the report of the Department of Labour for 1956 states (page 6): "The numbers actually recruited are not known since recruiting agents do not advise the Department of those engaged." The Committee would be glad if the Government would indicate what steps have been taken to ensure compliance with the conditions stated to be attached to recruiting licences.

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In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (British Guiana, British Honduras, Brunei, Gilbert and Ellice Islands, Nigeria, North Borneo, Northern Rhodesia, Sarawak, Seychelles, Singapore, Solomon Islands, Southern Rhodesia, Tanganyika, Uganda).

Convention No. 53 : Officers' Competency Certificates, 1936

Number of reports requested: 11.

Number of reports received: 7.

Reports not received: 4.

(*France* : Overseas Departments.)

*United States**American Samoa.*

The Committee notes that the question of the application of the Convention to any vessels registered in American Samoa under the Code of American Samoa, Chapter 25, is still under consideration. It would be glad if the Government would indicate the progress made in this connection and trusts that the necessary measures to give full effect to the Convention will be taken at an early date, bearing in mind that, when the Convention was ratified, it was declared applicable to this territory without modification.

Convention No. 55 : Shipowners' Liability (Sick and Injured Seamen), 1936

Number of reports requested: 10.

Number of reports received: 10.

*United States**American Samoa.*

See under Convention No. 53.

Convention No. 56 : Sickness Insurance (Sea), 1936

Number of reports requested: 7.

Number of reports received: 7.

No observations.

Convention No. 58 : Minimum Age (Sea) (Revised), 1936

Number of reports requested: 10.

Number of reports received: 10.

No observations.

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A request regarding certain points is being addressed directly to the *Netherlands* (Netherlands Antilles).

Convention No. 62 : Safety Provisions (Building), 1937

Number of reports requested: 7.

Number of reports received: 7.

*France**Overseas Departments.*

See Chapter VII, Convention No. 62, France.

*Netherlands**Surinam.*

The Committee took note with interest of the legislation appended to the report.

It finds, however, that the existing national legislation does not cover a substantial part of the Convention and that, in particular, Articles 6, 12, 13 and 16 are not applied and Articles 1, 2, 3, 7, 8, 9, 10, 14 and 15 are only partially applied. The Committee would be grateful if the Government would indicate what measures it intends to take to give full effect to the above-mentioned provisions.

Convention No. 63 : Statistics of Wages and Hours of Work, 1938

Number of reports requested: 3.

Number of reports received: 3.

*United Kingdom**Guernsey.*

The Committee notes with interest that the Labour and Welfare Committee of the States of Guernsey (Parliament) hopes in due course to compile statistics of average earnings and hours of work in trades covered by agreements, and is examining the possibility of setting up machinery for the collection and tabulation of the material required.

Convention No. 64 : Contracts of Employment (Indigenous Workers), 1939

Number of reports requested: 40.

Number of reports received: 40.

*Belgium**Belgian Congo and Ruanda-Urundi.*

Since the reports for 1956-57 were received too late for examination, the Committee can only repeat its observations of 1957, as follows:

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 hopes that the Government will not fail to take the necessary measures to eliminate the above-mentioned discrepancy.

*United Kingdom**Basutoland.*

The Committee thanks the Government for the information supplied in answer to the observations made in 1957, and notes with satisfaction that the Native Labour Proclamation has been amended so as to make non-adults incapable of entering into contracts of employment, thus giving full effect to Article 8 of the Convention.

The Committee also notes that consideration is to be given to amending the legislation so as to define the consequences of non-attestation of a written contract (Article 6, paragraph 4).

Finally, the Committee notes that it is not considered necessary to make regulations regarding termination of the contract in accordance with Article 12, paragraphs 1 to 3, since contracts covered by the Convention are concluded in Basutoland only by workers recruited for employment in the Union of South Africa, who are subject in this respect to Union legislation.

Bechuanaland.

The Committee notes that a general review of the Labour Proclamation is being made, with a view to

the introduction of amending legislation. It trusts that this legislation will be adopted at an early date and will give effect to Article 6, paragraph 4, of the Convention (consequences of non-attestation of written contracts), Article 8, paragraph 1 (minimum age for concluding a written contract), and Article 12, paragraphs 1 to 3 (termination of contract).

Brunei.

The Committee is pleased to note that, following observations made by it, the Labour Ordinance has been amended to give effect to Article 3, paragraph 4, and Article 4, paragraph 1, of the Convention. It observes, however, that the amending legislation does not give effect to Article 4, paragraph 2 (employers' responsibility for contracts made by agents), and would be glad if the Government would indicate any further measures proposed to be taken in this respect.

Gambia.

The Government stated in its report for 1953-54 that it was considering the enactment of legislation to give effect to this Convention. The Committee would be glad if the Government would indicate the progress made in this connection, and trusts that the legislation in question will be adopted at an early date.

Northern Rhodesia.

The Committee thanks the Government for the information supplied in answer to the observations made in 1957, and notes in particular that consideration is being given to the amendment of the existing legislation with a view to bringing it into full conformity with Article 6 of the Convention.

Article 13, paragraph 2. The Government states that in practice repatriation expenses have been deemed to include the repatriation of a worker's family which has been brought from the home district by the employer. However, having regard to sections 53, 100 B and 105 of the Employment of Natives Ordinance, it would appear that the employers' obligations are limited to repatriating the family of a recruited worker in certain circumstances occurring *prior to the taking up of the employment*, whereas the Convention provides for repatriation of a worker's family whenever the worker is repatriated or on his death, i.e. *on termination of the employment*. The Committee would be glad if the Government would include in the proposed amending legislation appropriate provisions to give full effect to this paragraph of the Convention.

Sierra Leone.

The Committee is pleased to note the Government's statement, in reply to the observations made in 1957, that no efforts will be spared to introduce, at the first possible opportunity, the necessary Bill to bring the territory's legislation into conformity with the Convention. The Committee trusts that the Government's next report will show substantial progress in the matter.

Uganda.

The Committee thanks the Government for the information supplied in answer to the observations made in 1957. It notes that the provisions of Article 13, paragraph 2, of the Convention, regarding repatriation of workers' families, are at present implemented by administrative practice, but that the Government will consider giving the existing arrangements the force of law should this appear necessary at any time. It trusts that the Government will keep the position under review and report any developments in the matter.

Zanzibar.

The Committee thanks the Government for the information supplied in answer to the observations made in 1957, with reference to paragraphs 2 and 4 of Article 2 of the Convention, regarding the scope of the relevant legislation.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium* (Belgian Congo and Ruanda-Urundi), *United Kingdom* (Basutoland, Bechuanaland, British Guiana, British Honduras, Brunei, Gilbert and Ellice Islands, Kenya, Nigeria, Northern Rhodesia, Sarawak, Seychelles, Solomon Islands, Swaziland, Uganda).

Convention No. 65: Penal Sanctions (Indigenous Workers), 1939

Number of reports requested: 44.
Number of reports received: 44.

*United Kingdom**Basutoland.*

The Committee notes with satisfaction that Proclamation No. 79 of 1956, by repealing section 27 of the Native Labour Proclamation, has eliminated all possibility of imposing penal sanctions for breach of contract on non-adults.

Bechuanaland.

The Committee notes the information supplied by the Government, to the effect that legislation to eliminate all possibility of imposing penal sanctions on non-adults was to be considered in 1957. While fully aware that the penal sanctions in question are not in practice imposed on non-adults, because the latter are not in fact permitted to conclude contracts of employment which may give rise to such sanctions, the Committee trusts that the proposed legislation will be adopted without further delay, so as to give full effect to Article 2, paragraph 2, of the Convention.

British Guiana.

The Committee notes with interest that a Bill to repeal section 36 (1) of the Labour Ordinance is being drafted. It trusts that this Bill will come into force at an early date.

Kenya.

The Committee notes with interest that the amendments made to the Employment Ordinance in 1957 have resulted in the abolition of certain penal sanctions in cases of desertion which were provided for by sections 60, 64, 67 and 68 of Chapter 109 of the territory's Laws.

The Committee trusts that the Government will endeavour without fail to abolish progressively all the penal sanctions for breaches of contracts of employment contained in the legislation.

Northern Rhodesia.

The Committee notes the information supplied by the Government, to the effect that it has not yet proved possible to enact the new African Employment Bill, which is to repeal certain penal sanctions. The Committee, on the other hand, notes with interest the Government's statement that the necessity to abolish all penal sanctions gradually and as soon as possible is fully realised. The Committee trusts that the above-mentioned Bill will come into force at an early date.

Swaziland.

The Committee notes that the Bill to give effect to Article 2, paragraph 2, of the Convention, which provides for the immediate abolition of all penal sanctions in respect of non-adults, is still under consideration. It trusts that this legislation will come into force without further delay.

Convention No. 69: Certification of Ships' Cooks, 1946

Number of reports requested: 8.
Number of reports received: 4.
Reports not received: 4.

(*France* : Overseas Departments.)

*Netherlands**Netherlands Antilles.*

The Committee takes note of the information supplied by the Government in its report for 1956-57 that the possibility of enacting statutory regulations concerning examinations for ships' cooks is being studied, and hopes that the necessary measures to give full effect to the provisions of the Convention (which has been declared applicable without modification) will be taken as soon as possible.

Convention No. 73: Medical Examination (Seafarers), 1946

Number of reports requested: 4.
Number of reports received: 0.
Reports not received: 4.

(*France* : Overseas Departments.)

No observations.

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Requests regarding certain points are being addressed directly to *France* (Overseas Departments).

Convention No. 74: Certification of Able Seamen, 1946

Number of reports requested: 8.
Number of reports received: 7.
Report not received: 1.

(*United Kingdom* : Isle of Man.)

*Netherlands**Netherlands Antilles.*

The Committee thanks the Government for the corrected information supplied in this year's report in reply to the points raised in 1957, from which it appears that the legislation is in conformity with the Convention.

Convention No. 81: Labour Inspection, 1947

Number of reports requested: 9.
Number of reports received: 9.

*France**French Guiana.*

The Committee notes with regret that no new information is supplied in answer to its observations of 1956 and 1957 requesting information on the effect given to the Convention. This absence of any reply is all the more regrettable since the only specific information on the working of the Convention ever supplied indicated that labour inspection in French Guiana was ineffective because responsibility for inspection was assigned to technical officials of other government services who had neither the means nor

the time to carry out this responsibility. The Government's failure to reply to the Committee's observations would appear to confirm this statement.

As regards the preparation and publication of the annual general report on the work of the inspection services (Articles 20 and 21 of the Convention) see Chapter VII, Convention No. 81, France.

Guadeloupe.

The Committee notes with regret that the information supplied continues to be insufficient, as in previous reports, and that the strength of the inspection service has decreased (four officials compared with six officials two years ago).

Since no information has, on the other hand, been made available so far on the effect given to the various provisions of the Convention, including such provisions on its practical working as Articles 10, 11 and 16, the Committee must reiterate its previous requests to receive these particulars.

As regards the preparation and publication of the annual general report on the work of the inspection services (Articles 20 and 21 of the Convention), see Chapter VII, Convention No. 81, France.

Martinique.

As regards the preparation and publication of the annual general report on the work of the inspection services (Articles 20 and 21 of the Convention) see Chapter VII, Convention No. 81, France.

Réunion.

The Committee thanks the Government for the information supplied in reply to the observations of 1956 and 1957.

As regards the preparation and publication of an annual general inspection report (Articles 20 and 21 of the Convention), see Chapter VII, Convention No. 81, France.

United Kingdom

Jersey.

The Committee learned with interest from the report that a full-time inspector has been appointed to carry out duties in connection with the provisions of the Safeguarding of Workers (Jersey) Law, 1956.

Convention No. 82 : Social Policy (Non-Metropolitan Territories), 1947

Number of reports requested: 57.

Number of reports received: 56.

Report not received: 1.

(*United Kingdom : Jamaica.*)

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In addition, requests regarding certain other points are being addressed directly to the *Netherlands* (Netherlands Antilles, Surinam).

General Observations

The Committee took note with great interest of the first reports, many of them quite detailed, on the application of this Convention relating to the period 1955-56, which could not be examined in 1957, and of the reports for the period 1956-57.

As already pointed out in the Committee's General Report (Part One), this Convention is somewhat special in character, since only some of its provisions call for the adoption of specific measures, mainly of a legislative nature, whereas most of its provisions constitute rather a charter of social policy in non-metropolitan territories.

The provisions calling for specific measures to be taken by the governments concerned are those relating to minimum wages (Article 14, paragraphs 2 to 4), protection of wages (Article 15, paragraphs 1 to 6, and Article 16) and education and training (Article 19, paragraphs 2 and 3).

The remaining provisions of the Convention are concerned with the aims of social and economic policy and the measures to be taken towards implementing this policy. They deal with the general policies to be pursued towards the well-being and development of the peoples of the non-metropolitan territories, financial and technical assistance to the local administration and capital investment (Articles 2 and 3), public health, housing and nutrition (Article 4), improvement of standards of living (Part III), migrant workers (Part IV) and abolition of discrimination (Part VI).

Whereas the provisions of the Convention providing for specific measures and calling for comment are treated in requests addressed directly to governments concerning the respective territories, the present general observations relate only to those provisions of the Convention dealing with social and economic policy.

Following its examination of the relevant portions of the reports, the Committee finds that the degree of application of these provisions must be evaluated mainly on the basis of detailed information on the progress actually made in pursuing the declared policies and in implementing the measures provided for by the Convention.

The Committee would appreciate it, therefore, if governments would, in their future reports, give full particulars on the extent of the problems dealt with in those Articles of the Convention which call for the adoption of practical measures, and on the measures actually taken including data, where appropriate of a statistical nature, illustrating the progress made towards achieving the aims envisaged by the Convention.

The Committee was glad to note that a number of the reports which it has examined already contain many of the particulars referred to above and would be grateful if all future reports could be drawn up along the lines indicated in the preceding paragraph, so as to enable the Committee to evaluate more fully the extent of application of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium* (Belgian Congo and Ruanda-Urundi), *France* (Overseas and Associated Territories), *United Kingdom* (Aden, Antigua, Bahamas, Barbados, Basutoland, Bechuanaland, British Guiana, British Honduras, Dominica, Gambia, Gibraltar, Grenada, Jamaica, Kenya, Malta, Mauritius, Montserrat, Northern Rhodesia, Nyasaland, St. Christopher, Nevis and Anguilla, St. Lucia, St. Vincent, Seychelles, Sierra Leone, Solomon Islands, Southern Rhodesia, Swaziland, Trinidad and Tobago, Uganda, Virgin Islands).

Convention No. 84 : Right of Association (Non-Metropolitan Territories), 1947

Number of reports requested : 53.

Number of reports received : 52.

Report not received : 1.

(*United Kingdom : Jamaica.*)

Belgium

Belgian Congo and Ruanda-Urundi.

The Committee notes with interest the information contained in the voluntary report which the Govern-

ment supplied in 1957 ; it regrets to observe, however, that no report has been supplied this year for the period 1956-57. The Committee understands that new legislation on the right of association, which applies without distinction to indigenous and non-indigenous persons, has recently entered into force. The Committee notes this with interest, and trusts that the Government will be able to supply, in 1958, a detailed report on the application of the Convention on the basis of this new legislation.

United Kingdom

Hong Kong.

The Committee notes with regret the statement made by a Government representative at the Conference in 1957 to the effect that the Government of Hong Kong "was satisfied that in the local circumstances appeals must continue to lie to the Governor-in-Council".

The Committee feels obliged to insist on the views it expressed in 1957: the Trade Union Registrar's decisions ought to be subject to judicial appeal.

Nyasaland.

The Committee notes with regret that, according to the provisions of Ordinance No. 17 of 1957 to amend the Trade Unions and Trade Disputes Ordinance, Cap. 120, the Registrar of Trade Unions may now refuse to register a new trade union if "any other trade union already registered is sufficiently representative of the whole or of a substantial proportion of the interests in respect of which the applicants seek registration".

Referring to the general observation that it made in 1955, the Committee must emphasise that, while the existence of provisions of this kind may be justified when a trade union movement is only just beginning to develop, in order to avoid a multiplication in the number of trade unions, the adoption of such a provision more than ten years after the enactment of the basic trade union legislation may run counter to the guarantees prescribed by the Convention and, as the Committee has already emphasised, the application of such provisions may give rise to criticism.

Sarawak.

The Committee notes with interest that, according to the information supplied by the Government, no use has hitherto been made of the provisions enabling registration of a new trade union to be refused when another trade union already exists in the occupation or the area in question, and that in any event an appeal will lie to the Supreme Court against such a refusal (and also against cancellation of registration by the Registrar).

Southern Rhodesia.

The Committee notes with interest the detailed information supplied in the Government's report. It notes particularly that, although the Industrial Conciliation Act, 1945, does not apply to African workers, the refusal by an employer to employ a worker because of his membership or non-membership of a trade union constitutes an offence under the Native Labour Boards Act. It also notes the Government's statement that no restriction is placed upon the right of association for lawful purposes of African workers, and that the Government encourages the establishment of works committees and similar associations.

The Committee observes, further, that a Bill providing for the formation and registration of multi-racial trade unions and employers' organisations has recently been debated in the Legislative Assembly and that it

has been referred to a Select Committee for further examination.

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In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Aden, Bahamas, Barbados, Basutoland, Bechuanaland, Dominica, Falkland Islands, Fiji, Gambia, Jamaica, Nigeria, North Borneo, Nyasaland, St. Lucia, Sarawak, Seychelles, Sierra Leone, Singapore, Southern Rhodesia, Swaziland, Trinidad and Tobago, Zanzibar).

Convention No. 85 : Labour Inspectorates (Non-Metropolitan Territories), 1947

Number of reports requested : 49.

Number of reports received : 49.

Australia

New Guinea.

The Committee takes note of the information supplied in reply to the observation of 1957, concerning the territorial legislation giving effect to Article 5 of the Convention.

The Committee also notes, with interest, that the strength of the Inspectorate has increased from 2 to 11 and that it is the Administration's policy to inspect places of employment twice a year.

Papua.

See under New Guinea.

France

General observation. The Committee took note of the statement made by a Government representative in the Conference Committee in 1957, that his Government was examining what measures might be taken to eliminate the divergencies between Title VII of the Labour Code for Overseas Territories and Article 4, paragraph 2 (a) and (b), of the Convention, which deals with the inspectors' right of entry. Since the Government's reports make no further mention of this matter, the Committee expresses the hope that the relevant measures contemplated by the Government will be adopted at an early date so as to ensure full conformity with the above-mentioned provisions of the Convention.

The Committee also notes with interest the data, supplied in certain reports, on the strength and working of the labour inspectorate. The Committee would be grateful if all future reports would give full information on the practical working of inspection (Part III of the report form) including statistics of the number of inspectors, the number of workplaces liable to inspection and the number of inspection visits.

French Equatorial Africa.

The Committee notes with interest the information supplied on the strength of the inspection service (11 inspectors).

French Somaliland.

The Committee notes from the Government's report that an additional inspection official was appointed during 1956 but that the carrying out of systematic inspections was not possible due to lack of time. It hopes that, in future, conditions of employment can be inspected "at frequent intervals", as laid down in Article 4, paragraph 1, of the Convention.

French West Africa.

The Committee thanks the Government for the information supplied on the strength of the inspection

staff (25 inspectors), and notes from the report that labour inspectors must visit undertakings at least once a year.

New Caledonia.

The Committee thanks the Government for having furnished a very comprehensive report on the application of the Convention in the territory and, in particular, with respect to the activities of the labour inspector. The Committee notes, however, that the inspector is unable to make inspections at regular intervals and hopes that it will be possible for the Government to take measures to give effect to Article 4, paragraph 1, of the Convention, which prescribes inspections "at frequent intervals".

United Kingdom

General observation. The Committee took note with interest of the considerable volume of new information supplied, in reply to its request of 1957, in respect of practically all the territories where the Convention is applicable. This renders possible a much clearer and fuller picture of the working of labour inspectorates in the territories for whose international relations the United Kingdom is responsible.

The Committee notes with satisfaction that in the great majority of cases these services aim at carrying out inspection visits once a year or more frequently. The Committee considers this practice to give adequate effect to the general rule laid down in Article 4, paragraph 1, of the Convention, that conditions of employment be inspected "at frequent intervals" and trusts that it will serve as a target for the supervision of all the undertakings subject to inspection in the various territories. The Committee would be grateful if future reports would specify in this connection the number of workplaces liable to inspection and the number of inspection visits.

The Committee was also glad to learn that the inspection staffs in a number of territories had been strengthened during the period under review. It would be of interest in evaluating the position in future if all the reports would indicate henceforth the actual strength of their inspectorates (Part III of the report form).

A further point to which the Committee attaches considerable importance is the training of inspectors (Article 2 of the Convention). Since it appears, in a number of cases, that inspections are carried out not only by labour inspectors but also by police officers and other government officials without specialised experience, the Committee would be glad if it could be informed in future reports of the measures taken to ensure that these inspectors are suitably trained to secure the enforcement of the labour legislation.

The Committee was particularly pleased to learn that new declarations for the application of the Labour Inspection Convention, 1947 (No. 81) in 19 United Kingdom territories where the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85) was previously in force, were received by the Director-General of the International Labour Office during the course of its present session. The Committee welcomes the Government's action in communicating these declarations as further proof of the material progress made in the organisation and working of the labour inspection services in the territories concerned.

Aden.

The Committee notes with interest that labour inspections are carried out at yearly intervals.

Antigua.

The Committee notes with interest that two routine inspections of each workplace are carried out per year.

The Committee further notes from the report that the provisions of Article 4, paragraph 2 (c) (i) and (ii) (inspectors' power to interrogate and to require the production of documents), are adhered to in practice and that no legislation exists to give effect to subparagraph (c) (iii) and (iv) of the same paragraph, concerning the posting of notices and the removal of samples of materials. The Committee also notes that there exist no legal or administrative provisions requiring labour inspectors not to reveal any manufacturing or commercial secrets which may come to their knowledge and to treat as confidential the source of any complaint (Article 5 (b) and (c)).

In these circumstances the Committee was glad to learn that a new Factories Ordinance, which is shortly to be proclaimed, will give legal force to these various provisions.

Bahamas.

The report indicates that the appointment of a Labour Commissioner is still under consideration by the legislature. The Committee can therefore only reiterate the hope expressed in 1957 that the Government will find it possible, at an early date, to give effect to this Convention through the setting up of a labour inspectorate entrusted with the supervision of the application of the relevant legislation.

Barbados.

The Committee learned with interest that the points noted by it in 1957 will be given attention during the preparation of the new Labour Code.

The Committee would be glad to know what progress has been made in ensuring adequate frequency of inspection through the provision of additional staff, as indicated in the Government's report for 1955-56.

British Guiana.

The Committee notes with interest that consideration is being given to amending the Labour Ordinance so as to implement Article 4, paragraph 2, and Article 5 (b), of the Convention.

Note is also taken of the statement in the report that, while there are no fixed intervals at which labour inspections are carried out, the institution of a system of regular inspections is an aim of government policy. The Committee hopes that future reports will indicate any progress realised in achieving this aim.

British Honduras.

The Committee noted with interest from the Government's report that consideration is being given, in the revision of the labour laws now in progress, to granting inspectors authority to enter premises "believed to be liable to inspection" (Article 4, paragraph 2 (b), of the Convention) and to ensuring that sources of complaints are treated as confidential (Article 5 (c)).

The Committee was also glad to note that an additional labour inspector has been appointed and that the Labour Department's aim to inspect each place of employment at least once each year is generally accomplished (Article 4, paragraph 1).

Cyprus.

The Committee took note with interest of the full information supplied in reply to the observation of 1957, and in particular of the instructions issued to labour inspectors in order to give effect to Article 5 (c) of the Convention.

It notes from the report that inspections had thus far excluded government undertakings (which employ over 9,000 operatives) but that arrangements were being made to extend inspections to such undertakings in accordance with section 5 of the Factories Law, 1956, which came into force in April 1957. The Committee would appreciate being kept informed in future reports of any developments in this connection.

Fiji.

The Committee was glad to learn that—

- (a) the Labour (Amendment) Ordinance, 1957, contains authority for interrogating the employer (Article 4, paragraph 2 (c) (i), of the Convention);
- (b) written instructions issued by the Commissioner of Labour to his officers require them to comply with the provisions of Article 5 of the Convention;
- (c) the Factories Ordinance, 1957, contains provisions on inspection;
- (d) large concerns are inspected annually.

The Committee also notes with interest that a declaration is to be made in due course applying the provisions of the Labour Inspection Convention, 1947 (No. 81) to Fiji.

Gambia.

The Committee notes that labour inspections are normally carried out three times annually by the Labour Officer, but regrets to note that this official has had no special training in labour inspection duties. The Committee hopes that facilities will be provided for the training of inspectors.

Gibraltar.

The Committee notes with interest from the Government's full report that all factories are inspected at least once a year, that all inspectors have received training and that workers are beginning to appreciate the means of protection offered by the inspection service.

Grenada.

The Committee notes with interest that at least one routine inspection visit is made to each centre of employment yearly.

Hong Kong.

The Committee notes with interest that a number of additional inspectors have been appointed during the period under review.

Kenya.

The Committee wishes to thank the Government for its very full report, from which it notes that the factory and wages inspections are now at least annual and that the inspection staff has been reinforced.

Malta.

The Committee notes from the report that labour inspectors are not empowered to take samples for purposes of analysis of materials (Article 4, paragraph 2 (c) (iv), of the Convention), but that this is generally done for practical purposes. The Committee hopes that the Government will find it possible to include the necessary powers in the legislation in due course.

Mauritius.

The Committee wishes to thank the Government for its full reply to the question raised in 1957 as regards the inspectors' powers. As regards the taking

of samples of materials for purposes of analysis (Article 4, paragraph 2 (c) (iv), of the Convention), it is noted that regulations to confer this power may be made under section 10 (1) of Ordinance No. 42 of 1946. The Committee hopes that such regulations will be issued in due course.

The Committee further notes the statement in the report that there are no written regulations or instructions governing the inspectors' code of conduct (Article 5), and trusts that the Government will also find it possible to give effect to this important provision of the Convention.

The Committee noted with interest that regular inspections are carried out at least twice a year.

Montserrat.

The Committee notes that under the Labour Ordinance, 1950, supervision and inspection in connection with labour legislation is vested in a Labour Commissioner, but that no such officer has yet been appointed.

The Committee hopes that the Government will find it possible to appoint such an official at an early date.

Nigeria.

The Committee wishes to thank the Government for its full reply to the observation of 1957, from which it notes that inspectors aim at visiting all the principal establishments at least twice a year and that in most cases this is achieved. The Committee was also glad to learn that the strength of the inspectorate had increased from 30 to 49 officers. It further noted that the revised Labour Code Ordinance is to include provisions to give effect to Article 4, paragraph 2 (c) (iv) and Article 5 of the Convention (inspectors' power to take samples and inspectors' code of conduct).

Northern Rhodesia.

The Committee took note with interest of the information supplied as regards the Mines Inspectorate. Since the report indicates that there exists no specific provision enabling mines inspectors to take or remove samples of materials and substances, as laid down in Article 4, paragraph 2 (c) (iv), of the Convention, the Committee hopes that the Government will find it possible to provide for such powers.

Nyasaland.

The Committee notes from the report that the Government intends to eliminate in due course the proviso in section 5 (2) (b) of the African Employment Ordinance under which the employer may ask to be present when a Labour Officer interviews an employee or recruited African. The Committee trusts that this provision, which is contrary to Article 3 of the Convention, will be eliminated at an early date.

St. Christopher, Nevis and Anguilla.

The Committee notes with interest that labour inspections are carried out about three or four times a year, by the Labour Commissioner and police officers. It regrets to note that the latter receive no special training in labour inspection work and hopes that they will be suitably trained.

The Committee also learned from the report that the powers of entry and inspection conferred upon the Labour Commissioner under section 6 (1) of the Labour Ordinance, 1950, are not as wide as those required by the Convention and that a draft amendment to the Ordinance is being considered.

The Committee hopes to receive information on the adoption of this amendment in due course.

St. Helena.

The Committee took note with interest of the additional information supplied on the working of inspection and trusts that the Government will find it possible in due course to make Rules under section 6 (c) of the Factories Ordinance, prescribing the duties and powers of the Inspector of Factories.

St. Lucia.

The Committee notes that places liable to inspection are visited at least twice a year.

As the report indicates that the absence of legislative provision has in no way detracted from the application of the Convention the Committee trusts that the Government will find it possible to amend the Labour Ordinance, 1938, so as to include therein the powers of inspection provided for in Article 4, paragraph 2 (c), of the Convention.

Sierra Leone.

The Committee took note of the full information concerning labour inspections carried out under the relevant legislation (the Wages Boards and Machinery Ordinances and Rules).

It appears from the report that machinery inspectors are not required not to reveal manufacturing secrets (Article 5 (b) of the Convention) and that there exists no legislation providing that wages and machinery inspectors treat the sources of complaints as confidential (Article 5 (c)). The report also states that there is no statutory provision authorising wage inspectors to seek information from any person "whose evidence they may consider necessary" (Article 4, paragraph 2 (c) (i)).

The Committee hopes that full effect will be given in the legislation to the above-mentioned provisions of the Convention.

Singapore.

The Committee took note with interest of the additional information supplied and, in particular, of the fact that large establishments are inspected half-yearly and smaller establishments employing less than ten persons are visited yearly.

Southern Rhodesia.

The Committee notes with interest that a legislative amendment adopted in August 1957 is designed to give effect to Article 5 (b) of the Convention. It also notes that inspection visits are carried out at least once a year.

It finds, on the other hand, that no provision appears to exist in the relevant legislation, empowering inspectors to take or remove samples of materials and substances, as laid down in Article 4, paragraph 2 (c) (iv), of the Convention. The Committee hopes that it will be possible to introduce a suitable provision in the legislation.

Tanganyika.

The Employment Ordinance, 1955, having come into force on 1 February 1957, the Committee considered with particular interest the Government's reply to the points raised in 1957 concerning certain provisions of this text.

As regards section 9 (2) (c) of the Ordinance, which authorises the Labour Commissioner and labour officers but not labour inspectors to request the production of recruited persons, of documents and of licences (Article 4, paragraph 2 (c) (i) and (ii), of the Convention), the Committee notes the Government's statement that in view of the limited academic qualifications and industrial experience of labour inspectors, who are recruited from within the territory, it would be unrealistic to invest them with the full powers of the Labour Inspectorate.

Although no specific reply is made in the report to the query also raised in 1957 as regards section 9 (2) (a) of the Employment Ordinance which contains a 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 (whereas Article 4, paragraphs 2 (a) and 3, of the Convention authorise inspectors to enter without previous notice and to inspect without necessarily notifying the employer of their presence) the Committee assumes that the Government's statement concerning the powers of Labour Inspectors, as summarised above, applies to this query as well.

The Committee agrees that it would not be in accordance with the Convention to entrust inspection duties to officials who are not "suitably trained", as laid down in Article 2 of the instrument. It welcomes therefore the Government's policy, as described in the report, of training local officers to fill senior appointments and notes that one Senior Labour Inspector has already been promoted to the post of Assistant Labour Officer.

The Committee must point out, however, that in evaluating the frequency of inspection (Article 4, paragraph 1, of the Convention) it can only take into account the activities of inspection officials enjoying all the powers laid down in this Article and that the Government would facilitate such an evaluation by indicating whether it intends to grant Labour Inspectors the full range of powers provided for by the Convention or whether it plans to add to the number of those inspection officials who already enjoy all these powers under the Employment Ordinance.

Zanzibar.

The Committee notes with interest that regular inspections are carried out at three-monthly intervals.

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In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium* (Belgian Congo, Ruanda-Urundi); *France* (Comoro Islands, French Equatorial Africa, French Somaliland, Madagascar, St. Pierre and Miquelon, Togoland); *United Kingdom* (Aden, Dominica, Gambia, Grenada, Jamaica, Malta, Northern Rhodesia, Seychelles, St. Lucia, St. Vincent, Singapore, Tanganyika, Trinidad).

Convention No. 86 : Contracts of Employment
(Indigenous Workers), 1947

Number of reports requested: 32.

Number of reports received: 32.

*United Kingdom**Gambia.*

See under Convention No. 64.

Hong Kong.

The Committee thanks the Government for the information supplied in answer to the observations of 1957, from which it appears that the arrangements with the Governments of North Borneo and Brunei-Sarawak in force since April 1956 provide not for extension of employment contracts (as was previously stated), but for re-engagement. The Committee notes in particular that each worker has the right to return home at the employer's expense before re-engagement, if he so desires.

Kenya.

The Committee notes the Government's statement, in reply to the observations made in 1957, that it is proposed to raise the earnings limit for application of the general provisions of the Employment Ordinance

to 200 shillings per month, and that the prescription of a higher ceiling in regard to the provisions relevant to this Convention will be reviewed in the light of the observations made in 1957.

Southern Rhodesia.

The Committee notes the information supplied to the Conference Committee and in the Government's report, in answer to the observations made in 1957.

The territory's legislation would appear not to contain any provisions in respect of—

- (1) Article 3, paragraph 2, of the Convention (maximum periods of contracts not involving a long and expensive journey);
- (2) the requirements of Article 3, paragraph 3, regarding maximum periods of contracts involving a long and expensive journey in the case of workers not accompanied by their families (except in so far as, under the Migrant Workers' Act, restrictions may be imposed in respect of workers going to or coming from Northern Rhodesia and Nyasaland);
- (3) Article 4, paragraph 1 (maximum periods of contracts made in one territory for employment in another territory).

The Committee would be glad if appropriate provisions to cover these paragraphs of the Convention could be included in the General Employment Bill which the Government proposes to present to the Legislative Assembly.

Uganda.

The Committee thanks the Government for the information supplied in answer to the observations made in 1957, from which it notes that the legislation is to be amended at a suitable opportunity to bring it into conformity with Article 3, paragraph 2, of the Convention (maximum periods of contracts not involving a long and expensive journey), and that in the meantime this provision of the Convention is considered by the Government to be observed in practice.

Zanzibar.

The Committee thanks the Government for the information supplied in answer to the observations made in 1957, and notes with satisfaction that the Labour Decree has been amended to bring it into conformity with Article 3 of the Convention.

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In addition, requests regarding certain other points are being addressed directly to the *United Kingdom* (Aden, Fiji, Kenya, Northern Rhodesia, Southern Rhodesia).

Convention No. 87 : Freedom of Association and Protection of the Right to Organise, 1948

Number of reports requested: 21.

Number of reports received: 21.

Surinam.

Netherlands

The Committee thanks the Government for the information forwarded in reply to the request made in 1957 with respect to the existence of any distinctions between the trade union rights of different categories of workers, the rules governing the acquisition of legal personality and the rules governing representation before the Conciliation Council.

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In addition, requests regarding certain other points are being addressed directly to the *Netherlands* (Netherlands New Guinea, Surinam).

Convention No. 88 : Employment Service, 1948

Number of reports requested: 4.

Number of reports received: 4.

Netherlands

Netherlands Antilles.

The Committee has noted that, according to the information supplied by the Government in reply to the observation for 1957, it would seem that paragraphs (b), (c) and (e) of Article 6 are, on the whole, applied.

As regards Articles 4 and 5, which were stated to be inapplicable, the Committee has noted with interest that the Government is contemplating the establishment of the advisory committees provided for in Article 4 when employers' and workers' organisations have reached the necessary stage of development.

Surinam.

The Committee regrets to note, from the information supplied by the Government in reply to the observation made in 1957, that Articles 4 and 5 are not being applied at present since the Government does not consider it desirable to set up the advisory committees provided for by these Articles of the Convention. The Committee trusts that the Government will reconsider the matter with a view to establishing such committees.

* * *

In addition, a request regarding certain other points is being addressed directly to the *Netherlands* (Surinam).

Convention No. 89 : Night Work (Women) (Revised), 1948

Number of reports requested: 8.

Number of reports received: 8.

France

Overseas Departments.

See Chapter VII, Convention No. 89, France.

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In addition, requests regarding certain other points are being addressed directly to the *Netherlands* (Netherlands Antilles, Netherlands New Guinea).

Convention No. 90 : Night Work of Young Persons (Industry) (Revised), 1949

Number of reports requested: 1.

Number of reports received: 1.

Netherlands

Netherlands Antilles.

The Committee thanks the Government for the information given in the report in reply to the observation made in 1957.

As regards point (b) of the observation, the Committee notes with satisfaction that a draft amendment to the Ordinance of 22 August 1952 has been prepared with a view to replacing the period from 8 p.m. to 6 a.m. during which the employment of young persons is prohibited, by the period from 7 p.m. to 7 a.m., thus giving full effect to Article 2, paragraph 1, of the Convention, which provides for a period of 12 hours' rest during the night for young persons.

The Committee also notes that as regards point (c) of the observation the Government states that, should a national catastrophe occur, account would be taken, when temporarily suspending the Ordinance prohibiting night work, of the fact that under Article 5 of the

Convention the prohibition of night work may be suspended only for young persons over 16 years of age. The Committee would, however, appreciate it if this requirement could be expressly embodied in the legislation.

As regards point (e) of the observation, the Committee takes note of the assurance given by the Government that the exceptional cases in which no penalties are provided for breaches of the prohibition of night work of young persons in fact correspond to those provided for by Article 4, paragraph 2, of the Convention. The Committee considers, however, that these exceptional cases should be expressly defined by the local legislation.

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In addition, a request regarding certain other points is being addressed directly to the *Netherlands* (Netherlands Antilles).

Convention No. 92 : Accommodation of Crews (Revised), 1949

Number of reports requested: 4.

Number of reports received: 0.

Reports not received: 4.

(*France* : Overseas Departments.)

No observations.

Convention No. 94 : Labour Clauses (Public Contracts), 1949

Number of reports requested: 11.

Number of reports received: 11.

France

Guadeloupe.

The Committee thanks the Government for the information supplied, in answer to the observations of 1957, regarding the practical application of the Convention.

Netherlands

Netherlands Antilles.

The Committee notes with interest that public authorities have been recommended to insert labour clauses in contracts concluded by them. It would be glad if the Government would supply a copy of the regulations or official directives issued in this connection, and would in particular indicate the precise wording of the clauses in question.

The Committee trusts that the Government will also provide information, in accordance with the observations made in 1956 and 1957, on the effect given to the other provisions of the Convention, regarding the definition and scope of public contracts (Article 1, paragraphs 1, 2 and 3), the consultation of employers' and workers' organisations and measures to inform the persons tendering for contracts of the terms of the clauses (Article 2, paragraphs 3 and 4), measures to ensure fair and reasonable conditions of health, safety and welfare for the workers concerned (Article 3), and measures ensuring the implementation of the labour clauses (Articles 4 and 5).

In so far as in its latest report the Government repeats that it regards the insertion of labour clauses as superfluous, the Committee once more draws its attention to the general observations on the Convention made in 1956 and 1957, which emphasised that the insertion of such clauses in public contracts constituted the basic requirement of the Convention, in respect of which exceptions could not be permitted.

The Committee hopes that the Government will not fail to take all necessary measures to give full effect to the Convention.

Surinam.

The Committee regrets to note that the Government has supplied no information in answer to the detailed observations made in 1956 and 1957, which were as follows:

The Committee hopes that the necessary steps will be taken for the insertion in public contracts of labour clauses "ensuring to the workers concerned wages (including allowances), hours of work and other conditions of labour which are not less favourable than those established for work of the same character in the trade or industry concerned in the district where the work is carried on".

The Committee also hopes that account will be taken, in adopting these measures, of the other provisions of the Convention, including in particular the definition and scope of public contracts (Article 1, paragraphs 1, 2 and 3), the consultation of employers' and workers' organisations and the measures to inform the persons tendering for contracts of the terms of the clauses (Article 2, paragraphs 3 and 4), and the measures ensuring the implementation of labour clauses in public contracts (Articles 4 and 5).

Finally, the Committee would be glad if the Government would supply information on the above points and if it would indicate whether it considers it necessary for the competent authority to take adequate measures to ensure fair and reasonable conditions of health, safety and welfare for the workers concerned (Article 3).

The Committee hopes that the Government will not fail to take the measures and supply the information referred to above.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *Belgium* (Belgian Congo and Ruanda-Urundi), *France* (French Guiana, Martinique).

Convention No. 95 : Protection of Wages, 1949

Number of reports requested: 9.

Number of reports received: 8.

Report not received: 1.

(*United Kingdom* : Isle of Man.)

France

French Guiana.

The Committee notes that, while the Government reiterates that works stores are indispensable in the region of Inini (although forbidden by law), it does not, as requested by the Committee in 1956 and 1957, indicate the measures which it intends to take to ensure that the prices charged in the stores be fair and reasonable or that the stores be not operated by the employer for profit (Article 7 of the Convention). The Committee trusts that appropriate measures to this end will be taken at an early date.

Netherlands

Surinam.

The Committee regrets to note that, in spite of the requests made to the Government in 1956 and 1957 to supply detailed information on the application of each Article of the Convention, in accordance with the report form adopted by the Governing Body, the last report is confined to a general reference to the legislation containing provisions relevant to the Convention. The Committee urges the Government next year to supply a detailed report, drawn up in accordance with the report form.

United Kingdom

Jersey.

The Committee notes that the necessary legislation to implement the Convention is still being prepared, and trusts that it will be adopted at an early date.

Isle of Man.

Since the report for 1956-57 has not been received, the Committee can only repeat the observations made in 1957, to the following effect:

The Committee 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.

The Committee hopes that the Government will not fail to take appropriate measures to give effect to the Convention in respect of the above-mentioned matters.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *France* (French Guiana, Réunion), *Netherlands* (Netherlands Antilles, Netherlands New Guinea, Surinam), *United Kingdom* (Isle of Man).

**Convention No. 96 : Fee-Charging Employment Agencies
(Revised), 1949**

Number of reports requested: 1.
Number of reports received: 1.

Netherlands

Surinam.

In connection with the observations of 1957, the Committee notes that, according to the Government, steps would immediately be taken to prohibit fee-charging employment agencies if any should be set up.

The Committee nevertheless considers that the adoption of legislation to give effect to the Convention should not be postponed until such agencies are set up. Reiterating its observation made in 1957, the Committee expresses the hope that legislation prohibiting fee-charging employment agencies will be adopted forthwith.

Convention No. 97 : Migration for Employment (Revised), 1949

Number of reports requested: 3.
Number of reports received: 2.
Report not received: 1.

(*United Kingdom* : Isle of Man.)

United Kingdom

Guernsey.

The Committee thanks the Government for the information furnished with respect to the practical application of the Convention, in reply to the request made in 1957.

Jersey.

The Committee thanks the Government for the information furnished in reply to the observation made in 1957.

* * *

In addition, a request regarding certain other points is being addressed directly to the *United Kingdom* (Isle of Man).

**Convention No. 98 : Right to Organise and Collective Bargaining,
1949**

Number of reports requested: 7.
Number of reports received: 7.

No observations.

* * *

Requests regarding certain points are being addressed directly to *France* (French Guiana, Martinique).

**Convention No. 99 : Minimum Wage-Fixing Machinery
(Agriculture), 1951**

Number of reports requested: 7.
Number of reports received: 7.

France

Overseas Departments.

The Committee notes that the Government has not supplied the information requested in 1957, as follows:

The Committee would be grateful if the Government would submit further information 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 hopes that the Government will not fail to supply the information referred to above.

* * *

In addition, requests regarding certain other points are being addressed directly to the following States: *France* (French Guiana), *United Kingdom* (Jersey, Isle of Man).

Convention No. 100 : Equal Remuneration, 1951

Number of reports requested: 4.
Number of reports received: 4.

France

Overseas Departments.

The Committee notes that the Government has not, as requested in 1956 and 1957, provided information on the manner in which the principle of equal remuneration is applied, and particularly on the measures, if any, taken to promote the objective appraisal of jobs on the basis of the work to be performed (Article 3 of the Convention).

The Committee hopes that the Government will not fail to supply the information referred to above.

Convention No. 101 : Holidays with Pay (Agriculture), 1952

Number of reports requested: 4.
Number of reports received: 4.

No observations.

Requests regarding certain points are being addressed directly to *France* (Overseas Departments).

Appendix. Reports Received and Reports Not Received by 29 March 1958

Reports expected: 3,850. Reports received: 2,918. Reports not received: 932.

Countries and territories	Reports received		Reports not received		Population ¹ (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 ^a , 45, 63, 85, 88 ^a	0	—	4
<i>New Guinea</i>	14	— ditto —	0	—	1,254
<i>Norfolk Island</i>	14	— ditto —	0	—	1
<i>Papua</i>	14	— ditto —	0	—	446
<i>Belgium</i>	34	—	64	—	—
<i>Belgian Congo</i> ²	17	11, 12, 14, 17, 18, 19, 26, 27, 29, 50, 62, 64, 82, 84, 85, 89, 94	32	1, 2, 5, 6, 7, 8, 9, 10, 13, 15, 16, 21, 22, 23, 32, 33, 42, 43, 45, 53, 55, 56, 58, 69, 73, 74, 87, 88, 97, 98, 100, 101	12,600
<i>Ruanda-Urundi</i> ³	17	— ditto —	32	— ditto —	4,280
<i>Denmark</i>	50	—	0	—	—
<i>Faroe Islands</i>	25	2, 5, 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 19, 21, 29, 42, 52, 53, 58, 63, 87, 92, 94, 98, 102	0	—	34
<i>Greenland</i>	25	— ditto —	0	—	26
<i>France</i> ³	849	—	66	—	—
<i>Algeria</i>	46	2, 3, 5, 6, 10, 11, 12, 13, 14, 17, 18, 19, 24, 26, 27, 29, 32, 33, 35, 36, 37, 38, 42, 43, 44, 45, 49, 52, 62, 63, 77, 78, 81, 84, 85, 87, 88, 89, 94, 95, 96, 97, 98, 99, 100, 101	15	8, 9, 15, 16, 22, 23, 53, 55, 56, 58, 69, 73, 74, 82, 92	9,620
<i>Cameroons</i>	61	2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 26, 27, 29, 32, 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	—	3,146
<i>Comoro Islands</i>	61	— ditto —	0	—	170
<i>French Equatorial Africa</i>	61	— ditto —	0	—	4,680
<i>French Guiana</i> ²	47	2, 3, 5, 6, 10, 11, 12, 13, 14, 17, 18, 19, 24, 26, 27, 29, 33, 35, 36, 37, 38, 42, 43, 44, 45, 49, 52, 55, 56, 58, 62, 63, 74, 81, 84, 85, 87, 88, 89, 94, 95, 96, 97, 98, 99, 100, 101	14	8, 9, 15, 16, 22, 23, 32, 53, 69, 73, 77, 78, 82, 92	28
<i>French Polynesia</i>	60	2, 3, 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	32	69

¹ Source: United Nations: *Demographic Year-Book*, 1956.² Reports received too late to be summarised in Report III (Part I).³ Reports on Convention No. 89 also include Convention No. 4.

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
<i>France (cont.)</i>					
French Somaliland . . .	61	2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 26, 27, 29, 32, 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 West Africa . . .	61	— ditto —	0	—	18,729
Guadeloupe	49	2, 3, 5, 6, 10, 11, 12, 13, 14, 17, 18, 19, 24, 26, 27, 29, 33, 35, 36, 37, 38, 42, 43, 44, 45, 49, 52, 55, 56, 58, 62, 63, 74, 77, 78, 81, 84, 85, 87, 88, 89, 94, 95, 96, 97, 98, 99, 100, 101	12	8, 9, 15, 16, 22, 23, 32, 53, 69, 73, 82, 92	230
Madagascar	61	2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 26, 27, 29, 32, 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	—	4,776
Martinique ²	49	2, 3, 5, 6, 10, 11, 12, 13, 14, 17, 18, 19, 24, 26, 27, 29, 33, 35, 36, 37, 38, 42, 43, 44, 45, 49, 52, 55, 56, 58, 62, 63, 74, 77, 78, 81, 84, 85, 87, 88, 89, 94, 95, 96, 97, 98, 99, 100, 101	12	8, 9, 15, 16, 22, 23, 32, 53, 69, 73, 82, 92	240
New Caledonia	61	2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 26, 27, 29, 32, 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	49	2, 3, 5, 6, 10, 11, 12, 13, 14, 17, 18, 19, 24, 26, 27, 29, 33, 35, 36, 37, 38, 42, 43, 44, 45, 49, 52, 55, 56, 58, 62, 63, 74, 77, 78, 81, 84, 85, 87, 88, 89, 94, 95, 96, 97, 98, 99, 100, 101	12	8, 9, 15, 16, 22, 23, 32, 53, 69, 73, 82, 92	278
St. Pierre and Miquelon .	61	2, 3, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 26, 27, 29, 32, 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	—	5
Togoland	61	— ditto —	0	—	1,080
<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	—	1,280
<i>Netherlands</i>	92	—	19	—	—
Netherlands Antilles . .	37	2, 5, 8, 9, 10, 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	—	128

¹ Source: United Nations: *Demographic Year-Book*, 1956.² Reports received too late to be summarised in Report III (Part I).

APPLICATION IN NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
<i>Netherlands (cont).</i>					
Netherlands New Guinea	18	2, 5, 8, 11, 13, 15, 16, 17, 19, 22, 23, 27, 29, 45, 58, 87, 89, 95	19	9, 10, 12, 21, 26, 33, 42, 48, 62, 63, 69, 74, 81, 88, 90, 94, 96, 97, 99	700
Surinam	37	2, 5, 8, 9, 10, 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	—	225
<i>New Zealand</i>	102	—	0	—	—
Cook Islands and Niue ²	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 ²	34	— ditto —	0	—	2
Western Samoa ²	34	— ditto —	0	—	95
<i>Portugal</i>	0	—	104	—	—
Angola	0	—	13	1, 4, 6, 14, 17, 18, 19, 27, 45, 69, 73, 74, 92	4,280
Cape Verde	0	—	13	— ditto —	172
Macao	0	—	13	— ditto —	200
Mozambique	0	—	13	— ditto —	6,030
Portuguese Guinea	0	—	13	— ditto —	541
Portuguese Indies	0	—	13	— ditto —	644
S. Tomé and Príncipe	0	—	13	— ditto —	58
Timor	0	—	13	— ditto —	469
<i>Spain</i>	0	—	64	—	—
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	208
Spanish West Africa	0	—	32	— ditto —	83
<i>Union of South Africa</i>	0	—	7	—	—
South West Africa	0	—	7	2, 19, 26, 42, 45, 63, 89	458
<i>United Kingdom</i>	1,652	—	604	—	—
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	790
Bahamas	35	— ditto —	12	— ditto —	94
Barbados	35	— ditto —	12	— ditto —	229
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	19	7, 8, 15, 16, 22, 32, 56, 69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99, 102	627
Bechuanaland	28	— ditto —	19	— ditto —	324

¹ Source: United Nations: *Demographic Year-Book*, 1956.² In addition, one voluntary report has been received (Convention No. 104).

REPORT OF THE COMMITTEE OF EXPERTS

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
United Kingdom (cont.)					
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	41
British Guiana	35	— ditto —	12	— ditto —	485
British Honduras	35	— ditto —	12	— ditto —	79
British Somaliland	35	— ditto —	12	— ditto —	640
Brunei	35	— ditto —	12	— ditto —	65
Channel Islands: Guernsey	36	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 44, 56, 63, 69, 74, 81, 84, 85, 87, 88, 94, 97, 98	11	43, 45, 50, 64, 65, 82, 86, 92, 95, 99, 102	45
Jersey	38	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 44, 56, 63, 69, 74, 81, 84, 85, 87, 88, 94, 95, 97, 98, 99	9	43, 45, 50, 64, 65, 82, 86, 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	520
Dominica	35	— ditto —	12	— ditto —	62
Falkland Islands	35	— ditto —	12	— ditto —	2
Fiji	35	— ditto —	12	— ditto —	339
Gambia	35	— ditto —	12	— ditto —	285
Gibraltar	35	— ditto —	12	— ditto —	25
Gilbert and Ellice Islands	35	— ditto —	12	— ditto —	41
Grenada	35	— ditto —	12	— ditto —	88
Hong Kong	35	— ditto —	12	— ditto —	2,340
Jamaica ²	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, 63, 64, 65, 85, 86	14	69, 74, 81, 82, 84, 87, 88, 92, 94, 95, 97, 98, 99, 102	1,542
Kenya	34	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 82, 84, 85, 86	13	29, 69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99, 102	6,048
Leeward Islands :					
Antigua	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	52
Montserrat	35	— ditto —	12	— ditto —	14
Saint Christopher, Nevis, Anguilla	35	— ditto —	12	— ditto —	54
Virgin Islands ²	35	— ditto —	12	— ditto —	8
Malta	35	— ditto —	12	— ditto —	314

¹ Source: United Nations: *Demographic Year-Book*, 1956.² Reports received too late to be summarised in Report III (Part I).

APPLICATION IN NON-METROPOLITAN TERRITORIES

Countries and territories	Reports received		Reports not received		Population ¹ (thousands)
	Number received	Conventions Nos.	Number not received	Conventions Nos.	
<i>United Kingdom (cont.)</i>					
Isle of Man	35	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 29, 32, 35, 36, 37, 38, 39, 40, 42, 44, 56, 63, 69, 81, 84, 85, 87, 88, 94, 98, 99	12	43, 45, 50, 64, 65, 74, 82, 86, 92, 95, 97, 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, 64, 65, 82, 84, 85, 86	12	69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99, 102	549
Nigeria	35	— ditto —	12	— ditto —	31,254
North Borneo	35	— ditto —	12	— ditto —	370
Northern Rhodesia . . .	35	— ditto —	12	— ditto —	2,130
Nyasaland	35	— ditto —	12	— ditto —	2,540
St. Helena	35	— ditto —	12	— ditto —	5
St. Lucia	35	— ditto —	12	— ditto —	87
St. Vincent	35	— ditto —	12	— ditto —	76
Sarawak	35	— ditto —	12	— ditto —	614
Seychelles ²	35	— ditto —	12	— ditto —	39
Sierra Leone	35	— ditto —	12	— ditto —	2,050
Singapore	35	— ditto —	12	— ditto —	1,213
Solomon Islands	35	— ditto —	12	— ditto —	103
Southern Rhodesia ³ . .	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	19	7, 8, 15, 16, 22, 32, 56, 69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99, 102	2,399
Swaziland	28	— ditto —	19	— ditto —	223
Tanganyika	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, 63, 64, 65, 82, 84, 85, 86	12	69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99, 102	8,324
Trinidad and Tobago . .	35	— ditto —	12	— ditto —	721
Uganda	34	2, 5, 7, 8, 11, 12, 15, 16, 17, 19, 22, 24, 25, 26, 32, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 50, 56, 63, 64, 65, 82, 84, 85, 86	13	29, 69, 74, 81, 87, 88, 92, 94, 95, 97, 98, 99, 102	5,508
Zanzibar	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	278
<i>United States</i>	28	—	4	—	—
Alaska	4	53, 55, 58, 74	0	—	209
American Samoa	4	— ditto —	0	—	22
Guam	4	— ditto —	0	—	36
Hawaii	4	— ditto —	0	—	560
Trust Territory of Pacific Islands	4	— ditto —	0	—	64
Panama Canal Zone . .	0	—	4	53, 55, 58, 74	53
Puerto Rico	4	— ditto —	0	—	2,263
Virgin Islands	4	— ditto —	0	—	24

¹ Source: United Nations: *Demographic Year-Book*, 1956.² Reports received too late to be summarised in Report III (Part I).³ The report on Convention No. 5 also relates to Convention No. 59 (revised); Reports on Conventions Nos. 64 and 65 received too late to be summarised in Report III (Part I).

IX. Observations concerning the Submission to the Competent Authorities of the Conventions and Recommendations Adopted by the International Labour Conference (Article 19 of the Constitution)

General Observation

The Committee notes that relatively few governments have answered the observation addressed to them by the Committee in previous years regarding the proposals which should be made on the occasion of the submission of Conventions and Recommendations to the competent authorities. It observes also that there exists an appreciable number of countries in which the recommendations made in this respect by this Committee, as well as by the Conference Committee, have found no response or in which governments still experience certain doubts as to the exact meaning to be given to the term "proposals".

In these circumstances, the Committee has deemed it appropriate to refer again to the matter in its General Report and it ventures to express the hope that the governments of member States will take into consideration the indications there given. With a view to carrying out a further general review of the situation and being in a position to make a correct appraisal thereof, the Committee would be grateful if the governments of all member States would supply detailed information on the procedure adopted in this respect and on the action which they intend to take to give effect to the Committee's recommendations.

* * *

Afghanistan

The Committee notes that the necessary steps will be taken to submit Convention No. 104 and Recommendations Nos. 99, 100, 101 and 102 to the competent authorities as soon as the Persian translation of these instruments has been corrected. The Committee hopes that the Government will soon be able to report that such steps have in fact been taken.

The Committee notes with satisfaction that the competent authority to which international labour Conventions and Recommendations are ultimately submitted is the national legislative body, i.e. the National Assembly.

The Committee would be grateful if the Government would indicate what measures have been taken to submit Recommendation No. 98, adopted by the Conference at its 37th Session, to the National Assembly.

Albania

The Committee notes with satisfaction that all the instruments adopted by the Conference from its 31st to 39th Sessions have been submitted to the Praesidium of the People's Assembly. It also understands that—according to a statement made by the Government representative to the Conference Committee in 1957—while the Constitution of the Albanian People's Republic vests legislative power solely in the People's Assembly, the Praesidium of the latter has authority not only to ratify and denounce international treaties but also to initiate legislation and to issue decrees.

In these circumstances, and having regard to the fact that the People's Assembly is specifically empowered to legislate, while also being the most representative constitutional body, the Committee considers that it would accord entirely with the spirit of article 19 to submit the instruments adopted by the Confer-

ence to this body also. This opinion is confirmed by the Conference Committee (40th Session, 1957), which states that "Conventions and Recommendations should ultimately be submitted to the most representative legislative body, even where the instruments in question call for executive action only or do not make necessary the adoption of legislation or where power to legislate is vested in a body other than the Parliament or National Congress".

Accordingly, the Committee would be grateful if the Government would supply detailed information on the points referred to above.

Argentina

The Committee notes with satisfaction the statement made to the Conference Committee in 1957, and subsequently repeated in writing, that, according to the constitutional structure of Argentina, the National Congress is normally the competent authority to legislate on the questions to which Conventions and Recommendations refer. It also understands that at the present time legislative power is exercised by the Executive (following the 1955 revolution) but that the Provisional Government has thought it advisable to exercise its legislative powers sparingly and, as a result, has confined itself to ratifying Conventions Nos. 18, 31, 68, 88, 90, 95, 98 and 100.

The Committee hopes that, once the constitutional position has become normal, the Government will submit Recommendations Nos. 101 and 102 (which were adopted at the 39th Session of the Conference) to the National Congress. It would also be glad if similar action were taken in respect of Convention No. 104 and Recommendations Nos. 99 and 100 which, although submitted for examination by the Executive body which is vested with legislative powers and therefore considered to be the competent authority (statement to the Conference Committee in 1956), could not be submitted to the National Congress.

Australia

The Committee would be grateful if the Government would indicate whether, in accordance with the usual procedure, it has already submitted to Parliament a statement setting forth the opinions expressed by both the federal authorities and the authorities of the various states in respect of Convention No. 104 and Recommendations Nos. 99, 100, 101 and 102, the instruments adopted by the Conference at its 38th and 39th Sessions.

Bolivia

The Committee has, over many years, drawn the Government's attention to the obligation incumbent upon it in virtue of article 19 of the Constitution of the I.L.O., of which the Government appears to take no account. Not only did the Government delegation to the Conference in 1957 not respond to the various requests for information which were addressed to it by the Conference Committee, with a view to being able to report on the situation, but the Government itself has not since then supplied any new information.

The Committee, trusting that this situation will not continue, earnestly appeals to the Government to send without further delay detailed information concerning the measures which it proposes to take in order to submit to the National Congress all of the instruments adopted by the Conference since its 31st Session, with the exception of Convention No. 96, which has been ratified.

Brazil

The Committee has noted with interest the written information supplied by the Government to the Conference Committee in 1957 stating that the concept of the "competent authority" referred to in article 19 of the I.L.O. Constitution had for long been the subject of lively controversy among Brazilian jurists and that the Government had been able to draw up a plan for the submission of Conventions and Recommendations to the competent authority only after it had finally been decided that the "competent authority" was the National Congress.

However, in the absence of any new information concerning the steps actually taken in connection with this new plan, the Committee finds it necessary to repeat some of the observations which it made in 1957:

The Committee regrets . . . 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.

It may be added that this year the Government has still not supplied any information concerning the submission to the competent authorities of Recommendations Nos. 101 and 102 adopted by the Conference at its 39th Session.

Bulgaria

The Committee notes that Recommendations Nos. 101 and 102, which were adopted by the 39th Session of the Conference, have been submitted to the Praesidium of the National Assembly.

The Committee would be glad if the Government would supply detailed information regarding the specific duties and functions of the Praesidium of the National Assembly, particularly with regard to its power to give force of law to the instruments adopted by the International Labour Conference. In this connection the Committee ventures to recall the observation made in 1957, that "as . . . 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". This point of view was confirmed by the Conference Committee, which stated in its last report (40th Session, 1957) that "Conventions and Recommendations should ultimately be submitted to the most representative legislative body, even where the instruments in question call for executive action only or do not make necessary the adoption of legislation or where power to legislate is vested in a body other than the Parliament or National Congress".

Burma

In June 1957 a Government representative informed the Conference Committee that the submission of the decisions of the Conference to the competent authorities was under active consideration by his Government, which would try to keep strictly to the time limits laid down in article 19 of the Constitution of the I.L.O. This statement, which the Committee notes with satisfaction, was not followed, as was hoped, by further information regarding the action taken by the Government to submit to Parliament the instruments adopted by the Conference at its 37th, 38th and 39th Sessions.

The Committee hopes that the position in this respect will be settled in the very near future and thinks it appropriate to recall once more—as is stated in the *Memorandum concerning the Obligation to Submit Conventions and Recommendations to the Competent Authorities* adopted by the Governing Body (Part I)—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". This view was confirmed by the Conference Committee (40th Session, 1957) which stated that "Conventions and Recommendations should ultimately be submitted to the most representative legislative body, even where the instruments in question call for executive action only or do not make necessary the adoption of legislation or where power to legislate is vested in a body other than the Parliament or National Congress".

Byelorussia

The Committee notes the statement made by a Government representative of Byelorussia to the Conference Committee in 1957 confirming 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.

The Committee would be grateful if the Government would supply detailed information regarding the specific duties and functions of the Praesidium of the Supreme Soviet, particularly with regard to its power to give force of law to the instruments adopted by the International Labour Conference. It ventures to recall the observation it made in 1957 to the effect that "as . . . 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". This viewpoint was sustained by the Conference Committee, which in its last report (40th Session, 1957) stated that "Conventions and Recommendations should ultimately be submitted to the most representative legislative body, even where the instruments in question call for executive action only or do not make necessary the adoption of legislation or where power to legislate is vested in a body other than the Parliament or National Congress".

With regard to the instruments adopted by the Conference at its 39th Session the Committee notes that Recommendations Nos. 101 and 102 have been submitted to the Council of Ministers of the Byelorussian S.S.R. which, in this instance, is considered to be the competent authority. The Committee cannot agree with this view, which in any event is not in accord with the above-mentioned statement made by a Government representative to the Conference Committee in 1957. The Committee ventures to call the

Government's attention to the fact that the term "competent authority"—as has frequently been pointed out both by this Committee and by the Conference Committee—means the most representative legislative body under the Constitution of the State in question.

Canada

With regard to the information supplied to the Conference Committee in writing in 1957, the Committee would like the Government to state whether the fact that the submission of instruments adopted by the Conference to both Houses of Parliament "did not imply any parliamentary debate concerning the action which could be taken in order to give effect to the provisions of these instruments" should be understood to mean that it is totally impossible to have a debate or simply to mean that in general there is no debate although it would be possible to hold one.

Chile

The Committee notes with satisfaction that an *ad hoc* committee has been set up to make a general review of the submission of Conventions and Recommendations to the competent authorities in order to ensure that the Government's obligations are carried out adequately and speedily.

The Committee hopes that the work of this new body will enable the problem to be settled very shortly and that Recommendations Nos. 101 and 102, which were adopted by the Conference at its 39th Session, will be submitted to the National Congress together with the other instruments listed in the final column of Appendix I to this Chapter.

China

The Committee takes note of the information supplied by the Government to the Conference Committee in 1957 and subsequently in writing. While this information makes it clear that the relevant procedure is inevitably a lengthy one, the Committee feels bound to express its surprise that the situation should have remained virtually unchanged since 1948. Since that date only Conventions Nos. 99 and 100 were reported to have been submitted to the Legislative Yuan, while the Government's obligations regarding all the other instruments adopted since the 31st Session of the Conference have still not been implemented.

With regard to Recommendations Nos. 101 and 102 which, according to the Government, have been submitted to the Ministry of the Interior, the Committee ventures to point out that, as is stated in the *Memorandum* adopted by the Governing Body (Part II) "The expression 'competent authority' means the body empowered to legislate . . . i.e. as a rule the Parliament". The Committee also thinks it appropriate to recall that the Conference Committee (40th Session, 1957) stated that "Conventions and Recommendations should ultimately be submitted to the most representative legislative body, even where the instruments in question call for executive action only or do not make necessary the adoption of legislation or where power to legislate is vested in a body other than the Parliament or National Congress".

Colombia

The Committee regrets to note that the Government has not given any new information and has not replied to the observation made in 1957. In these circumstances it earnestly hopes that the Government will, once the constitutional position has become

normal, submit to Parliament Recommendations Nos. 101 and 102 adopted by the Conference at its 39th Session and all other instruments listed in the last column of Appendix I to this Chapter.

Costa Rica

The Committee has noted with satisfaction that the Executive has submitted to the Legislative Assembly a total of 14 Conventions, recommending the ratification of eight of them, whose provisions appear to be in conformity with existing legislation.

In so doing the Government has fully discharged its obligations under article 19 of the I.L.O. Constitution in so far as submission of Conventions to the competent authorities is concerned. The Committee would point out, however, that all of the Recommendations adopted by the Conference since its 31st Session must still be submitted to the Legislative Assembly. It would also recall that, as stated in the *Memorandum* adopted by the Governing Body (Part I), "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". This view was confirmed by the last report of the Conference Committee (40th Session of the Conference, 1957) which states that "Conventions and Recommendations should ultimately be submitted to the most representative legislative body, even where the instruments in question call for executive action only or do not make necessary the adoption of legislation or where power to legislate is vested in a body other than the Parliament or National Congress".

Cuba

The Committee has noted that Recommendations Nos. 101 and 102 have been sent to the Ministry of State with the request that they be submitted to the Congress of the Republic and to the technically competent ministries. It would, however, be grateful if the Government would confirm whether they were ultimately submitted to the competent legislative authority. It would also like to know whether Convention No. 102—which was mentioned by a Government representative of Cuba in a statement made before the Conference Committee in 1957—has yet been examined by the Government with a view to its submission to the competent authorities together with any proposals deemed appropriate.

Finally, the Committee would be grateful if the Government would supply precise information concerning the action taken with regard to the other instruments which have not yet been submitted to the competent authorities and which are listed in the last column of Appendix I to this chapter.

Czechoslovakia

The Committee notes with satisfaction that the National Assembly is the competent authority for the purposes of article 19 of the Constitution. However, as the Government also states that, in certain cases, it can itself take the necessary measures on Conventions and Recommendations and may therefore also be considered as a competent authority, the Committee ventures to recall the statement made by the Conference Committee in its last report (40th Session, 1957), that "Conventions and Recommendations should ultimately be submitted to the most representative legislative body, even where the instruments in question call for executive action only or do

not make necessary the adoption of legislation, or where power to legislate is vested in a body other than the Parliament or National Congress". The Committee would be grateful if the Government would give consideration to these views.

Moreover, the Committee would be grateful if the Government would supply information concerning the measures taken to submit to the competent authorities Recommendations Nos. 101 and 102, adopted by the Conference at its 39th Session, and the other instruments listed in the last column of Appendix I to this Chapter.

Ecuador

Once again, the Committee is bound to record and to express its surprise at the fact that the Government delegation to the Conference in 1957 failed to respond to the various invitations addressed to it by the Conference Committee on the Application of Conventions and Recommendations to give an indication of the position with regard to submission to the competent authorities; it is further obliged to note that the Government has not subsequently supplied any information on this subject.

The Committee trusts that this situation will not continue and accordingly addresses a pressing appeal to the Government to furnish detailed information on the steps it proposes to take with a view to submitting Recommendations Nos. 101 and 102, adopted at the 39th Session of the Conference, to Congress, together with the remaining instruments listed in the last column of Appendix I to this Chapter.

Ethiopia

The Committee has, over many years, drawn the Government's attention to the obligation incumbent upon it in virtue of article 19 of the Constitution of the I.L.O., of which the Government appears to take no account. In effect, the Government has furnished no reply to the observation made in 1957, nor has it supplied any new information.

The Committee trusts that this situation will not continue and accordingly addresses a pressing appeal to the Government to supply detailed information without further delay on the steps it proposes to take with a view to submitting to the competent authority or authorities all the instruments adopted by the Conference from its 31st Session onwards. It would also be glad if the Government would state which authority or authorities are considered to be "competent" within the meaning of article 19 of the Constitution of the I.L.O.

Federal Republic of Germany

The Committee notes that Recommendations Nos. 101 and 102 have been submitted to Parliament. Having regard to the Government's statement that certain provisions of Recommendation No. 101 are appropriate for action by the Länder, the Committee would be grateful if the Government would supply the information referred to in paragraph 7 (b) (iii) of article 19 of the Constitution of the I.L.O.

Greece

The Committee has taken note of the information given by the Government to the Conference Committee in 1957, from which it appears that some progress has been made towards overcoming the constitutional and procedural difficulties encountered with regard to the submission of Conventions and

Recommendations, but that certain difficulties remain. However, the Committee cannot but note that no Conventions or Recommendations have been submitted to the competent authorities for a number of years, and that the position therefore remains unchanged in practice.

The Committee trusts that a satisfactory solution will soon be found and that the Government will be able to submit to Parliament the texts of Recommendations Nos. 101 and 102, adopted by the Conference at its 39th Session, and all the other instruments listed in the last column of Appendix I to this Chapter.

Guatemala

The Committee notes that the Ministry of Labour and Social Welfare is making a study of the Conventions and Recommendations that have not yet been submitted to the competent authorities, with a view to laying them before the Congress of the Republic for consideration.

The Committee trusts that the work of the Ministry will enable the problem to be satisfactorily solved at an early date, and that Recommendations Nos. 101 and 102, which were adopted by the Conference at its 39th Session, and all the other instruments shown in the last column of Appendix I to this Chapter, will be submitted to Congress for consideration.

Haiti

The Committee has taken note with satisfaction of the ratification of Conventions Nos. 99, 100, 105, 106 and 107. It regrets, however, that no new information has been supplied regarding the submission to the competent authorities of the remaining instruments adopted by the Conference since its 31st Session.

The Committee trusts that this situation will not continue and that the Government will accordingly supply detailed information on the steps it proposes to take with a view to submitting to the National Assembly Recommendations Nos. 101 and 102, which were adopted by the Conference at its 39th Session, and the other instruments shown in the last column of Appendix I to this Chapter.

Honduras

The Committee notes that Recommendations Nos. 101 and 102 have been submitted to the Government Military Junta, among whose discretionary powers is the power to legislate.

Hungary

The Committee notes that Recommendations Nos. 101 and 102, which were adopted by the 39th Session of the Conference, have been submitted to the Presidential Council of the Hungarian People's Republic. The Committee would be grateful if the Government would supply detailed information regarding the specific powers and functions of the Presidential Council, and particularly its power to give force of law to instruments adopted by the Conference. In this connection the Committee ventures to recall the observation made in 1957, namely that "as . . . 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". This view was confirmed by the Conference Committee on the Application of Conventions and Recommendations, which stated in its last report (40th Session, 1957)

that "Conventions and Recommendations should ultimately be submitted to the most representative legislative body, even where the instruments in question call for executive action only or do not make necessary the adoption of legislation or where power to legislate is vested in a body other than the Parliament or National Congress".

Iceland

The Committee would be grateful if the Government would provide information on the measures taken to submit to the Althing (Parliament) Recommendations Nos. 101 and 102, adopted by the Conference at its 39th Session.

Indonesia

The Committee notes the information supplied by the Government, that Convention No. 100 has been submitted to Parliament. It also notes that the Government is considering the submission of Convention No. 88 and other instruments (including Conventions Nos. 1, 30 and 95) to the competent authorities.

However, the Committee must once more draw the Government's attention to the observation made in 1957, that its obligation to submit Conventions and Recommendations to the competent authorities extends to all instruments adopted since the 33rd Session of the Conference, without exception. The Committee would therefore be glad if the Government would supply information on the measures which it has taken or proposes to take to regularise the situation in respect of all the instruments listed in the last column of Appendix I to this Chapter.

Iran

The Committee notes with satisfaction the statement made by a Government representative to the Conference Committee in 1957, that Convention No. 104 had been submitted to the Senate, and that a Bill had been prepared which, once adopted by Parliament, would give effect to the provisions of Recommendation No. 100.

However, the Committee regrets that neither the last-named instrument nor Recommendation No. 99 has yet been submitted to Parliament and that no information has been given concerning the submission to the competent authorities of Recommendations Nos. 101 and 102, adopted by the Conference at its 39th Session. In these circumstances, the Committee hopes that the Government will take steps at a very early date to discharge fully its obligations under article 19 of the I.L.O. Constitution, and would be glad if it would supply detailed information concerning the submission to Parliament of all the Conventions and Recommendations listed in the last column of Appendix I to this Chapter.

Iraq

The Committee notes the information given to the Conference Committee in 1957, that the Government will not fail to take the necessary measures to submit all the instruments adopted by the Conference since its 31st Session to the competent authorities following the enactment of the Labour Bill, which is in its final legislative stage.

In the absence of any new information on this point, the Committee would be glad if the Government would state whether the Labour Act has finally been promulgated, and whether it accordingly proposes now to initiate the submission procedure in respect of the Conventions and Recommendations referred to above.

In this connection, the Committee cannot but point out that, to date, only Convention No. 88 has been submitted to the competent legislative authority, leaving outstanding the submission of all the instruments listed in the last column of Appendix I to this Chapter.

Israel

The Committee notes with satisfaction that Convention No. 104 and Recommendations Nos. 91, 92 and 100 have been submitted to Parliament. The Committee would be grateful if the Government would state whether Recommendation No. 99 (which was to be translated) and Recommendations Nos. 101 and 102, which were adopted by the Conference at its 39th Session, have also been submitted to Parliament.

Jordan

The Committee would be grateful if the Government would supply information on the steps it proposes to take with a view to submitting to the competent legislative authority Recommendations Nos. 101 and 102, adopted by the Conference at its 39th Session. It would also be glad to learn what authority or authorities the Government considers to be the competent authority or authorities for the purposes of article 19 of the Constitution of the I.L.O.

Lebanon

The Committee notes with interest the statements made by a Government representative to the Conference Committee in 1957. It notes with satisfaction that Parliament is considered as the competent authority for the purposes of article 19 of the I.L.O. Constitution, and also that various Conventions and Recommendations which have been submitted to it are now being examined by parliamentary committees.

However, in the absence of further and more detailed information regarding the instruments which have in fact been submitted to Parliament for consideration, the Committee finds it necessary once again to ask the Government to state precisely which of the Conventions and Recommendations adopted by the Conference since its 31st Session have been so submitted.

Liberia

The Committee has taken note of the statement made by a Government representative before the Conference Committee in 1957 to the effect that the adoption of the Labour Code would facilitate the ratification of various Conventions. In this connection the Committee ventures to reiterate, as it did in 1957, 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."

Moreover, Part I of the *Memorandum* adopted by the Governing Body states 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 state what measures it has taken or proposes to take to submit

all the instruments adopted by the Conference since its 31st Session to the competent authorities, thereby resolving the unsatisfactory situation in which it now finds itself with respect to its obligations under article 19 of the I.L.O. Constitution.

Libya

The Committee has taken note of the statement made by a Government representative in the Conference Committee in 1957, to the effect that the enactment of the Labour Code must be considered as essential before the Government could comply with the commitment it had assumed under article 19 of the Constitution of the I.L.O. The Committee would therefore be glad if the Government would supply information on the stage reached in the adoption of this Code. Notwithstanding the foregoing, the Committee considers that the Government might at any rate bring before the competent authorities all the Conventions and Recommendations adopted by the Conference since its 35th Session, when Libya was admitted to membership of the Organisation. Lastly, the Committee would be grateful if the Government would specify the authority or authorities which it considers as competent within the meaning of article 19 of the Constitution of the I.L.O.

Luxembourg

The Committee takes note with interest of the detailed information supplied by the Government to the Conference Committee in 1957. It would, however, be grateful if information could be furnished on the steps taken to submit Recommendations Nos. 101 and 102, which were adopted by the Conference at its 39th Session, to the competent authorities.

Mexico

The Committee has noted the statement made by the Government representative to the Conference Committee in 1957 to the effect that the position regarding the submission of Conventions and Recommendations to the competent authorities has now been clarified and that accordingly the Government will henceforth submit all instruments to the legislative authorities.

Nevertheless, in the absence of any later information, the Committee once more urges the Government to supply detailed information on the measures it proposes to take to submit to the legislative bodies Recommendations Nos. 101 and 102, which were adopted by the 39th Session of the Conference, together with all the remaining instruments listed in the final column of Appendix I to this Chapter.

Morocco

The Committee notes that Recommendations Nos. 101 and 102, which the Conference adopted at its 39th Session, have been submitted to the Prime Minister.

Since it appears from the report that legislative power is vested in the King, the Committee considers that the King should be regarded as the competent authority within the meaning of article 19 of the Constitution of the I.L.O.

Pakistan

The Committee has taken note of the information given to the Conference Committee in 1957 and of

that subsequently communicated by the Government, to the effect that the instruments adopted by the Conference at its 36th and 38th Sessions had been submitted to the Pakistan National Assembly for consideration.

The Committee would be grateful if the Government would indicate the present position with regard to Recommendations Nos. 98, 101 and 102, adopted by the Conference at its 37th and 39th Sessions.

Panama

The Committee has, over many years, drawn the Government's attention to the obligation incumbent upon it in virtue of article 19 of the Constitution of the I.L.O., of which the Government appears to take no account. Moreover, the Government has not furnished a reply to the observation made in 1957, nor has it supplied fresh information on this subject.

The Committee trusts that this situation will not continue, and accordingly addresses a pressing appeal to the Government to supply detailed information without further delay on the steps it proposes to take with a view to submitting to the National Assembly all the instruments adopted by the Conference since its 31st Session.

Peru

The Committee notes with satisfaction that after many years the Government has taken the initiative of submitting to the National Congress some of the Conventions adopted by the Conference since its 31st Session (i.e. Conventions Nos. 99, 100, 101, and 102) and that it likewise proposes to submit the other instruments adopted by the Conference since its 31st Session to the competent authorities within the shortest possible time.

Nevertheless, in the absence of any new information since the last session of the Conference, the Committee finds it necessary to reiterate its request that the Government should discharge the obligation it has assumed under article 19 of the Constitution of the I.L.O. In this connection it would seem appropriate to point out once again that the *Memorandum* adopted by the Governing Body (in Part II) states that "the expression 'competent authority' means the body empowered to legislate . . . , i.e. as a rule the Parliament"; it also states (in Part I) 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". This opinion is confirmed by the statement of the Conference Committee (40th Session, 1957) to the effect that "Conventions and Recommendations should ultimately be submitted to the most representative legislative body, even where the instruments in question call for executive action only or do not make necessary the adoption of legislation or where power to legislate is vested in a body other than the Parliament or National Congress".

Philippines

The Committee notes that Recommendations Nos. 101 and 102, together with a message to Congress requesting the promulgation of appropriate legislation, have been submitted to the President of the Republic.

The Committee would be grateful if the Government would state whether these instruments and the accompanying message, together with Convention No. 104 and Recommendations Nos. 99 and 100—

which were dealt with under the same procedure last year—have now been submitted to Congress, which constitutes the competent authority within the meaning of article 19 of the Constitution of the I.L.O.

Poland

The Committee takes note with interest of the information supplied by the Government to the Conference Committee in 1957, to the effect that the provisions of the Polish Constitution confer legislative power in all matters on the Sejm (Parliament) and on the Council of State, which is an organ of the Sejm and elected by it and is composed of Deputies meeting in permanent session.

Despite the foregoing, the Committee ventures to recall the observation it made in 1957 to the effect that “as . . . 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 exclusively to the Sejm”. This view was confirmed by the Conference Committee when it stated in its last report (40th Session, 1957) that “Conventions and Recommendations should ultimately be submitted to the most representative legislative body even where the instruments in question call for executive action only or do not make necessary the adoption of legislation or where power to legislate is vested in a body other than the Parliament or National Congress”. The Committee would therefore be grateful if the Government would give due regard to these views.

The Committee also notes the Government's statement that it has taken the necessary steps to submit all the Conventions and Recommendations mentioned in the last paragraph of the observation made in 1957 to the Council of State. In the absence of further information on this point, the Committee would be grateful if the Government would state whether all these instruments, together with Recommendations Nos. 101 and 102, which were adopted by the Conference at its 39th Session, have finally been submitted to the competent legislative authority for its consideration.

Portugal

The Committee would be grateful if the Government would furnish information on the steps that have been taken to submit to the National Assembly Recommendations Nos. 101 and 102, which were adopted by the Conference at its 39th Session.

Rumania

The Committee notes that Recommendations Nos. 101 and 102, which were adopted by the Conference at its 39th Session, have been submitted respectively to the Ministry of Agriculture and the State Committee on Employment and Wages, which the Government considers to be the competent authorities within the meaning of article 19 of the Constitution of the I.L.O. In this connection the Committee ventures to call the Government's attention to the fact that the “competent authority” to which Conventions and Recommendations must be submitted in accordance with article 19 of the Constitution of the I.L.O. is the authority empowered to legislate in respect of the questions to which the Convention or Recommendation relates, i.e. as a rule the Parliament (as is stated in the *Memorandum* adopted by the Governing Body (Part II), and as has also been pointed out by this Committee at earlier sessions).

The Committee likewise thinks it advisable to recall that the Conference Committee (40th Session, 1957) stated that “Conventions and Recommendations should ultimately be submitted to the most representative legislative body, even where the instruments in question call for executive action only or do not make necessary the adoption of legislation or where power to legislate is vested in a body other than the Parliament or National Congress”.

El Salvador

The Committee has, over many years, drawn the Government's attention to the obligation incumbent upon it in virtue of article 19 of the Constitution of the I.L.O., of which the Government appears to take no account. Although a Government representative made a statement before the Conference Committee in 1957 indicating that the Government had the firm intention of submitting to the Legislative Assembly for consideration all the Conventions and Recommendations adopted by the Conference as from its 31st Session, no information has been received to confirm that this has been done.

The Committee trusts that this situation will not continue, and accordingly addresses a pressing appeal to the Government to supply detailed information without further delay on the steps it proposes to take with a view to submitting to the Legislative Assembly all the instruments adopted by the Conference since its 31st Session.

Spain

The Committee notes the information supplied by the Government to the effect that Recommendations Nos. 101 and 102 have been submitted to the Ministries of Education and Agriculture and the General Directorate of Labour respectively. It likewise notes that the Government considers these bodies to be the competent authorities.

In view of the foregoing, the Committee ventures to call the Government's attention to the fact that the “competent authority” to which Conventions and Recommendations must be submitted under article 19 of the Constitution of the I.L.O. is the authority empowered to legislate in respect of the questions to which the Convention or Recommendation relates, i.e. as a rule the Parliament (as pointed out in the *Memorandum* adopted by the Governing Body (Part II), and as has also been pointed out by this Committee at earlier sessions).

The Committee also thinks it appropriate to recall that the Conference Committee (40th Session, 1957) has stated that “Conventions and Recommendations should ultimately be submitted to the most representative legislative body, even where the instruments in question call for executive action only or do not make necessary the adoption of legislation or where power to legislate is vested in a body other than the Parliament or National Congress”.

In view of the above, and in view of the fact that, according to the Act of 17 July 1942, as amended by the Act of 9 March 1946, “one of the main functions of the Cortes is the preparation and the drafting of laws”, the submission of texts to this body would be in conformity with article 19.

Sudan

The Committee notes with satisfaction that Recommendations Nos. 101 and 102, which were adopted at the 39th Session of the Conference, have been submitted to Parliament, which the Government

considers to be the competent authority within the meaning of article 19 of the Constitution of the I.L.O. by virtue of the fact that it is the highest legislative authority in the country.

Syria

The Committee takes note of the information supplied by the Government with regard to Recommendations Nos. 101 and 102, in which it is stated that the Council of Ministers is the competent authority in respect of Recommendations. In this connection it would appear desirable to point out once again that the *Memorandum* adopted by the Governing Body (in Part II) states that "the expression 'competent authority' means the body empowered to legislate . . . , i.e. as a rule the Parliament". This opinion was confirmed by the statement of the Conference Committee (40th Session, 1957) to the effect that "Conventions and Recommendations should ultimately be submitted to the most representative legislative body, even where the instruments in question call for executive action only or do not make necessary the adoption of legislation or where power to legislate is vested in a body other than the Parliament or National Congress".

Thailand

The Committee has taken note of the statement made by a Government representative to the Conference Committee in 1957, to the effect that the instruments adopted by the Conference at its 37th and 38th Sessions had not yet been submitted to the competent authority on account of the fact that regulations to implement the new Labour Act were still in course of preparation.

Nevertheless, in the absence of any new information since the last session of the Conference, the Committee finds it necessary to reiterate its request that the Government should comply with the obligation it has assumed under article 19 of the Constitution of the I.L.O. by submitting to the National Assembly for consideration the texts of all the instruments listed in the last column of Appendix I to this Chapter.

Tunisia

The Committee notes with satisfaction that Recommendations Nos. 101 and 102, which were adopted by the Conference at its 39th Session, have been submitted to the President of the Republic who by virtue of Act No. 57-1 of 29 July 1957 is vested with legislative power and should therefore be considered to be the competent authority within the meaning of article 19 of the Constitution of the I.L.O.

Ukraine

The Committee notes with interest the statement made by the Government representative of Ukraine to the Conference Committee in 1957, to the effect that the Praesidium of the Supreme Soviet is competent not only to ratify international instruments but also to take the necessary measures to apply them.

The Committee would be grateful if the Government would supply detailed information regarding the specific duties and functions of the Praesidium of the Supreme Soviet, particularly with reference to its power to give force of law to instruments adopted by the Conference. In this connection the Committee ventures to recall the observation it made in 1957, that "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". This view was confirmed by the Conference Committee, which stated in its last report (40th Session, 1957) that "Conventions and Recommendations should ultimately be submitted to the most representative legislative body, even where the instruments in question call for executive action only or do not make necessary the adoption of legislation or where power to legislate is vested in a body other than the Parliament or National Congress".

With regard to the instruments adopted by the 39th Session of the Conference, the Committee notes that Recommendations Nos. 101 and 102 have been submitted to the Council of Ministers of the Ukrainian S.S.R. which, in this instance, is considered to be the competent authority. The Committee cannot agree with this view, which in any event is not in accord with the above-mentioned statement made by a Government representative to the Conference Committee in 1957. The Committee ventures to call the Government's attention to the fact that the term "competent authority"—as has been pointed out on a number of occasions both by this Committee and by the Conference Committee—means the most representative legislative authority under the Constitution of the State in question.

U.S.S.R.

The Committee notes with interest the statement made by a representative of the Government of the U.S.S.R. to the Conference Committee in 1957, confirming that the Praesidium of the Supreme Soviet is competent not only to ratify international treaties, but also to issue decrees, and thus possesses the necessary powers to give force of law to international instruments which have been approved by it.

Notwithstanding the foregoing, the Committee ventures to recall the observation made by it in 1957, that, "as 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 Conference Committee confirmed this view in its last report (40th Session, 1957), when it stated that "Conventions and Recommendations should ultimately be submitted to the most representative legislative body, even where the instruments in question call for executive action only or do not make necessary the adoption of legislation or where power to legislative is vested in a body other than the Parliament or National Congress". The Committee would be grateful if the Government would give due consideration to the above-mentioned views.

As regards the instruments adopted by the Conference at its 39th Session, the Committee notes that Recommendations Nos. 101 and 102 have been submitted to the Council of Ministers of the U.S.S.R., which is considered to be the competent authority for the purposes of these instruments. The Committee cannot agree with this view, which in any event is not in accord with the above-mentioned statement made by a Government representative to the Conference Committee in 1957. The Committee ventures to draw attention to the fact that, as stated by it and by the Conference Committee on a number of occasions, the expression "competent authority" refers to the most representative legislative authority, as determined by the Constitution of the State in question.

United States

The Committee notes the statement made by the Government representative to the Conference Committee in 1957, that Convention No. 104 and Recommendations Nos. 99 and 100 were to be transmitted to the competent authorities very shortly. As no new information on the matter has been supplied, the Committee would be grateful if the Government would indicate whether the aforesaid instruments have finally been submitted to the competent legislative authorities.

The Committee would further like to know whether the submission procedure regarding Recommendations Nos. 101 and 102, adopted by the Conference at its 39th Session, has been completed and, if so, would be glad if a copy of the relevant presidential message could be supplied.

Uruguay

With reference to the observation made in 1957, the Committee would be glad if the Government would indicate whether Convention No. 104 and Recommendation No. 98 have been submitted to the competent legislative authorities.

The Committee would also be grateful if the Government would indicate whether the submission procedure

in respect of Recommendations Nos. 101 and 102, adopted by the Conference at its 39th Session, has been completed, and, if so, would supply a copy of the relevant message of the National Government Council.

Yugoslavia

The Committee has noted with interest that Recommendations Nos. 101 and 102 have been submitted to the competent authorities, and that the competent authority may be either the National Federal Assembly or the Federal Executive Council, depending on whether the application of the Convention requires the passing of new legislation or not.

In this connection the Committee would point out that the *Memorandum* adopted by the Governing Body (Part II) states that "the expression 'competent authority' means the body empowered to legislate . . . i.e. as a rule the Parliament". This view was confirmed by the Conference Committee which, at the 40th Session of the Conference, held in 1957, stated that "Conventions and Recommendations should ultimately be submitted to the most representative legislative body, even where the instruments in question call for executive action only or do not make necessary the adoption of legislation or where power to legislate is vested in a body other than the Parliament or National Congress".

**Appendix I. Position of the Individual Members with Regard
to the Obligation to Submit Conference Decisions to the Competent Authorities**

(31st to 39th Sessions of the International Labour Conference, 1948-56)

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, 38th and 39th
Albania	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
Argentina	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	39th
Australia	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
Austria	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
Belgium	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
Bolivia	32nd (C 96)	31st, 32nd (C 91, 92, 93, 94, 95, 97, 98; R 84, 85, 86, 87), 33rd, 34th, 35th, 36th, 37th, 38th and 39th
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, 38th and 39th
Bulgaria	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
Burma	31st, 32nd, 33rd, 34th, 35th and 36th	37th, 38th and 39th
Byelorussia ¹	37th, 38th and 39th	—
Canada	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—

¹ Byelorussia became a Member of the Organisation in 1954.

SUBMISSION TO COMPETENT AUTHORITIES OF CONVENTIONS AND RECOMMENDATIONS

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)
Ceylon	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
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), 38th and 39th
China	34th (C 99, 100) and 39th	31st, 32nd, 33rd, 34th (R 89, 90, 91, 92), 35th, 36th, 37th and 38th
Colombia	31st, 32nd, 33rd, 34th, 35th and 36th	37th, 38th and 39th
Costa Rica	31st (C 87, 88, 89, 90) and 32nd (C 91, 92, 93, 94, 95, 96, 97, 98), 34th (C 99, 100), 35th (C 101, 102, 103) and 38th (C 104)	31st (R 83), 32nd (R 84, 85, 86, 87), 33rd, 34th (R 89, 90, 91, 92), 35th (R 93, 94, 95), 36th, 37th, 38th (R 99, 100) and 39th
Cuba	31st, 32nd, 34th, 35th (C 101, 103; R 93, 95) and 38th	33rd, 35th (C 102; R 94), 36th, 37th and 39th
Czechoslovakia	31st, 32nd (C 91, 92, 93, 94, 95, 96, 97, 98; R 84, 85, 86), 34th (C 100; R 90), 37th and 38th	32nd (R 87), 33rd, 34th (C 99; R 89, 91, 92), 35th, 36th and 39th
Denmark	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
Dominican Republic	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
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, 38th (R 99, 100) and 39th
Egypt	31st (C 87, 88; R 83), 32nd (C 98), 35th (C 101), 38th and 39th	31st (C 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, 38th and 39th
Finland	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
France	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
Germany (Federal Republic) ¹	34th, 35th, 36th, 37th, 38th and 39th	—
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, 38th and 39th
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, 38th and 39th
Haiti	31st (C 90), 32nd (C 98) and 34th (C 99, 100)	31st (C 87, 88, 89; R 83), 32nd (C 91, 92, 93, 94, 95, 96, 97; R 84, 85, 86, 87), 33rd, 34th (R 89, 90, 91, 92), 35th, 36th, 37th, 38th and 39th
Honduras ²	39th	—
Hungary	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
Iceland	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	39th
India	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
Indonesia ³	34th (C 100)	33rd, 34th (C 99; R 89, 90, 91, 92), 35th, 36th, 37th, 38th and 39th
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, 38th (R 99, 100) and 39th
Iraq	31st (C 88)	31st (C 87, 89, 90; R 83), 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th
Ireland	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
Israel ⁴	32nd, 33rd, 34th, 35th, 36th, 37th and 38th (C 104; R 100)	38th (R 99) and 39th

¹ The Federal Republic of Germany became a Member of the Organisation at the 34th Session.

² Honduras re-entered the Organisation on 1 January 1955.

³ Indonesia became a Member of the Organisation at the 33rd Session.

⁴ Israel became a Member of the Organisation at the 32nd Session.

REPORT OF THE COMMITTEE OF EXPERTS

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)
Italy	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
Japan ¹	35th, 36th, 37th, 38th and 39th	—
Jordan ²	—	39th
Lebanon	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th
Liberia	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th
Libya ³	—	35th, 36th, 37th, 38th and 39th
Luxembourg	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	39th
Mexico	31st, 34th (C 99, 100; R 89, 90)	32nd, 33rd, 34th (R 91, 92), 35th, 36th, 37th, 38th and 39th
Morocco ⁴	39th	—
Netherlands	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
New Zealand	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
Norway	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
Pakistan	31st, 32nd, 33rd, 34th, 35th, 36th and 38th	37th and 39th
Panama	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th
Peru	34th (C 99, 100) and 35th (C 101, 102)	31st, 32nd, 33rd, 34th (R 89, 90, 91, 92), 35th (C 103; R 93, 94, 95), 36th, 37th, 38th and 39th
Philippines	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	38th and 39th
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, 38th and 39th
Portugal	31st, 32nd, 33rd, 34th, 35th, 36th, 37th and 38th	39th
Rumania ⁵	39th	—
El Salvador	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th
Spain ⁶	39th	—
Sudan ⁷	39th	—
Sweden	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
Switzerland	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
Syria	31st (C 89), 32nd (C 94, 95, 96, 98), 34th (C 100), 36th (R 97), 38th (C 104) and 39th (R 101)	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, 38th (R 99, 100) and 39th (R 102)
Thailand	31st, 32nd, 33rd, 34th, 35th and 36th	37th, 38th and 39th
Tunisia ⁸	39th	—
Turkey	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
Ukraine ⁹	37th, 38th and 39th	—
Union of South Africa . .	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—

¹ Japan re-entered the Organisation after the closure of the 34th Session.² Jordan became a Member of the Organisation on 26 January 1956.³ Libya became a Member of the Organisation at the 35th Session.⁴ Morocco became a Member of the Organisation at the 39th Session.⁵ Rumania re-entered the Organisation on 11 May 1956.⁶ Spain re-entered the Organisation on 28 May 1956.⁷ Sudan became a Member of the Organisation at the 39th Session.⁸ Tunisia became a Member of the Organisation at the 39th Session.⁹ Ukraine became a Member of the Organisation in 1954.

States	Sessions of which the decisions have been submitted to the authorities considered as competent by governments	Sessions of which the decisions have not been submitted (including cases in which no information has been supplied)
U.S.S.R. ¹	37th, 38th and 39th	—
United Kingdom	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
United States	31st, 32nd, 33rd, 34th, 35th, 36th and 37th	38th and 39th
Uruguay	31st, 32nd, 33rd, 34th, 35th, 36th and 38th (R 99, 100)	37th, 38th (C 104) and 39th
Venezuela	—	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th
Viet-Nam ²	33rd, 34th, 35th, 36th, 37th, 38th and 39th	—
Yugoslavia	31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th and 39th	—

¹ The U.S.S.R. re-entered the Organisation in 1954.² 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)	39th (June 1956)
All the decisions have been submitted .	16	17	21	25	25	28	29	24	38
Some of these decisions have been submitted	7	2	— ¹	4	3	1	— ¹	4	1
None of these decisions has been submitted (including cases in which no information has been supplied by the government)	37	42	42	35	38	37	40	41	37
Number of States which were Members of the Organisation at the time of the session	60	61	63	64	66	66	69	69	76

¹ At this session the Conference adopted one Recommendation only.

TABLE II. OVER-ALL POSITION OF MEMBERS AS AT 29 MARCH 1958

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)	39th (June 1956)
All the decisions have been submitted .	42	40	40	41	40	43	39	38	38
Some of these decisions have been submitted	8	11	— ¹	13	9	1	— ¹	6	1
None of these decisions has been submitted (including cases in which no information has been supplied by the government)	10	10	23	10	17	22	30	25	37
Number of States which were Members of the Organisation at the time of the session	60	61	63	64	66	66	69	69	76

¹ At this session the Conference adopted one Recommendation only.

PART THREE

CONCLUSIONS OF THE COMMITTEE CONCERNING CONVENTIONS AND RECOMMENDATIONS WITH REGARD TO WHICH REPORTS WERE REQUESTED UNDER ARTICLE 19 OF THE CONSTITUTION: GENERAL REMARKS CONCERNING THE MINIMUM WAGE-FIXING MACHINERY CONVENTION (No. 26) AND RECOMMENDATION (No. 30), 1928; AND THE MINIMUM WAGE FIXING MACHINERY (AGRICULTURE) CONVENTION (No. 99) AND RECOMMENDATION (No. 89), 1951

A. Introduction

Historical

1. The problem of the maintenance of an adequate level of wages has occupied the International Labour Organisation since its foundation. Thus, the Preamble to the original Constitution of the Organisation listed "the provision of an adequate living wage" among the improvements in existing conditions of labour which were urgently required so as to avoid social unrest and danger to the peace and harmony of the world, and article 41 of the Constitution included, among the methods and principles which all industrial communities should apply, "the payment to the employed of a wage adequate to maintain a reasonable standard of life as this is understood in their time and country". In the Declaration of Philadelphia, adopted in May 1944, the International Labour Conference re-emphasised the importance of ensuring "a minimum living wage to all employed and in need of such protection". Similarly, the Universal Declaration of Human Rights, adopted by the General Assembly of the United Nations in December 1948, proclaimed that "everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity".

2. As early as July 1921, the Governing Body instructed the International Labour Office to undertake an inquiry into existing systems for fixing wages, particularly in unorganised or insufficiently organised industries. This research work ultimately led to the placing of the question of minimum wages on the agenda of the Conference and to the adoption at its Eleventh Session, in 1928, of the Minimum Wage-Fixing Machinery Convention (No. 26) and Recommendation (No. 30).

3. The Conference decided that the instruments of 1928 should not extend to the fixing of minimum wages in agriculture. However, following resolutions adopted by the Permanent Agricultural Committee at its first two sessions (1938 and 1947), the Governing Body in 1948 decided to place the question of wage fixing for agricultural workers on the agenda of the Conference, and in 1951, at its 34th Session, the Conference adopted the Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99) and Recommendation (No. 89).

4. The International Labour Conference has adopted several other instruments containing minimum wage provisions. The Wages, Hours of Work and Manning (Sea) Convention, 1946 (No. 76), and its revising Convention (No. 93) of 1949, specify the basic wages to be paid to able seamen. Provisions

regarding minimum wage fixing machinery in non-metropolitan territories (to which the more detailed requirements of Conventions No. 26 and No. 99 may, of course, also be applicable), are contained in the Social Policy in Dependent Territories (Supplementary Provisions) Recommendation, 1945 (No. 74) and the Social Policy (Non-Metropolitan Territories) Convention, 1947 (No. 82).

5. The Conference has also adopted a number of instruments on matters closely connected with the fixing of minimum wages: the Labour Clauses (Public Contracts) Convention (No. 94) and Recommendation (No. 84), 1949¹, the Protection of Wages Convention (No. 95) and Recommendation (No. 85), 1949¹, and the Equal Remuneration Convention (No. 100) and Recommendation (No. 90), 1951.² Furthermore, resolutions bearing on the problem of minimum wages were adopted by the Conference in 1945, 1948 and 1949.

6. Resolutions referring to minimum wages have been adopted by Regional Conferences of the International Labour Organisation on a number of occasions.³ The question of minimum wages and the related problem of the guaranteed wage have also figured prominently in the work of the I.L.O. Industrial Committees and analogous committees.⁴

7. Finally, it may be noted that certain instruments and decisions adopted by other international organisations contain provisions regarding minimum wages,

¹ These instruments were the subject of reports under article 19 of the Constitution of the I.L.O. in 1953; see I.L.O.: *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)*, Report III (Part II) and *Report of the Committee of Experts on the Application of Conventions and Recommendations (Articles 19 and 22 of the Constitution)*, Report III (Part IV), International Labour Conference, 37th Session, Geneva, 1954 (Geneva, 1954).

² These instruments were the subject of reports under article 19 of the Constitution in 1955; see Report III (Part II) and Report III (Part IV) prepared for the 39th Session of the Conference (Geneva, 1956).

³ Such resolutions were adopted by the Conference of American States Members of the I.L.O. in 1939, 1949 and 1952, by the Preparatory Asian Regional Conference in 1947 and the Asian Regional Conferences in 1950 and 1953, and by the Near and Middle East Regional Conference in 1947.

⁴ Reference may be made, for example, to the resolution on the employment of dockworkers adopted by the Inland Transport Committee in 1949, a memorandum and a resolution adopted by the Iron and Steel Committee in 1947 and 1949 respectively, resolutions of the Metal Trades Committee of 1947 and 1949, a resolution and a memorandum adopted by the Textiles Committee in 1946 and 1953 respectively, resolutions of the Petroleum Committee of 1948 and 1952, a memorandum adopted by the Building, Civil Engineering and Public Works Committee in 1953, resolutions of the Committee on Work on Plantations of 1950, 1953 and 1955, and conclusions adopted in 1955 by the Committee of Experts on Social Policy in Non-Metropolitan Territories.

e.g. the American Declaration of the Rights and Duties of Man and the Inter-American Charter on Social Guarantees, adopted by the Organisation of American States in 1948, the conclusions adopted by the African Labour Conferences of 1948 and 1950, and the recommendations adopted by the West Indian Labour Conference of 1952.

8. The brief outline which has been given above of decisions concerning minimum wages taken at the international level illustrates, in a striking manner, the pre-occupation with this problem which is undoubtedly to be found in all regions of the world and in practically all branches of economic activity.

9. The Minimum Wage-Fixing Machinery Convention (No. 26) came into force on 14 June 1930, and has been ratified by the following 37 countries: Argentina, Australia, Belgium⁵, Bolivia, Brazil, Bulgaria, Burma, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, the Dominican Republic, Ecuador, France⁶, the Federal Republic of Germany, Hungary, India, Ireland, Italy, Luxembourg, Mexico, Morocco, the Netherlands, New Zealand, Nicaragua, Norway, Spain, the Sudan, Switzerland, Tunisia, the Union of South Africa, the United Kingdom⁷, Uruguay, Venezuela and Viet-Nam.

10. The Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99) came into force on 23 August 1953 and has been ratified by the following 12 countries: Austria, Brazil, Ceylon, Cuba, France⁸, the Federal Republic of Germany, Mexico, the Netherlands⁹, New Zealand¹⁰, the Philippines, the United Kingdom¹¹ and Uruguay.

Reports Received¹²

11. Reports on the Minimum Wage-Fixing Machinery Convention (No. 26) have been submitted, under article 19 of the Constitution of the I.L.O., by the governments of 33 States.¹³ The Committee has

⁵ The Convention has been declared applicable without modification to the Belgian Congo and to Ruanda-Urundi.

⁶ The Convention has been declared applicable without modification to the Cameroons, the Comoro Islands, French Equatorial Africa, French Polynesia, French Somaliland, French West Africa, Madagascar, New Caledonia, St. Pierre and Miquelon and Togoland.

⁷ The Convention is applicable *ipso jure* to Guernsey, Jersey and the Isle of Man.

⁸ The Convention has been declared applicable without modification to French Guiana, Guadeloupe, Martinique and Réunion.

⁹ The Convention has been declared not applicable to the Netherlands Antilles, Netherlands New Guinea and Surinam.

¹⁰ The Convention has been declared applicable without modification to the Cook Islands, and not applicable to the Tokelau Islands; a decision regarding its application to Western Samoa has been reserved.

¹¹ The Convention has been declared applicable without modification to Jersey and the Isle of Man.

¹² Summaries of the reports are to be found in *Summary of Reports on Unratified Conventions and on Recommendations (Article 19 of the Constitution)*, Report III (Part II), prepared for the 42nd Session of the Conference, and in *Summary of Reports on Ratified Conventions (Articles 22 and 35 of the Constitution)*, Report III (Part I), prepared for the Conference each year.

¹³ Albania, Austria, Byelorussia, Ceylon, Costa Rica, Denmark, the Dominican Republic, Egypt, Finland, Greece, Guatemala, Haiti, Honduras, Iceland, Indonesia, Iran, Israel, Japan, Jordan, Luxembourg, Morocco, Pakistan, the Philippines, Poland, Portugal, El Salvador, Sweden, Tunisia, Turkey, Ukraine, the U.S.S.R., the United States and Yugoslavia. (The reports of Byelorussia, Guatemala, Israel and Ukraine were received too late to be summarised in Report III (Part II) prepared for the 42nd Session of the Conference.) The Convention has been ratified by four of the above-mentioned States—the Dominican Republic, Luxembourg, Morocco and Tunisia—since reports were requested.

also had before it annual reports, submitted under article 22 of the Constitution, by the governments of 29 States which have ratified the Convention.¹⁴ The survey of the effect given to the Convention accordingly draws on information received from 62 countries altogether.

12. The governments of 58 countries have submitted reports under article 19 of the Constitution on the Minimum Wage-Fixing Machinery Recommendation (No. 30).¹⁵

13. Reports on the Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99) have been submitted, under article 19 of the Constitution, by the governments of 49 States.¹⁶ The Committee has also had before it annual reports, under article 22 of the Constitution, from the governments of 11 ratifying States.¹⁷ The survey of the effect given to this Convention has thus been based on information from 60 countries altogether.

14. The governments of 58 countries¹⁸ have submitted reports under article 19 of the Constitution on the Minimum Wage Fixing Machinery (Agriculture) Recommendation (No. 89).¹⁹

Contents of Reports

15. As regards reports on the two Conventions supplied by ratifying States under article 22 of the Constitution of the I.L.O., an indication of the extent to which the Committee has found it necessary to make observations or to request further information from the governments concerned will be found in Part Two of the Committee's Report. As regards

¹⁴ Argentina, Australia, Belgium, Bulgaria, Burma, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Ecuador, France, the Federal Republic of Germany, Hungary, India, Ireland, Italy, Mexico, the Netherlands, New Zealand, Nicaragua, Norway, Spain, Switzerland, the Union of South Africa, the United Kingdom, Uruguay and Venezuela. (It should, however, be noted that the last report received from Venezuela related to 1953-54.) No reports under article 22 of the Constitution are yet due from six States whose ratifications are of recent date: Brazil, the Dominican Republic, Luxembourg, Morocco, the Sudan and Tunisia.

¹⁵ With five exceptions (China, Colombia, Ecuador, Portugal, Venezuela), reports on the Recommendation have been received from the governments of all the countries listed in footnotes 13 and 14 as having supplied reports on the Convention, and in addition a report has been received from Viet-Nam. The reports of Australia, Byelorussia, France, Guatemala, Hungary, Israel, Ukraine and Viet-Nam were received too late to be summarised in Report III (Part II).

¹⁶ Albania, Argentina, Australia, Belgium, Bulgaria, Burma, Byelorussia, Canada, Chile, Costa Rica, Czechoslovakia, Denmark, the Dominican Republic, Egypt, Finland, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Japan, Jordan, Luxembourg, Morocco, Nicaragua, Norway, Pakistan, Poland, Portugal, El Salvador, Spain, Sudan, Sweden, Switzerland, Tunisia, Turkey, Ukraine, the Union of South Africa, U.S.S.R., the United States, Viet-Nam and Yugoslavia. The reports of Australia, Byelorussia, Guatemala, Hungary, Israel, Sudan, Ukraine and Viet-Nam were received too late to be summarised in Report III (Part II).

¹⁷ Austria, Ceylon, Cuba, France, the Federal Republic of Germany, Mexico, the Netherlands, New Zealand, the Philippines, the United Kingdom and Uruguay. No report under article 22 of the Constitution is yet due from Brazil, whose ratification is of recent date.

¹⁸ With two exceptions (Mexico and Portugal), reports on the Recommendation have been received from the governments of all countries listed in footnotes 16 and 17 as having supplied reports on the Convention. The reports of Australia, Byelorussia, Guatemala, Hungary, Israel, Sudan, Ukraine and Viet-Nam were received too late to be summarised in Report III (Part II).

¹⁹ In addition to the reports mentioned above, reports on the two Recommendations have been received in respect of the Netherlands Antilles, Netherlands New Guinea and Surinam.

reports on the Conventions supplied under article 19 of the Constitution, the information given has for the most part been sufficient to enable the Committee to arrive at an assessment of the extent to which effect is being given to these instruments because, even where governments have not themselves analysed the relevant legislation, they have at least indicated the applicable provisions. As regards the two Recommendations, the position is less satisfactory, particularly as their implementation may depend to a considerable extent not on legislative provisions, but on practice. The Committee observes that a number of governments, instead of relating their reports on the Recommendations to the specific provisions of these instruments, have given general indications as to the existing minimum wage fixing machinery. The Committee notes in particular the sparse information contained in the reports supplied by the Governments of Luxembourg and the Netherlands. On the other hand, special mention must be made of the particularly well documented report of the United States Government on Convention No. 26. Although only a fraction of the information made available in this report can be brought out in a survey of this kind, the documentary material supplied has enabled the Committee to obtain a comprehensive view of the operation of minimum wage fixing machinery in the United States.

Arrangement of Survey

16. In the survey which follows the Committee proposes to examine, successively: the law and practice in reporting countries with regard to the four instruments in question (Part B); the difficulties which, according to the reports, prevent ratification of the respective Conventions (Part C); modifications in national legislation and practice stated to have been made or to be contemplated in the field covered by the various instruments (Part D); and ratification prospects with respect to the two Conventions (Part E). Finally, the Committee will indicate the salient conclusions which emerge from its analysis of the information placed before it (Part F).

17. As the provisions contained in the Convention and Recommendation of 1951 correspond in the main to those contained in the two instruments of 1928, it is proposed, except in two cases, to consider jointly the provisions in reporting countries relating to minimum wage fixing machinery in industry and commerce and in agriculture respectively.²⁰ The two exceptions to be made to this procedure relate (a) to the scope of the minimum wage fixing machinery (since in this respect the provisions of the two Conventions show considerable divergence) and (b) to provisions regarding payment of minimum wages in kind (since this question is treated solely in the Convention of 1951).

18. It should be noted that, while the following survey is based on the information contained in the reports supplied by governments, the Committee has, as in previous years, also referred to the texts of the legislation mentioned in these reports. The survey, however, does not contain any detailed assessment of the practical application of the legislation in question, which would be beyond its scope.

²⁰ In Part B the names of countries which have ratified either Convention and have supplied reports thereon under article 22 of the Constitution are printed in *italic type*; in addition, countries which have supplied article 22 reports on Convention 26 are indicated thus: *, and countries which have supplied article 22 reports on Convention No. 99 are indicated thus: †.

B. Law and Practice in the Reporting Countries

*Scope of Minimum Wage Fixing Machinery— Industry and Commerce*²¹

19. Article 1, paragraph 1, of Convention No. 26 requires ratifying countries to create or maintain machinery whereby minimum rates of wages can be fixed for workers in certain of the trades or parts of trades (and in particular in homeworking trades) "in which no arrangements exist for the effective regulation of wages by collective agreement or otherwise and wages are exceptionally low". Paragraph 2 of the Article defines "trades" as including manufacture and commerce, it being intended to exclude agriculture from the scope of the Convention.

20. It will be seen that the Convention requires the existence of minimum wage fixing machinery only for trades which satisfy both of two conditions: that there exist no other effective wage regulating arrangements, and that wages are exceptionally low. In this connection, the question has at times arisen whether particular wage fixing measures constituted wage fixing machinery within the meaning of the Convention (in which case its provisions would have to be applied in their totality), or whether they represented other effective wage regulating arrangements or necessarily excluded all possibility of exceptionally low wages (in which case no occasion for fixing minimum wages within the framework of the Convention would arise). This question may arise, for example, with respect to a national minimum wage applicable to all workers, a system whereby fixed wage rates, though varying according to industry, occupation, locality, etc., cover the total labour force, or legislation regarding the extension of the binding force of collective agreements. The inapplicability of the Convention in particular instances naturally depends on the relevant legislation, practice and economic conditions. The Committee accordingly does not intend in the present survey to enunciate general criteria on this point. However, it wishes to emphasise that, even where the wage-regulating measures in a particular country are of such a nature as not to fall within the scope of the Convention, many of the principles contained in this instrument may still be capable of application. Thus, consultation—and, if possible, participation—of employers and workers and of their organisations in the wage fixing process is desirable in all cases and in fact finds its most complete application in the case of collective bargaining. Furthermore, a system cannot be regarded as providing other effective wage regulating arrangements, or as ruling out the possibility of exceptionally low wages, unless it establishes effective minima below which earnings are not permitted to fall.

21. As regards its scope, the minimum wage legislation for workers in industry and commerce in the countries which have supplied reports can broadly be divided into two categories. On the one hand, there is legislation which itself specifies the industries, trades or occupations for which minimum wage rates shall be fixed (whether these rates be specified in the legislation itself or left to be determined by wage fixing authorities). On the other hand, one finds legislation which, while not directly providing for the establishment of minimum rates, creates minimum wage fixing machinery capable of application to particular trades or occupations in accordance with

²¹ The indications given here must be regarded as being limited to industry and commerce. In so far as the provisions referred to extend to agriculture, a recapitulation of the position will be found in the later section dealing with this branch of activity.

specified criteria or at the discretion of the competent authority. It should, however, be noted that in a number of countries these methods are used cumulatively. For example, in the *Philippines* †, the Minimum Wage Law lays down general minimum rates, but at the same time makes provision for the appointment of wage boards with a view to the fixing of higher minima for particular industries.²² Similarly, in *New Zealand* *†, which has a national minimum wage, most workers are, in addition, subject to minimum rates specified in awards or industrial agreements, and separate minimum wage fixing machinery exists for certain classes of workers (e.g. apprentices).

22. *Legislation specifying the industries, trades or occupations for which minimum wages are to be fixed.* In the majority of cases falling within this category the legislation provides for the fixing of minimum rates for all, or substantially all, workers. This is the position in 24 countries altogether. In 11 of these, there is to be found what may be termed a national minimum wage, that is, general minimum rates fixed centrally and simultaneously for all workers in the country.²³ In three further countries, wages in all occupations and branches of economic activity are centrally determined.²⁴ In the ten remaining countries the legislation directs the establishment of minimum rates for all workers on a regional or industry basis.²⁵

23. In certain other countries, the legislation fixes or directs the fixing of minimum wage rates, not generally, but for limited classes of workers. The provisions are necessarily of a miscellaneous nature, and include the following: wage rates officially prescribed in the nationalised sector of the economy²⁶, a statutory minimum wage for all manual workers²⁷ or for factory workers²⁸, a minimum wage for industrial workers²⁹, the fixing of minimum rates on an industry

or local basis for all workers not subject to collective agreements prescribing such rates³⁰, the establishment of a minimum living wage for all salaried workers in private employment³¹, the fixing of minimum rates for 12 "scheduled" employments³², a minimum wage for workers engaged in interstate commerce or in the production of goods for such commerce³³ and minimum rates for workers engaged on public contracts.³⁴ Mention should also be made of 13 states in the United States which have statutory minimum rates for specified classes of workers.³⁵

24. *Legislation establishing minimum wage fixing machinery which may be applied to particular trades or occupations in accordance with specified criteria or at the discretion of the competent authority.* The Convention of 1928 required the establishment or maintenance of minimum wage fixing machinery in certain of the trades where there were no arrangements for the effective regulation of wages by collective agreement or otherwise and wages were exceptionally low. These considerations in essence also underlie the minimum wage provisions of most of the countries whose legislation does not lay down the classes of workers for whom minimum rates must be fixed.³⁶ In four countries, the application of the minimum wage fixing machinery depends on the inadequacy of existing wage-regulating arrangements or the likelihood that they will cease to exist or become inadequate, and on the existing or anticipated standard of remuneration.³⁷ In two countries the emphasis is specifically on the absence of collective bargaining arrangements.³⁸

³⁰ Guatemala (excluding apprentices and domestic servants), *Nicaragua* * (excluding apprentices; it would appear from the Government's last report that in practice minimum rates have been fixed only by collective agreements).

³¹ *Chile* *.

³² *India* *. The legislation authorises the appropriate government to make a number of exceptions, e.g. where the employees in a scheduled employment in any state number less than 1,000, or where for special reasons it is considered that the legislation should not apply to particular classes of workers for a specified period. On the other hand, there are provisions for the making of additions to the list of scheduled employments, by virtue of which the legislation may be regarded as potentially applicable to all trades.

³³ United States (federal legislation).

³⁴ United States (federal legislation, excluding contracts of less than a specified value). Special provisions regarding the wages to be paid to workers engaged on public contracts also exist in *France* *† and *Morocco*, in addition to the general minimum wage legislation.

³⁵ Alaska, Arkansas, Connecticut, Hawaii, Idaho, Massachusetts, Nevada, New Hampshire, New Mexico, Puerto Rico, Rhode Island, South Dakota, Wyoming. (Throughout this survey Alaska, Hawaii, Puerto Rico and the District of Columbia will be referred to as "states" for purposes of convenience.) In four of these cases the legislation applies only to female workers. In all cases certain classes of workers are excluded, e.g. public employees, workers in undertakings with less than four employees, domestic servants, executive, administrative and professional workers, salesmen, piece workers, foremen, workers in hotels and catering establishments, etc. Five of the states here mentioned also have wage board machinery—see footnote 39.

³⁶ As to special legislation for homeworkers, see the succeeding paragraph.

³⁷ *Burma* *, *Ceylon* †, *Ireland* *, *United Kingdom* *†.

³⁸ *Austria* †, *Federal Republic of Germany* *†. In the latter country three conditions must be satisfied before minimum conditions of employment may be fixed: (1) there must be no employers' or workers' organisations or no representative organisations; (2) the social and economic needs of the workers must necessitate such regulation, and (3) there must be no collective agreement applicable to the trade in question. Under Austrian legislation minimum wages may be prescribed only where the conclusion of a collective agreement is rendered impossible by the non-existence of an appropriate employers' organisation, and the minimum wage determination ceases to have effect on the conclusion or extension of a collective agreement. See also the position in *Guatemala* and *Nicaragua* *, footnote 30.

²² In a number of countries a statutory minimum wage has been resorted to as a transitional measure pending the effective operation of newly established minimum wage fixing machinery.

²³ *Bulgaria* *, *Byelorussia*, *France* *† (the minimum wage actually fixed covers all able-bodied workers over 18 years, excluding apprentices), *Haiti*, *Luxembourg* (excluding domestic servants), *Morocco*, *New Zealand* *† (workers of 21 years or more, excluding apprentices), the *Philippines* † (excluding domestic servants and retail or service enterprises with not more than five employees), *Ukraine*, the *U.S.S.R.*, *Viet-Nam* (excluding domestic servants).

²⁴ *Albania*, *Czechoslovakia* *, *Hungary* *. This is also the case in four of the countries mentioned in the preceding footnote (*Bulgaria* *, *Byelorussia*, *Ukraine*, the *U.S.S.R.*), but there, according to the reports, general minima are established in addition to the particular and actual wage rates.

²⁵ *Argentina* * (excluding domestic servants; the legislation appears not to have been implemented in practice), *Colombia* * (workers over 18 years paid wholly in cash, excluding workers in the petroleum industry—who are subject to collective agreements—apprentices and domestic servants), *Costa Rica*, *Cuba* *† (excluding domestic servants), *Dominican Republic* (excluding apprentices and domestic servants), *Ecuador* *, *Iran* (where, however, it is not clear whether a provision that the Minister of Labour shall establish a list of classes of undertakings covered by the legislation is intended to restrict its scope), *Mexico* *† (excluding apprentices and domestic servants), *Uruguay* *† and *Yugoslavia* (where, however, the conclusion of collective agreements in co-operatives, which must observe the minimum rates applicable in nationalised undertakings, is compulsory only where more than two workers are employed). The legislation of *Haiti*, apart from prescribing a national minimum wage (see footnote 23) also envisages the fixing of minimum rates for each branch of activity or occupational group.

²⁶ *Poland*.

²⁷ *Chile* * (excluding apprentices; special minimum wage provisions have also been enacted in respect of workers in the nitrate industry).

²⁸ *New Zealand* *† (these provisions appear to have been largely superseded by the Minimum Wage Act (see footnote 23), except as regards workers under 21 years of age).

²⁹ *China* * (as regards Taiwan province).

In four countries, the application of wage fixing machinery depends on the existence of inadequate wages in the trade and area concerned³⁹; in two others, on general economic and social considerations.⁴⁰ In six countries the decision of the competent authority regarding the application of minimum wage fixing machinery appears not to be dependent on the existence of particular conditions.⁴¹ In one case the application of the machinery would appear to be based on factors connected with the nature of the work.⁴²

25. The 1928 Convention, in providing for the fixing of minimum rates for trades in which no effective wage regulating arrangements exist and wages are exceptionally low, refers specifically to homeworking trades. Special legislative provisions for the fixing of minimum wages for homeworkers exist in 12 of the reporting countries.⁴³ In 12 further countries the general minimum wage legislation is expressly

³⁹ *Chile* * (legislation governing wage earners, excluding domestic servants), *Philippines* † (excluding domestic servants and retail or service enterprises with not more than five employees), the United States (25 states: Arizona, California, Colorado, Connecticut, District of Columbia, Illinois, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, Utah, Washington and Wisconsin; except in five states, this legislation applies only to women and minors; domestic servants are generally excluded), *Venezuela* * (the legislation further directs special attention to be given to trades in which trade unions capable of negotiating with employers do not exist, homeworking trades and trades with large numbers of manual workers; the power to fix minimum wages was stated not to have been exercised during the last nine years—1945-54—for which reports were supplied).

⁴⁰ Portugal, Turkey (excluding undertakings with less than ten employees, or with less than four employees as regards specified occupations in cities with at least 50,000 inhabitants).

⁴¹ *Australia* * (under the Commonwealth legislation, the arbitration machinery may come into operation to prevent or settle industrial disputes; under the state legislation the power to fix wages by award is not tied to any substantive conditions), *Canada* * (the legislation generally excludes domestic servants; in Quebec workers covered by a collective agreement which has been made generally binding by decree are also excluded), Japan (minimum wages appear not to have been fixed so far), the *Netherlands* *† (excluding female domestic workers; it appears that wage rates—which constitute both maxima and minima—have been fixed for substantially all workers), *Spain* *, *Tunisia* (the relevant decree provides, however, that wages, whether or not determined by collective agreements, arbitration awards or regulations, can be revised only in accordance with its provisions, so that ultimately all wages may come to be fixed officially).

⁴² *Union of South Africa* *; the legislation mentions such factors as skill, responsibility, danger to health or life and the conditions under which the work is performed.

⁴³ In four of these countries the fixing of minimum rates for all homeworkers appears to be provided for—*Czechoslovakia* *, *Ecuador* *, *France* *† (the special rates for homeworkers may, moreover, not be less than the minimum fixed under the general legislation), *Uruguay* *†. In Morocco, minimum rates are to be fixed for homeworkers in the clothing and military outfitting trades, which are stated to be the only trades in which home work is to be found. In three cases, the application of the minimum wage fixing machinery to particular homeworking trades appears to be determined in accordance with the criteria mentioned in the Convention—*Federal Republic of Germany* *† (the further condition being imposed that there must be a considerable amount of home work in the trade concerned), *Netherlands* *†, *Switzerland* *. In *Austria* †, home work determinations are to be made, and remain in force, only to the extent that the workers concerned are not subject to collective agreements. In *Belgium* *, minimum wages are fixed under the Homework Order only where no joint committee decision is applicable. In *Norway* * (where the provisions apply only to the clothing and sewn goods trades), the application of the machinery depends on the existence of unsatisfactory wage conditions. In the United States, according to the report, while the minimum wage laws as such do not lay stress on homeworking trades, about half the laws on industrial home work set minimum wage standards.

applicable to homeworkers⁴⁴, while in three others the fact that such legislation extends to homeworkers may be inferred from the inclusion of incidental provisions designed to protect them (e.g. registration of homeworkers or the keeping of special records by employers).⁴⁵ The minimum wage legislation of eight further countries contains special provisions regarding piece work, which may indirectly lead to the protection of homeworkers.⁴⁶ In the remaining countries, the terms of the legislation are generally wide enough to permit its application to piece work and home work. In one country the courts have established the rule that a minimum wage fixed in the form of time rates must be paid to piece workers, irrespective of their output.⁴⁷

26. It would seem that two classes of workers are most frequently excluded from the scope of minimum wage legislation: domestic servants and apprentices. However, in two countries there exists special minimum wage fixing machinery for apprentices.⁴⁸

27. The Convention makes it clear that, where wages are effectively regulated by collective agreements, no necessity arises for the fixing of minimum rates in accordance with its provisions, and the same ~~may be true where wages are regulated by arbitration awards~~. However, in certain countries permanent joint negotiating machinery or systems of industrial conciliation or arbitration have in practice assumed the character of general wage regulating machinery.⁴⁹ Moreover, the extension of the binding force of collective agreements or awards may constitute an important safeguard to workers who are not organised and whose wages might otherwise be excessively low. It would appear that provisions for the extension of the binding force of collective agreements exist in 15 reporting countries⁵⁰, and that similar provisions in respect of awards are to be found in six countries.⁵¹

⁴⁴ *Chile* *, Dominican Republic (minimum wage rates are to be applied to home work in accordance with regulations made by the Executive), *Guatemala*, *India* *, *Mexico* *†, *New Zealand* *† (home work is subject to a licensing procedure, one of the conditions of which is that the rate of remuneration be equivalent to or higher than the rate which would be payable in a factory), *Philippines* †, *Spain* *, *Tunisia*, the U.S.S.R., *Venezuela* *, *Viet-Nam*. This is also the position in one state of *Australia* * (South Australia). Further, in three provinces of *Canada* * (British Columbia, Manitoba, Ontario), homeworkers are stated to be covered by general minimum wage orders, and in Quebec homeworkers in the dress industry are subject to a decree under the Collective Agreements Act.

⁴⁵ *Ceylon* †, *Cuba* *†, United States (Federal Fair Labor Standards Act; in Puerto Rico and the Virgin Islands, moreover, piece rates for homeworkers under this Act are fixed by regulations).

⁴⁶ *Albania*, *Australia* * (except South Australia, as to which see footnote 44), *Colombia* *, *Greece*, *Nicaragua* *, Portugal, Turkey, *Union of South Africa* *.

⁴⁷ *France* *† (as to homeworkers, see footnote 43).

⁴⁸ *Israel*, *New Zealand* *†.

⁴⁹ Reference may be made in particular to *Australia* * (where the arbitration machinery may operate independently of the existence of a dispute); *Belgium* * (where a recent reorganisation of the system of joint committees is expected to lead to the fixing of wages for all workers, without exception), and *New Zealand* *† (where awards are normally binding on every organisation or employer in the industry and area concerned, and where every industrial agreement or award must require employers bound thereby to employ only workers belonging to a trade union likewise subject to it).

⁵⁰ *Argentina* *, *Australia* *, *Austria* †, *Belgium* *, *France* *†, *Greece*, *Ireland* *, *Israel*, *Netherlands* *†, *New Zealand* *†, Portugal, *Switzerland* *, *Union of South Africa* *, *Venezuela* *, *Viet-Nam*. This would also appear to be the position in Quebec (see footnote 41).

⁵¹ *Australia* *, *Austria* †, *France* *†, *Greece*, *New Zealand* *†, *Union of South Africa* *.

28. According to the reports, no minimum wage fixing machinery as envisaged by the Convention exists in ten of the reporting countries.⁵² In three other countries minimum wage legislation, though enacted, appears not so far to have been implemented.⁵³

Scope of Minimum Wage Fixing Machinery—Agriculture

29. As has been noted, Convention No. 26 calls for the creation or maintenance of minimum wage fixing machinery in respect of industry and commerce only to the extent that certain conditions (exceptionally low wages and absence of effective wage regulating arrangements) exist. The Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99) proceeds on a different basis. In accordance with Article 1, paragraph 1 of the latter instrument, a ratifying State must create or maintain adequate machinery whereby minimum rates of wages can be fixed for workers employed in agricultural undertakings and related occupations. However, under paragraph 2 of the same Article, each Member is free to decide (subject only to prior consultation with employers' and workers' organisations) to which undertakings, occupations and categories of persons such machinery is to be applied. Furthermore, paragraph 3 of the Article permits the exclusion from all or any of the provisions of the Convention of all persons whose conditions of employment render such provisions inapplicable, such as members of the employer's family.

30. In paragraph 22 above, reference was made to 24 countries in which, as regards industry and commerce, legislation provided for the fixing of minimum rates for all, or substantially all, workers. With three exceptions⁵⁴, this legislation would appear to be applicable also to agriculture.⁵⁵ Eight further countries have

special legislation providing for the fixing of minimum wages for all agricultural workers.⁵⁶ In one country a minimum wage is fixed for all workers in state agricultural undertakings⁵⁷, in another for all recruited agricultural workers.⁵⁸ The legislation of two other countries envisages the fixing of minimum rates for all workers not subject to collective agreements prescribing wage rates.⁵⁹

31. In seven reporting countries agricultural workers fall within the scope of general legislation establishing minimum wage fixing machinery which may be applied, in accordance with specified criteria or at the discretion of the competent authority, to particular industries or occupations.⁶⁰

32. In paragraph 27 above it was noted that 15 countries had legislative provisions regarding the extension of the binding force of collective agreements or decisions of permanent negotiating bodies, and that in six countries there were similar provisions regarding awards. With two exceptions⁶¹ these provisions appear to apply also to agricultural workers.

33. One of the significant differences between the two minimum wage fixing machinery Conventions is that, whereas the earlier one (No. 26), relating to commerce and industry, was to apply only to the extent that other effective wage regulating arrangements were lacking, the later one (No. 99), relating to agriculture, is intended to be of general application (regardless of the lack of other arrangements) and at the same time is worded so as to permit its implementation through collective agreements. In fact, in three ratifying countries, Convention No. 99 is at present applied mainly on the basis of collective agreements.⁶² Six further reporting countries indicate that wages of agricultural workers are in general

⁵² Denmark, Egypt (where, however, in 1950 a military order prescribed minimum wages for workers in industrial and commercial undertakings), Finland, Iceland, Indonesia, Italy*, Jordan, Pakistan, El Salvador and Sweden. One province of Canada* (Prince Edward Island) and 19 states in the United States also have no minimum wage legislation.

⁵³ Argentina* (where the wage fixing body, the National Wages Institution, provided for by legislation of 1945, has not been set up), Honduras (the minimum wage is to be fixed in accordance with regulations, which have not yet been issued), Japan.

⁵⁴ Luxembourg, Uruguay*†, Viet-Nam. In the last two countries, there is special legislation for agricultural workers—see below.

⁵⁵ Two of these countries (Colombia* and Ecuador*) have not supplied reports on Convention No. 99; in their case the statement made in the text above is based on consideration of the legislation referred to in reports on Convention No. 26. It should be remembered that the legislation enacted in Argentina* has not been implemented; however, special minimum wage legislation for agricultural workers exists (see below). The statutory minimum rates in three territories of the United States (Alaska, Hawaii, Puerto Rico) are stated to apply also to agricultural workers. In Ecuador*, the fixed minimum wages as such apply only to day labourers (i.e. workers paid solely in money), but it is provided that in the case of "huasipungueros" (persons remunerated partly in money and partly with land) the cash wage shall be not less than half the minimum prescribed for day labourers. In France*† a guaranteed minimum wage is in practice fixed for agricultural workers by a separate decree. In New Zealand*†, in addition to the general minimum wage, special legislation provides for the fixing of minimum rates for all workers on dairy farms; this special legislation may be extended to other classes of agricultural workers.

The position regarding the application to agriculture of the minimum wage legislation in the Dominican Republic and Iran is not altogether clear. As regards the Dominican Republic, the Government's report indicates that the legislation applies to agricultural workers, and refers to section 424 of the Labour Code, which makes the National Wage Board responsible for "fixing minimum wage scales for all classes of employees

employed in agriculture, industry, commerce or any other activity"; however, in Book IV, Part V, of the Code ("Employment in Agriculture"), it is provided that "the provisions of this Code shall not apply to any agricultural undertaking . . . which does not continuously and permanently employ more than ten persons" (section 265) and that "the Executive shall fix by decree the provisions of this Code which shall apply to agricultural undertakings . . . which are not included in the exceptions provided for in the preceding section" (section 266). In Iran the Labour Act, which contains the relevant provisions, laid down that the Government should within a stated time present to Parliament a special Bill on conditions of work for agricultural workers, and it is not clear whether, pending such special legislation, the existing provisions apply to these workers.

⁵⁶ Argentina* (there are two systems, one applying to permanent, the other to seasonal workers), Chile*, Egypt, India* (as to the exceptions which may be made, see footnote 32), Ireland* and Tunisia (excluding certain classes of undertakings, e.g. threshing, harvesting, transport, and storage contractors, and forestry work), United Kingdom*† and Uruguay*† (apart from the legislation fixing minimum rates for agricultural workers generally, there are special Acts establishing minimum rates for workers in rice fields, wool shearers and dairy workers respectively).

⁵⁷ Poland.

⁵⁸ Viet-Nam.

⁵⁹ Guatemala, Nicaragua*.

⁶⁰ Australia* (see footnote 41; in South Australia agricultural workers are excluded from the relevant legislation but are to a certain extent covered by Commonwealth awards), Ceylon† (see footnote 37), Federal Republic of Germany*† (see footnote 38), Netherlands*† (see footnote 41), Portugal (see footnote 40), Spain* (see footnote 41), Turkey (see footnote 40). This is also the case as regards the legislation of nine states in the United States (California, Colorado, District of Columbia, Kansas, Oregon, Puerto Rico, Utah, Washington, Wisconsin). In Israel the minimum wage provisions for apprentices extend to agriculture.

⁶¹ Ireland* (as regards extension of employment agreements), Union of South Africa* (as regards extension of industrial council agreements and arbitration awards).

⁶² Austria†, Federal Republic of Germany*†, Netherlands*†.

determined by collective agreement⁶³, and two countries indicate that certain categories of agricultural workers are subject to such agreements.⁶⁴

34. The reports from nine countries state that no minimum wage fixing machinery exists for workers in agricultural undertakings and related occupations.⁶⁵ In two additional countries, minimum wage legislation, though enacted, appears not yet to have been implemented.⁶⁶

35. As regards the power to exclude certain classes of workers, and particularly family workers, either wholly or partly from Convention No. 99 (see paragraph 29), it would appear that members of the employer's family are expressly excluded from the relevant legislation in three reporting countries.⁶⁷ The governments of two other countries⁶⁸ have indicated that the application of their minimum wage legislation depends on the existence of a contract of employment. It would appear that such a limitation of the scope of minimum wage provisions (which would be likely in practice to lead to the exclusion, in particular, of family workers) is to be found in most of the reporting countries.

The Decision as to Application of the Minimum Wage Fixing Machinery

36. Under Article 2 of Convention No. 26, each country is free to decide in which trades or parts of trades the minimum wage fixing machinery is to be applied, subject to consultation with the organisations, if any, of the workers and employers concerned. A similar principle is laid down in Article 1, paragraph 2, of Convention No. 99 as regards the application to particular undertakings, occupations and categories of persons in agriculture of the minimum wage fixing machinery provided for by that Convention.

37. Where legislation fixes minimum wages or directs minimum wages to be fixed for all workers falling within the scope of the respective Conventions, naturally no occasion arises for the consultation of employers' and workers' organisations under the above-mentioned provisions. However, where such legislation is intended to relate only to certain trades or is to exclude particular classes of workers, these organisations may of course be consulted as to the scope of the proposed provisions prior to or in the course of their discussion by the legislature.⁶⁹

38. As regards countries in which legislation does not itself determine the workers to whom the minimum wage fixing machinery is to apply⁷⁰, a specific require-

ment that, before it is decided to fix minimum wages for particular classes of workers, the employers and workers should be consulted, is to be found in two cases.⁷¹ In three other countries consultation of bodies on which organisations of employers and workers are represented is required in such circumstances.⁷² In five cases the recommendation to fix minimum wages for any class of workers is preceded by an investigation and/or public hearings during which interested parties may make representations.⁷³ In three countries the draft order to establish minimum wage boards must be published and a stated time allowed for objections or representations.⁷⁴ Moreover, in some countries the wage fixing process may be initiated by employers or workers (see paragraph 39 below). Elsewhere, even if there is no preliminary consultation of the interested parties before the wage fixing process is set in motion, the arrangements existing for their views to be put forward in the course of this process (as to which, see paragraphs 43 to 45 below) may give an opportunity to make representations not merely as to the terms of prospective minimum wage regulations, but also as to the necessity for such regulations.

39. Part I, Paragraph 1, of Recommendation No. 30 provides that, where employers or workers in any trade request the application of the minimum wage fixing machinery and provide information which shows *prima facie* that effective wage regulating arrangements do not exist and that wages are exceptionally low, the wages actually paid and the wage-regulating arrangements in the trade concerned should be ascertained, so as to provide the necessary basis for a decision as to the application of the minimum wage fixing machinery. The holding of inquiries prior to the application of the wage fixing machinery in any particular case is provided for in the legislation of eight countries⁷⁵; in six of these countries, such an inquiry may be initiated on application by the employers or workers concerned.⁷⁶ In five further countries, although the minimum wage legislation does not expressly provide for investigations intended to show the necessity for fixing minimum rates in particular trades, the wage fixing process may be initiated on the application of employers or workers⁷⁷; in one other country, such an application may be made by a workers' organisation only.⁷⁸

40. Part I, Paragraph 2, of Recommendation No. 30 provides that, in relation to the application of minimum wage fixing machinery, special regard might be had to trades in which women are ordinarily

⁶³ Denmark, Finland, Indonesia, Italy*, Norway*, Sweden.

⁶⁴ Burma* (plantation workers), Greece (workers engaged in fruit, flower and vegetable growing).

⁶⁵ Canada* (in so far as agricultural workers have not been excluded from the legislation itself, they have been excluded from orders made thereunder), Iceland, Jordan, Luxembourg, Pakistan, El Salvador, Sudan, Switzerland*, Union of South Africa*. In Switzerland* the cantons are required to draw up model contracts for agricultural workers; in certain cantons these include "indicative" wage rates, which, however, merely serve as a guide and are not binding. Further, 41 states in the United States have no minimum wage legislation covering agricultural and related workers.

⁶⁶ Honduras, Japan.

⁶⁷ Austria†, Japan, Spain*.

⁶⁸ France*†, United Kingdom*†.

⁶⁹ Consultations of this nature are stated to have preceded the enactment of minimum wage legislation in India*, the Philippines† and the United States.

⁷⁰ As regards legislation applicable in industry and commerce, see paragraph 24; as regards homeworkers, see paragraph 25; as regards agriculture, see paragraph 31.

⁷¹ Netherlands*† (Homework Act), Switzerland* (Homework Act). In Venezuela* there is a corresponding discretionary power.

⁷² Belgium* (Homework Order), Colombia*, Federal Republic of Germany*† (legislation regarding minimum conditions of employment).

⁷³ Ireland*, Norway*, Philippines†, Union of South Africa*, United States (most states with wage board machinery).

⁷⁴ Burma*, Ceylon†, United Kingdom*†. This is also the procedure to be followed in India*, when it is proposed to add to the list of scheduled employments.

⁷⁵ Belgium* (Homework Order), Burma*, Ireland*, Norway*, Philippines†, Union of South Africa*, United Kingdom*†, United States (states with wage board machinery).

⁷⁶ The last six countries mentioned in the preceding footnote. As regards the United States, provisions of this kind are to be found in the legislation of most, but not all, of the states in question.

⁷⁷ Australia*, Chile*, Netherlands*†, Spain*, Venezuela*.

⁷⁸ Austria† (for the special position in this country, see footnote 38).

employed.⁷⁹ In *Canada* * and the United States minimum wage legislation originally applied only to women workers or to women and minors; in the last 20 to 25 years, however, the tendency has been to extend such legislation to male workers.⁸⁰ Four other countries indicate that considerable numbers of women are employed in the trades for which minimum wages are fixed.⁸¹

Form of the Minimum Wage Fixing Machinery

41. Under both Convention No. 26 (Article 3, paragraph 1) and Convention No. 99 (Article 3, paragraph 1), ratifying countries are free—subject to the observance of certain general principles, which will be discussed later—to decide the nature and form of the minimum wage fixing machinery and the methods to be followed in its operation. The means used in the reporting countries for the establishment of minimum wage rates may be classified as follows: statutory provisions, government decisions, determinations by a central wages board, determinations by local or regional wages boards, and determinations by wages boards operating for particular trades or occupations.⁸²

Statutory provisions. Statutory minimum rates appear to be in force in six reporting countries.⁸³

Government decision. The cases here to be considered are those in which the Executive and its services are responsible not merely for the ultimate decision on wage fixing proposals, but for the preparation of the proposals themselves. The determination of wage rates by government decision in this sense appears to occur in 16 reporting countries.⁸⁴

⁷⁹ The Recommendation also calls attention to the principle of equal remuneration for men and women for work of equal value. This question is now dealt with in the Equal Remuneration Convention (No. 100) and Recommendation (No. 90), adopted by the Conference in 1951. As these two instruments were the subject of reports under article 19 of the Constitution two years ago, and as the present reports add little to the information then supplied, this aspect of the Recommendation will not be considered here.

⁸⁰ In *Canada* *, all minimum wage legislation, except that of Nova Scotia, now applies to male workers as well as female workers; however, in Ontario minimum rates have been fixed only for women workers, and in New Brunswick the minimum wage orders apply to male workers only to a limited extent. In the United States, the minimum wage laws in 11 states (out of 33 states with such legislation) now apply also to men.

⁸¹ *India* *, *Ireland* * (women are stated to constitute approximately 70 per cent. of the workers for whom wage fixing boards operate), *Turkey*, *United Kingdom* *†.

⁸² Reference should also be made to collective bargaining and conciliation and arbitration machinery, as to which see paragraphs 27, 32 and 33.

⁸³ *Chile* * (legislation applying to manual workers in industry, commerce and the public services), *Haiti* (wages may also be fixed for particular trades), *New Zealand* *† (provisions applying to factory workers—see footnote 28), *Philippines* †, *United States* (the Federal Fair Labor Standards Act, in its application to the mainland; state legislation in 13 states, five of which also have wage board machinery), and *Uruguay* *† (legislation relating respectively to rural workers in general, to workers in rice fields, and to dairy workers). Reference may also be made to the military order issued in *Egypt* in 1950 to prescribe a minimum wage for workers in industrial and commercial undertakings.

⁸⁴ *Albania*, *Argentina* * (legislation relating to permanent agricultural workers), *Bulgaria* *, *Byelorussia*, *Czechoslovakia* *, *Hungary* *, *Luxembourg*, *Morocco*, *New Zealand* *† (national minimum wage and wage rates for agricultural workers), *Poland*, *Portugal*, *Spain* *, *Tunisia* (legislation relating to agricultural workers), *Ukraine*, the *U.S.S.R.*, *Uruguay* *† (legislation relating to wool shearers). Furthermore, in one state of the United States (Kansas) minimum wage rates are fixed by the Labor Commissioner. In *Viet-Nam*, minimum rates for recruited agricultural workers may be prescribed by ministerial order if not fixed by collective agreement or general employment regulation.

Central wages board. Minimum wage rates are determined by a central wages board in 12 reporting countries: in five of these the decision is effectively taken by the board itself (even if in certain countries it is formally embodied in an order or decree issued by the government or a particular ministry)⁸⁵; in six cases the decision requires the approval of the government or responsible ministry or takes the form of a recommendation to them⁸⁶; in the remaining case—*Canada* *—the position is not uniform.⁸⁷

Local or regional wages boards. Minimum wage rates are determined by local or regional wages boards in 13 reporting countries: in four of these the decisions are effectively taken by the boards themselves⁸⁸; in the remaining nine cases the decisions require approval by a higher authority or take the form of recommendations.⁸⁹

Trade boards. Minimum wage rates are determined by boards set up for particular trades or occupations in 19 reporting countries: in six of these the decisions are effectively taken by the boards themselves⁹⁰; in the remaining 13 cases the decisions require the approval of a higher authority or take the form of recommendations.⁹¹

⁸⁵ *Australia* * (Commonwealth, and states of New South Wales, Queensland, South Australia and Western Australia; the legislation of New South Wales, South Australia and Western Australia also provides for subsidiary authorities operating on an industry or occupation basis whose decisions are open to appeal to the central authority—and which in South Australia have an exclusive original jurisdiction; in Victoria, there is a central board with an exclusively appellate jurisdiction; see also footnote 90), *Costa Rica* (the Minister may refer a decision back to the board, but, if the board confirms it, is bound to give his approval), *Ireland* * (legislation relating to agricultural workers), *Netherlands* *†, *United Kingdom* *† (legislation relating to agricultural workers).

⁸⁶ *Dominican Republic*, *Egypt* (legislation relating to agricultural workers), *France* *†, *Haiti*, *India* * (where, however, special committees may also be established by the appropriate government), *Union of South Africa* * (the Minister may refer all recommendations back to the board; he is not bound to make an order, but if he does so, it must generally be in the terms of the recommendation).

⁸⁷ In three provinces, the central board itself makes the decision: *British Colombia*, *New Brunswick* and *Ontario*. In five provinces, the board's decisions are subject to approval by a higher authority: *Alberta*, *Manitoba*, *Newfoundland*, *Nova Scotia*, *Saskatchewan*. As regards *Quebec*, see footnote 91.

⁸⁸ *Chile* * (legislation relating to salaried workers in private employment), *Ecuador* *, *Turkey* (where, however, boards may also be established on an industry basis), *Yugoslavia* (wage rates in nationalised undertakings are fixed by the local producers' councils).

⁸⁹ *Argentina* * (legislation relating to seasonal agricultural workers), *Colombia* *, *Guatemala* (boards may however also be set up on a trade or occupation basis), *Iran*, *Mexico* *†, *Morocco* (as regards wage rates of workers on public contracts and homeworkers), *Nicaragua* *, *Tunisia* (legislation relating to workers in industry and commerce), *Viet-Nam* (legislation relating to industry and commerce).

⁹⁰ *Austria* †, *Burma* *, *Chile* * (legislation relating to wage earners), *Ireland* * (legislation relating to industry and commerce; the Labour Court, by which the formal order is made, may refer proposals back to a joint labour committee, but it is bound to make an order when the proposals are resubmitted, whether or not they have been amended), *Israel* (legislation relating to apprentices), *Uruguay* *† (general minimum wage legislation and legislation relating to homeworkers; in the former case, the Executive may call for the revision of or itself revise determinations which fix unreasonably low rates). This is also the position in two states in the United States (*Maine* and *Puerto Rico*) and two states of *Australia* * (*Tasmania* and *Victoria*).

⁹¹ *Argentina* * (general minimum wage legislation), *Belgium* *, *Ceylon* †, *Chile* * (legislation relating to agricultural workers), *Federal Republic of Germany* *†, *Japan*, *Netherlands* *† (legislation relating to homeworkers), *Norway* *, *Philippines* †, *Switzerland* *, *United Kingdom* *† (legislation relating to workers in industry and commerce), *United States* (Federal Fair Labor Standards Act, as regards certain non-mainland territories; federal legislation relating to workers on public contracts, etc.; state legislation in 22 states), *Venezuela* *. This is also the case in one province of *Canada* * (*Quebec*).

42. It may be noted that in certain cases the higher authority which is called upon to approve the decisions of local or trade boards or to make a determination on the basis of recommendations submitted by such boards is not the Executive or a particular ministry, but a central board which in effect co-ordinates the activities of the various boards from which the proposals originate.⁹²

*Consultation of Employers and Workers
and Other Qualified Persons*

43. Article 3, paragraph 2 (1), of Convention No. 26 provides, as one of the general principles to be observed in the operation of the minimum wage fixing machinery, that before the machinery is applied in any trade, the representatives of the employers and workers concerned, including representatives of their respective organisations, should be consulted, as well as other persons specially qualified for the purpose by their trade or functions. These provisions are elaborated in Recommendation No. 30, which adds in particular that the wage fixing machinery should operate by way of investigation into the conditions in the trade concerned (Part II, Paragraph 1). Similar provisions are to be found in Convention No. 99 (Article 3, paragraph 2) and Recommendation No. 89 (Paragraph 3). The consultations here in question are designed to enable the wage fixing body to take into consideration the views of the employers and workers concerned and of independent experts in deciding the actual terms of their determinations, whereas the provisions regarding consultation which were examined in paragraphs 36 to 38 above relate to consultation on the preliminary question as to whether the minimum wage fixing machinery is to be applied to any particular trade or part of a trade.

44. As regards the cases in which statutory minimum rates have been established, one report indicates that the interested parties were able to put forward their views at hearings prior to the enactment of the legislation⁹³, and in another case employers and workers are stated to submit their views to the competent ministry and to parliament.⁹⁴ As regards countries in which wage rates are fixed directly by government decision, eight reports state that central trade union organisations are not only consulted on wage regulating measures, but also participate in their preparation⁹⁵; in three other cases consultation of employers and workers is stated to occur.⁹⁶

45. As regards countries with some form of wage board machinery, arrangements for the consultation of employers and workers and their organisations exist in almost all cases, and frequently independent persons may likewise be consulted. The interested par-

ties may be consulted directly or given an opportunity to submit evidence and proposals to the wage fixing body⁹⁷; the latter may have power to summon witnesses, call for information, or co-opt qualified advisers⁹⁸; a public hearing may be obligatory⁹⁹; the draft proposals may have to be published and time allowed for representations¹⁰⁰; or the interested parties may have a right of appeal against the wage fixing decision.¹⁰¹

*Participation of Employers and Workers
and of Independent Persons in the Operation of the
Wage Fixing Machinery*

46. Article 3, paragraph 2 (2), of Convention No. 26 lays down that the employers and workers concerned should be associated in the operation of the minimum wage fixing machinery, in equal numbers and on equal terms. Recommendation No. 30 (Part II, Paragraph 2) elaborates this principle by providing that representatives of employers and workers concerned, equal in numbers and voting strength, should take a direct part in the deliberations and decisions of wage fixing bodies, that the employers and workers concerned should have a voice in the selection of their representatives, and that the wage fixing bodies should also include one or more qualified independent persons whose votes would ensure effective decisions where the representative members were equally divided. Convention No. 99 (Article 3, paragraph 3) and Recommendation No. 89 (Paragraphs 4 to 6) contain similar provisions; however, the Convention is slightly more flexible than its earlier counterpart, since it provides that the employers and workers concerned shall take part in the operation of the wage fixing machinery or be consulted or have the right to be heard.

47. In countries with some form of wage board machinery, the representation of employers and workers on the wage fixing bodies appears to be general.¹⁰² The respective representatives are invariably equal in number, and in most cases the representatives are appointed directly by the employers or workers (or their organisations), or from lists submitted by them,

⁹⁷ *Australia* *, *Canada* * (there are varying provisions for inquiries, public hearings, conferences with the interested parties, etc.), *Colombia* * (the workers' and employers' organisations have the right to be heard before the joint wage fixing committees, but the position regarding the wage revision committees is not clear), *Costa Rica*, *Cuba* * †, *Dominican Republic*, *Ecuador* *, *Federal Republic of Germany* * † (in the case of legislation relating to minimum conditions of employment, a public hearing is also provided for), *India* *, *Mexico* * †, *Morocco* (provisions relating respectively to homeworkers and agricultural workers), *Netherlands* * †, *Switzerland* *, *Tunisia* (legislation relating to agricultural workers), *Union of South Africa* *.

⁹⁸ *Austria* †, *Belgium* * (Home Work Order), *Chile* * (legislation relating to wage earners), *Guatemala*.

⁹⁹ *Japan*, *Philippines* †, *United States* (in most states with wage board machinery, the procedure appears to be as follows: the wage board studies evidence and the testimony of witnesses and then submits recommendations to the competent authority, which holds a public hearing before issuing the final wage order).

¹⁰⁰ *Burma* *, *Ceylon* †, *Chile* * (legislation relating to agricultural workers), *Ireland* *, *Norway* *, *United Kingdom* * †, *Venezuela* *.

¹⁰¹ *Chile* * (legislation relating to salaried workers in private employment), *Turkey*, *Uruguay* * †. See also, as regards the position in *Australia* *, footnote 85.

¹⁰² An exception to this rule is to be found in *Australia* *, where employers and workers are not represented on the Commonwealth wage fixing authority nor on those of New South Wales (central authority, as distinct from the subsidiary conciliation committees), South Australia (central authority, which may however appoint one representative each of employers and workers to act as assessors) and Queensland; employers and workers however always have the right to be heard. In one province of *Canada* * (Ontario) the board consists entirely of officials.

⁹² *Argentina* * (general minimum wage legislation; the authority in question, the National Wages Institution, has not so far been set up), *Iran* (Superior Labour Council), *Ireland* * (Labour Court), *Mexico* * † (Central Conciliation and Arbitration Board), *Norway* * (Home Work Council), the *United States* (11 states have special commissions).

⁹³ *United States*.

⁹⁴ *Uruguay* * †.

⁹⁵ *Albania*, *Bulgaria* *, *Byelorussia*, *Czechoslovakia* *, *Hungary* *, *Poland*, *Ukraine*, *U.S.S.R.*

⁹⁶ In *Spain* *, the legislation provides for consultation of the National Delegation of Trade Unions (grouping both employers and workers) and of ministries and other bodies or persons qualified to give advice. In *Morocco* and *New Zealand* * †, employers and workers are stated to be consulted in practice; in the former country the Minister of Labour calls employers' and workers' representatives to a meeting before submitting proposals for wage fixing decrees.

or following consultation with them.¹⁰³ All the bodies appear to have at least one independent member, whose intervention effectively makes decisions possible where the representative members are equally divided. Three types of bodies stand out: joint committees with only one independent member (normally an official) as chairman¹⁰⁴; boards composed of a stated number of public officials or representatives of various ministries or other public bodies and (frequently numerically inferior) representatives of employers and workers¹⁰⁵; and tripartite boards comprising representatives of the public (i.e. persons independent of official agencies) and of employers and workers.¹⁰⁶

48. In six reporting countries there are provisions to ensure equality of voting strength between the representatives of employers and workers, irrespective of the number of such representatives actually present.¹⁰⁷

49. Recommendation No. 30 (Part II, Paragraph 2 (d)) lays down the principle that, wherever a considerable number of women are employed, provision should be made as far as possible for the inclusion of women among the workers' representatives and also among the independent members of wage fixing bodies. Statutory requirements in this connection appear to exist in three countries.¹⁰⁸ Two reports indicate that the requirements of the Recommendation are met in practice¹⁰⁹, another states that wage boards are generally composed of women as well as men¹¹⁰, and three other reports indicate that in practice women are to be found among the members of wage fixing bodies.¹¹¹ Many other reports state that women are eligible for such membership.

¹⁰³ The following are the only countries in respect of which it is not clear whether employers' and workers' representatives are appointed in this way: *Ecuador* *, *Egypt*, *Haiti*, *Iran*, *Israel*, *Morocco*. In *Ireland* *, employers' and workers' organisations are not consulted regarding appointment of members of the Agricultural Wages Board.

¹⁰⁴ *Argentina* *, *Australia* * (Tasmania, Victoria, Western Australia and the subsidiary authorities in New South Wales and South Australia), *Austria* †, *Belgium* *, *Canada* * (Manitoba, New Brunswick and Newfoundland; in practice this appears also to be the position in Alberta, Quebec and Saskatchewan), *Chile* * (except as regards agricultural workers), *Egypt*, *Federal Republic of Germany* **†, *Guatemala*, *Mexico* *†, *Nicaragua* *, *Norway* *, *Philippines* †, *Uruguay* **† (legislation relating to homeworkers), *United States* (18 states), *Venezuela* *. In *Israel*, the only statutory requirement as to the composition of wage committees for apprentices is that they should comprise equal numbers of employers' and workers' representatives.

¹⁰⁵ *Chile* * (legislation relating to agricultural workers), *Colombia* *, *Costa Rica*, *Cuba* **†, *Dominican Republic*, *Ecuador* *, *Haiti*, *Iran*, *Morocco* (provisions relating to workers on public contracts), *Switzerland* *, *Tunisia*, *Turkey*, *Union of South Africa* *, *Uruguay* **† (general minimum wage legislation), *Viet-Nam*. In *France* **†, the board is composed of representatives of the authorities, employers, workers, and family interests.

¹⁰⁶ *Burma* *, *Canada* * (British Columbia; in practice this appears also to be the position in Nova Scotia), *Ceylon* †, *India* *, *Ireland* *, *Japan*, *United Kingdom* **†, *United States* (six states).

¹⁰⁷ *Austria* †, *Burma* *, *Ceylon* †, *Ireland* * (legislation relating to industry and commerce), *United Kingdom* **†, *Venezuela* *. Further, in *Belgium* * the decisions of joint committees must be unanimous.

¹⁰⁸ *Canada* * (in Nova Scotia and Saskatchewan two members of the board must be women; in British Columbia there must be one woman member), *Japan* (if more than half the workers in the trade are women, the labour union must recommend at least one woman as workers' representative), *United States* (in Colorado, at least one member of every group of a tripartite wages board must be a woman; in Minnesota at least one-fifth of the board members must be women).

¹⁰⁹ *Australia* *, *United Kingdom* **†. The report of *Argentina* indicates that women regularly participate in the negotiation of collective agreements in trades where they are employed in large numbers.

¹¹⁰ *United States* (as regards states with wage board machinery).

¹¹¹ *Belgium* *, *Ireland* *, *Switzerland* *.

Bases for Fixing Minimum Wages

50. Recommendation No. 30 (Part III) provides that in determining minimum wage rates account should be taken of the necessity of enabling the workers concerned to maintain a suitable standard of living, and that regard should be had to wages fixed for similar work by collective agreements or the general level of wages. Recommendation No. 89 (Part I) contains similar provisions.

51. A definition of the minimum wage is to be found in the legislation of the majority of reporting countries, and primary reference in these cases is to the maintenance of an adequate standard of living. A number of these countries also prescribe in detail the additional factors to be taken into account in fixing minimum wage rates. The most frequently found criteria are the ability of undertakings to pay the rates fixed, general economic conditions, rates payable in similar occupations, and the nature of the work. Even in those countries where specific criteria are not prescribed, the provisions of the Recommendations would appear to be largely observed in practice. Reservations regarding these provisions are made in only one case: the Government of the *United Kingdom* *† states that the various Agricultural Wages Boards are entirely free to decide what factors to take into account in their deliberations, that it is not the practice of these Boards to disclose the considerations influencing particular decisions, and that the Government has no intention to restrict the Boards' complete discretion in these matters.¹¹²

52. In seven reporting countries primary emphasis in the determination of wage rates is placed on the quantity and quality of work done, and accordingly remuneration appears to be fixed largely in the form of piece rates or to be related to output standards.¹¹³

Revision of Minimum Wages

53. Recommendation No. 30 (Part III) provides for the review of minimum rates when desired by the workers or employers who are members of the wage fixing bodies. Recommendation No. 89 (Part III) recommends that provision be made for a procedure for revising minimum wage rates at appropriate intervals.

54. In 12 reporting countries (mostly in Latin America) legislation provides for the fixing of minimum wages at stated intervals: in nine cases this interval is one year¹¹⁴, and in the three others two years.¹¹⁵

¹¹² It is however to be noted that, in its report on Recommendation No. 30, the *United Kingdom* Government indicates that the criteria mentioned in that instrument are undoubtedly given due weight in fixing minimum wages in industry and commerce.

¹¹³ *Albania*, *Bulgaria* *, *Byelorussia*, *Czechoslovakia* *, *Hungary* *, *Ukraine*, *U.S.S.R.*

¹¹⁴ *Argentina* * (legislation relating to seasonal agricultural workers), *Chile* * (legislation relating respectively to salaried workers in private employment and to agricultural workers), *Colombia* *, *Guatemala* (the rates may also be reviewed at any time on application from specified numbers of employers or workers), *Iran* (the rates may be revised more frequently, if necessary), *Nicaragua* *, *Uruguay* **† (legislation relating to wool shearers), *Viet-Nam* (minimum rates are to be fixed at least once a year) and *Yugoslavia* (workers in nationalised undertakings).

¹¹⁵ *Costa Rica*, *Ecuador* *, *Mexico* *†; in all three cases the minimum rates may be revised within the two-year period, in given circumstances. Further, in one province of *Canada* * (Newfoundland) all minimum wage orders must be reviewed at intervals of not more than two years, and in *Israel* minimum wage determinations for apprentices may be made for from one to three years, after which they may be extended from year to year.

In five cases the minimum wage is linked to a cost-of-living index.¹¹⁶

55. In 13 reporting countries provision appears to be made for review of minimum wage determinations at the request of the employers' or workers' members of the wage fixing body, or of a specified number of members, or on the application of specified numbers of employers or workers or of organisations of employers or workers.¹¹⁷ Two reports indicate that in practice minimum rates are revised periodically.¹¹⁸

Binding Force of Minimum Rates

56. Article 3, paragraph 2 (3) of Convention No. 26 provides that fixed minimum rates shall be binding on the employers and workers concerned, not subject to abatement by individual agreement, but subject to abatement by collective agreement with the general or particular authorisation of the competent authority. The words "general or particular" were inserted to make it clear that the authorisation of abatement by collective agreements might take the form of a general legislative provision making minimum rates subject to the terms of such agreements.

57. The corresponding provisions in Convention No. 99 proceed along somewhat different lines. While the principle of the binding force of the fixed minimum rates is stated in the same form (Article 3, paragraph 4), abatements may be permitted by the competent authority only in individual cases, where necessary, to prevent the curtailment of employment opportunities of physically or mentally handicapped workers (Article 3, paragraph 5).

58. Although the question of handicapped workers is specifically dealt with only in the later Convention, the problem of the special treatment of such workers also arises in the case of minimum rates fixed for industrial or commercial employments in accordance with the provisions of Convention No. 26. In a number of countries the legislation provides for the issue of permits to or in respect of handicapped persons, and, in so far as such permits prescribe lower rates to be paid (as distinct from giving complete exemption), and thus merely fix special minimum rates for particular classes of workers, there would appear to be no departure from the terms of the Convention.

59. The provisions of Convention No. 99 differ from those of the earlier Convention in that the power to permit abatement, instead of relating to abatement by collective agreement, is limited to individual cases and in that it is exercisable only in the special case of handicapped workers. It would appear, moreover,

¹¹⁶ *Argentina* * (general minimum wage legislation), *Australia* * (New South Wales: minimum rates must be adjusted at quarterly intervals in accordance with an official price index; in addition, the rates are to be reviewed at intervals from one to three years), *Belgium* * (as regards wage rates for agricultural workers), *France* *†, *Luxembourg*. Moreover in two states of *Australia* * (Queensland and Western Australia) there is a quarterly review of minimum rates on the basis of price index numbers, although adjustments are not made automatically.

¹¹⁷ *Australia* *, *Austria* †, *Burma* *, *Ceylon* †, *Cuba* *†, *Dominican Republic*, *Haiti*, *Ireland* *, *New Zealand* *† (agreements or awards may be amended by the Court of Arbitration on the application of the parties bound thereby or of employers' or workers' organisations, and amendment of the general minimum wage in practice follows amendment of any general order by the Court of Arbitration), *Tunisia* (legislation relating to workers in industry and commerce), *United Kingdom* *†, *United States* (20 states; rates fixed under the Federal Fair Labor Standards Act by industrial committees in certain territories are reviewed annually), *Uruguay* *† (legislation relating to homeworkers). In a number of these states, review of minimum wages is possible only after they have been in force for a specified period—generally from six to 12 months.

¹¹⁸ *Spain* *, *Turkey*.

that, where permits are granted to handicapped workers in accordance with these provisions, the prescription of lower minimum rates in the permits is not mandatory.

60. The requirement, contained in both Conventions, that minimum rates should be binding on the employers and workers concerned appears to be implemented in all minimum wage legislation referred to in the reports. It is proposed to consider below the provisions to be found in this legislation regarding abatement of minimum rates and the special treatment of handicapped workers, in relation both to workers in industry and commerce and to agricultural workers (an indication will be given in the footnotes where the provisions referred to apply to agricultural workers).

61. As regards general provisions for abatement of minimum rates, in one reporting country waiver of minimum wages is permitted as part of a compromise, provided there is official sanction¹¹⁹; in another, abatement is permitted by collective agreement, subject to the consent of the competent authority¹²⁰; and in three cases a public authority may grant exemptions to employers in financial difficulties.¹²¹ In one country exemptions may be authorised for "sound economic or social reasons".¹²² In certain countries the payment of minimum wages is subject to the attainment of a prescribed output norm; in two of these cases it is specifically provided that, where a worker through his own fault fails to attain this norm, he shall be paid according to the quantity and quality of his work without the guarantee of any minimum wage.¹²³

62. Provisions permitting the competent authority (in most cases the wage fixing authority itself) to grant permits to handicapped workers in which special, lower, minimum rates are specified are to be found in 11 of the reporting countries.¹²⁴ In three cases there is power to grant exemptions in respect of handicapped workers, subject to conditions.¹²⁵ In one country the competent authority may, when fixing minimum wages, except handicapped workers, subject to any conditions¹²⁶, and in another such workers have in practice been excluded from wage determinations.¹²⁷ In three countries reductions up to a stated percentage

¹¹⁹ *Federal Republic of Germany* *† (applicable also to agricultural workers).

¹²⁰ *Canada* * (province of Quebec).

¹²¹ *Argentina* * (exemptions are limited to the period of 12 months following the fixing of minimum wages, and are subject to payment of prescribed lower rates), *Colombia* * (applicable also to agricultural workers), *Luxembourg*.

¹²² *Czechoslovakia* * (applicable also to agricultural workers).

¹²³ *Albania*, *U.S.S.R.* (applicable in both cases to agricultural workers).

¹²⁴ *Australia* * (legislation applicable also, except in South Australia, to agricultural workers), *Belgium* * (Homework Order), *Burma* *, *Canada* *, *Ceylon* † (applicable also to agricultural workers), *Ireland* * (as regards agricultural workers, see footnote 125), *Luxembourg*, *New Zealand* *† (applicable also to agricultural workers), *Philippines* † (applicable also to agricultural workers; the rates prescribed in the permit may not be less than 50 per cent. of the general minimum wage), *United Kingdom* *† (as regards agricultural workers, see footnote 125), *United States*.

¹²⁵ *Ireland* * (legislation relating to agricultural workers; it is however provided that in any proceedings, on proof of a worker's incapacity, he shall be deemed to have been granted an unconditional permit of exemption), *Union of South Africa* * (exemption may be permitted also where the persons concerned are considered to enjoy conditions not less favourable to those prescribed by wage determinations or where special circumstances are considered to justify the exemption in the person's own interests), *United Kingdom* *† (legislation relating to agricultural workers; it appears from statistics supplied by the Government that during 1951-55 over 99 per cent. of the permits granted specified the wage to be paid).

¹²⁶ *India* * (applicable also to agricultural workers).

¹²⁷ *Netherlands* *† (applicable also to agricultural workers).

can be made in the wages of handicapped workers.¹²⁸ In one country there is a general power for the competent authority to exempt handicapped workers or workers with exceptionally low output¹²⁹; in another, although the legislation does not provide for any exceptions, the courts have held, in individual cases, that lower wages might be paid to handicapped workers.¹³⁰

Payment of Wages in Kind

63. Article 2 of Convention No. 99 provides that national law or regulations, collective agreements or arbitration awards may authorise partial payment of minimum wages in the form of allowances in kind where such payments are customary or desirable. It also requires measures to be taken to ensure that such allowances are appropriate for the personal use and benefit of the worker and his family, and that the value attributed to them is fair and reasonable. Convention No. 26 contains no corresponding provisions.

64. In six reporting countries minimum wages fixed for agricultural and related workers must be paid in cash.¹³¹ In 13 countries the forms of allowances in kind and the value to be attributed to them (either the actual rates or the basis of calculation) are determined by the legislation or minimum wage orders or awards¹³²; in two countries similar provisions are stated to be contained in collective agreements applicable to practically all agricultural workers.¹³³ In six countries payments in kind appear to be limited to board, lodging, and articles for the personal consumption of the worker and his family¹³⁴; in one other country the value of allowances in kind must be approved by the labour inspector.¹³⁵ One report states generally that the provisions of Convention No. 99 regarding allowances in kind are observed.¹³⁶

Measures to Ensure Payment of Minimum Wage Rates

65. Article 4, paragraph 1, of Convention No. 26 provides for the taking of the necessary measures, by a system of supervision and sanctions, to ensure that the employers and workers concerned are informed of the minimum wage rates in force and that wages are not paid at less than these rates. Paragraph 2 of the same Article provides for the recovery by a worker, by judicial or other proceedings, of any underpayments of minimum wages. These principles are elaborated in Part IV of Recommendation No. 30, which

¹²⁸ *Argentina* * (legislation relating to permanent agricultural workers; a medical certificate attesting the incapacity must be obtained), *Chile* * (legislation relating respectively to salaried workers in private employment and to agricultural workers; except in respect of certain aged agricultural workers, official authorisation is required), Portugal (where a worker is in receipt of compensation or a pension on account of incapacity, the minimum wage is proportionately reduced; applicable also to agricultural workers).

¹²⁹ Japan (applicable also to agricultural workers).

¹³⁰ Costa Rica (applicable also to agricultural workers).

¹³¹ Albania, *Ceylon* †, Dominican Republic, *Mexico* *†, Morocco, Tunisia (where, moreover, any farm produce sold to employees must be provided at cost price).

¹³² *Argentina* * (as regards permanent agricultural workers), *Australia* *, *Belgium* *, *France* *†, Guatemala, *India* *, *Ireland* *, *Netherlands* *†, *New Zealand* *†, *Philippines* †, *Spain* *, *United Kingdom* *†, Viet-Nam (recruited workers).

¹³³ *Austria* †, *Federal Republic of Germany* *†.

¹³⁴ Byelorussia, Costa Rica, *Cuba* *† (payments in kind may not exceed 20 per cent. of the wage for board and 20 per cent. for lodging), Haiti (in addition, the Labour Department's permission is stated to be required for such payments), Ukraine, U.S.S.R.

¹³⁵ *Chile* * (in addition, at least 25 per cent. of the wage must be paid in cash).

¹³⁶ *Bulgaria* *.

refers to measures of publicity regarding minimum wage rates, the official supervision, by a sufficient number of qualified inspectors possessing appropriate inspection powers, of the rates actually paid, the maintenance of appropriate wage records by employers, and additional measures to enable workers to recover the minimum wages due to them. Similar provisions are contained in Convention No. 99 (Article 4) and Recommendation No. 89 (Part IV).

66. As regards measures to make known the minimum rates to the employers and workers concerned, minimum wage determinations are in the first instance normally published in the official gazette or similar publication. A number of reports also refer to publicity through the press, radio, leaflets and booklets and diffusion of information through employers' and workers' organisations.¹³⁷ One of the most effective methods of ensuring that the minimum rates are known to the persons concerned is undoubtedly the posting of notices setting out the relevant minimum rates in some prominent position in the workplace or, in the case of homeworkers, in the place where the work is given out, received, or paid for. Provisions for the posting of such notices are to be found in the legislation of 22 reporting countries.¹³⁸ In a number of countries the appropriate wage rates are set out in a workbook or other document which must be supplied to each worker.¹³⁹

67. In all reporting countries with minimum wage legislation the supervision and enforcement of minimum wage rates appears to be the responsibility of a public authority, the general labour inspectorate or, in some cases, a special inspection service.¹⁴⁰

68. The maintenance of wages registers or other appropriate records, open to inspection by the inspection services, appears to be compulsory in 26 reporting countries.¹⁴¹

¹³⁷ Publicity of this nature is mentioned, for example, in the reports of *Austria* †, *Bulgaria* *, Byelorussia, *Chile* * (determinations in respect of agricultural workers must be published on three occasions in a newspaper in the provincial capital), Costa Rica, *Czechoslovakia* *, *Ireland* *, *Mexico* *†, Morocco, *Philippines* †, Turkey, Ukraine, *United Kingdom* *† (as regards agricultural workers), U.S.S.R., United States.

¹³⁸ *Australia* *, *Austria* † (as regards homeworkers), *Belgium* * (Home Work Order), *Burma* *, *Canada* * (all provinces except Manitoba; in the latter, a copy of the order must be handed to each worker), *Ceylon* †, Costa Rica (in undertakings with rules of employment), *Cuba* *†, Dominican Republic, *France* *† (as regards homeworkers), *Federal Republic of Germany* *† (in addition, every worker is to receive a copy of the determination), *India* *, *Ireland* * (as regards workers in industry and commerce), Japan, *New Zealand* *†, *Spain* * (rules of employment, which are compulsory for undertakings with 50 or more workers and which set out the rates, must be displayed; some employment regulations also provide for posting of copies thereof), *Switzerland* *, *Union of South Africa* *, *United Kingdom* *† (as regards workers in industry and commerce), United States, *Uruguay* *†, Viet-Nam.

¹³⁹ Albania, *Austria* † (as regards homeworkers), Byelorussia, *Colombia* * (as regards homeworkers), *Cuba* *† (as regards homeworkers), *France* *†, *Norway* *, Ukraine, U.S.S.R.

¹⁴⁰ It is not proposed in the present survey to examine in detail the functions and powers of the various inspection services. Reference may, however, be made to the conclusions of the Committee in 1957 (Report III (Part IV), prepared for the 40th Session of the Conference, Part Three) concerning the effect given to the Labour Inspection Convention (No. 81) and Recommendation (No. 81), 1947 and the Labour Inspection (Mining and Transport) Recommendation, 1947 (No. 82), on the occasion of the submission of reports on these instruments under article 19 of the Constitution of the I.L.O.

¹⁴¹ *Argentina* *, *Australia* *, *Bulgaria* *, *Burma* *, *Canada* *, *Ceylon* †, *Colombia* * (as regards homeworkers), Costa Rica, *Cuba* *†, *France* *†, Guatemala, Haiti, *Ireland* *, Japan, Morocco, *New Zealand* *†, *Norway* *, *Philippines* †, Portugal (in undertakings with more than 20 employees), Tunisia, Turkey, *Union of South Africa* *, *United Kingdom* *†, United States, *Uruguay* *†, Viet-Nam.

69. Payment of wages at less than the prescribed minimum rates appears to constitute an offence punishable by fine (and, in certain cases, imprisonment) in almost all reporting countries.¹⁴² Among additional sanctions to be found in the relevant legislation may be cited the total or partial closure of the offending undertaking¹⁴³ and the publication of the employer's name.¹⁴⁴ Moreover, in two instances a civil court, in an action by the worker for minimum wages, may, in addition to the amount due, award an equal sum as damages.¹⁴⁵

70. According to the reports, workers who have been paid less than the fixed minimum rates may generally recover the amounts due to them by proceedings in the civil or labour courts.¹⁴⁶ In six countries minimum wages may also be claimed before a conciliation board.¹⁴⁷ In 16 countries, apart from the worker's right to sue for wages due, proceedings may also be brought on the worker's behalf by a public authority (e.g. labour department, labour inspectorate or minimum wage authority)¹⁴⁸ or a trade union.¹⁴⁹ A number of reports mention the fact that in practice the recovery of minimum wages in many cases results from the intervention of inspectors without the need for formal proceedings. In nine reporting countries, the legislation empowers a court, when imposing a penalty for non-observance of minimum rates, also, to order the payment to the workers concerned of the amounts due to them.¹⁵⁰ In one case minimum wages are recoverable by distress.¹⁵¹

Federal States

71. Reports have been available from 13 federal States.¹⁵² The Governments of *Argentina** and *Switzerland** indicate that matters pertaining to the fixing of minimum wages fall within the competence of the federal authorities and the Confederation respectively.

¹⁴² The only countries in which non-observance of fixed minimum rates appears not to be punishable in this manner or in respect of which the reports are not clear on this point are: *Austria*† (legislation regarding minimum wage awards), *Byelorussia*, *Ecuador**, *Egypt*, *Federal Republic of Germany**†, *Iran*, *Poland*, *Ukraine*, *U.S.S.R.*

¹⁴³ *Netherlands**†.

¹⁴⁴ *United States* (nine states).

¹⁴⁵ *Philippines*†, *United States* (Federal Fair Labor Standards Act). Moreover, in *Tunisia*, under the legislation applying to workers in industry and commerce, an employer found guilty of underpayment of minimum wages must pay, in addition to any fine, a sum of three times the amount underpaid to a state "solidarity" fund.

¹⁴⁶ In the *Union of South Africa**, a worker may sue for underpayments of minimum wages only if the authorities decline to prosecute or a prosecution has resulted in an acquittal. Moreover, although on conviction for non-compliance with a minimum wage determination, an employer is to be ordered to pay the amount underpaid to a specified officer, the payment over to the worker concerned is to be directed only so far as the court deems it equitable, and in certain circumstances the worker may receive no payment at all.

¹⁴⁷ *Albania*, *Belgium**, *Bulgaria**, *France**†, *Hungary**, *Tunisia*. Furthermore, in *Austria*† claims under homework determinations may be investigated by special joint committees, and the minimum wage legislation of *India** provides for the appointment of special claims authorities.

¹⁴⁸ *Austria*† (as regards homeworkers), *Burma**, *Canada** (Quebec), *Costa Rica*, *Federal Republic of Germany**†, *India**, *Ireland**, *New Zealand**†, *Philippines*†, *Spain**, *Turkey*, *United Kingdom**†, *United States*, *Uruguay**†, *Viet-Nam*.

¹⁴⁹ *France**†, *India**.

¹⁵⁰ *Argentina** (permanent agricultural workers), *Australia**, *Burma**, *Canada**, *Ceylon*†, *France**†, *Ireland**, *Union of South Africa** (see footnote 146, *United Kingdom**†).

¹⁵¹ *Cuba**†.

¹⁵² *Argentina**, *Australia**, *Austria*†, *Canada**, *Federal Republic of Germany**†, *India**, *Mexico**†, *Pakistan*, *Switzerland**, *U.S.S.R.*, *United States*, *Venezuela**, *Yugoslavia*.

The Governments of *Australia**, the *U.S.S.R.* and the *United States* indicate that in their countries the instruments in question are appropriate in part for federal action and in part for action by the constituent states or republics. The Governments of *India** and *Mexico**† state that the instruments are appropriate both for federal action and for action by the constituent states; in *India**, the Minimum Wages Act was enacted by the central authorities, but rules under the Act have been framed by the state governments on the basis of model rules circulated by the Central Government. In *Canada** legislative jurisdiction relating to minimum wage fixing machinery is stated to be vested primarily in the provincial legislatures.¹⁵³

C. Difficulties Preventing the Ratification of the Conventions

Minimum Wage-Fixing Machinery Convention (No. 26)

72. The Governments of *Denmark*, *Finland*, *Iceland*, *Israel* and *Sweden* consider that the creation of special minimum wage fixing machinery is unnecessary, since wages and other conditions of work are widely determined by collective agreements, the terms of which tend to be observed even in cases where they are not legally binding. It is however to be observed that these circumstances do not constitute an obstacle to the ratification of the Convention, because, as was noted in paragraphs 19 and 20 above, it requires the provision of minimum wage fixing machinery only to the extent that the two conditions of lack of wage regulating arrangements and exceptionally low wages co-exist.

73. The *Austrian* Government considers that two difficulties stand in the way of its ratification of the Convention: first, under the Act of 1951 respecting the making of minimum wage awards, the wage fixing process can be initiated only by a workers' organisation, whereas the Convention requires consultation of organisations of both workers and employers before the wage fixing machinery is applied to any trade; secondly, a collective agreement takes precedence over a minimum wage award and may thus in theory effect an abatement of the rates laid down in the award. It appears, however, that these provisions do not in fact conflict with those of the Convention. The Act of 1951 can operate only where no competent employers' organisation exists; such circumstances would appear to be covered by Article 2 of the Convention, which requires the consultation of "organisations, if any, of workers and employers in the trade . . . concerned" prior to the application of the wage fixing machinery. Nor, for the reasons set out in paragraph 56 above, would a general provision for the supersession of a minimum wage award by a collective agreement run counter to the Convention.

74. The Government of *Japan* refers to economic factors—in particular, the great difference in the strength of small and medium-sized enterprises, on the one hand, and large undertakings, on the other—as rendering the application of a minimum wage system difficult.¹⁵⁴ The Government of *Poland* indicates that ratification of the Convention is prevented by

¹⁵³ Federal legislation designed to implement Convention No. 26 was held to be *ultra vires* in 1937; minimum wage legislation is, however, in force now in all provinces except the small, predominantly agricultural, province of Prince Edward Island.

¹⁵⁴ See, however, paragraph 82 below as to proposed legislative action.

the fact that the existing wage fixing provisions do not apply to workers in private employment.

*Minimum Wage Fixing Machinery (Agriculture)
Convention (No. 99)*

75. The Government of Australia indicates that, so long as the minimum wage legislation of the state of South Australia does not apply to agricultural workers, the Convention cannot be ratified.

76. The Governments of Denmark, Finland, Israel, Norway and Sweden refer to adequate collective bargaining arrangements as obviating the need for special minimum wage fixing machinery for agricultural and related workers. On the other hand, a number of governments refer to the fragmentary structure of agriculture and to the lack of organisation among workers and employers as rendering the establishment of minimum wage fixing machinery difficult. Among the factors mentioned in this connection are the impracticability of enforcing wage regulations in many small and scattered holdings, the wide variations in employment conditions, and the extensive employment of family and seasonal labour. Difficulties of this nature are mentioned in the reports of Canada, Greece, Japan, Luxembourg and the Union of South Africa. The Governments of Burma and Pakistan observe that agricultural employers in their countries are small peasants whose economic status is hardly distinguishable from that of their own workers. The Government of El Salvador refers to the lack of information about employment conditions in agriculture as one of the main obstacles to the creation of minimum wage fixing machinery, and the Government of the Sudan indicates that such machinery would be inappropriate to the existing customary forms of land tenure, cultivation and labour. The Government of Viet-Nam indicates that at present only about 5 per cent. of agricultural workers (i.e. recruited workers) are covered by the relevant legislation.

77. The Government of Switzerland indicates that, in accordance with constitutional practice, it must refrain from direct intervention in the fixing of agricultural wages, since the factors which would justify such intervention (very low wages and inability of the parties to determine wages effectively) do not exist.

78. The Government of India considers that an obstacle to ratification is created by the fact that, under Indian legislation, wages may be fixed for only a part of a state, whereas under Article 1, paragraph 2, of the Convention exemptions are confined to undertakings and categories of persons or occupations. It seems to the Committee, however, that nothing in this paragraph of the Convention prevents the determination on a geographical basis of the undertakings to which the machinery is to be applied.

79. The Government of Ireland considers, that, because the undertakings, occupations and classes of workers for which wages are to be fixed are determined in the legislation itself, it would be incapable of satisfying the requirements of Article 1, paragraph 2, of the Convention, that employers' and workers' organisations should be consulted prior to application of the minimum wage fixing machinery. It would seem, however, that where, as in Ireland, the legislation directs the fixing of wages for all agricultural workers no occasion arises for subsequent consultations as to the cases in which the machinery is to be applied.

D. Modifications Made or Contemplated in National Legislation and Practice

80. In Australia, since the adoption of Convention No. 99 in 1951, the relevant legislation of New South Wales has been amended so as to cover all workers in agricultural undertakings and related occupations.

81. In Belgium the number of joint committees, whose decisions may be made generally binding in the trade concerned by royal order, has recently been increased and special auxiliary committees are to be set up for workers not covered by any joint committee; these measures are expected to make possible the fixing of minimum rates for all workers without exception. Moreover, measures to limit payment of wages in kind, in accordance with Article 2 of Convention No. 99, are under consideration.

82. In Japan, following recommendations from the Central Wage Council, the Government intended to present a Bill concerning the minimum wage system to the Diet in February 1958. The Dominican Republic has requested the services of a technical assistance expert with a view to the improvement of the existing minimum wage fixing machinery.¹⁵⁵ In El Salvador and the Canadian province of Prince Edward Island studies regarding the fixing of minimum wages are in progress. In Pakistan the Government has set up a Joint Wages Board to advise it on the fixing of wages for specified industries.

83. In Italy and Spain legislation regarding collective agreements is at present before the legislature. In the United States, in the first quarter of 1957, Bills to establish or strengthen minimum wage laws were introduced in 34 state legislatures; ten of these Bills, if enacted, would establish minimum wage laws in states which at present have no such legislation. In Ceylon legislation now before Parliament would empower trade unions to sue for minimum wages on behalf of workers, by a simplified procedure. In Iran legislation regarding agricultural workers is being drafted. In Morocco a decree regarding the conditions of employment of agricultural and forestry workers is about to be promulgated, which would give more complete effect to Convention No. 99, including the establishment of provincial joint agricultural labour committees and provisions regarding handicapped workers, minimum rates for women and children, and the functions and powers of agricultural labour inspectors. In Viet-Nam the extension of existing legislation concerning recruited agricultural workers to non-recruited workers is under consideration. The Governments of Honduras and Jordan state that new labour legislation is under consideration.

E. Ratification Prospects

84. *Minimum Wage-Fixing Machinery Convention (No. 26)*. The Government of Iran states that the Convention has been submitted to Parliament with a view to ratification. In Guatemala steps are being taken to bring the Convention before the legislature. The question of ratification is under consideration by the Governments of Ceylon, Greece and Portugal. The Governments of Albania and the U.S.S.R. state that national legislation and practice are in conformity with the Convention.

85. *Minimum Wage Fixing Machinery (Agriculture) Convention (No. 99)*. The Governments of Chile and

¹⁵⁵ The Committee was informed that the Dominican Republic had in fact had the services of an I.L.O. expert for this purpose during the latter half of 1957.

Costa Rica state that the Convention has been submitted to the legislature for approval. In Guatemala steps to this end are being taken. In India an advisory committee has recommended ratification of the Convention. The Portuguese Government is considering ratification. Legislation to ensure full implementation of the Convention is under consideration in Belgium and Morocco. The Governments of Albania, Argentina, Czechoslovakia, Hungary and the U.S.S.R. state that national legislation and practice are in conformity with the Convention.

F. Conclusions

86. The review of decisions by the International Labour Organisation and other international agencies on the question of minimum wages, made by the Committee in the introductory remarks of this survey, emphasised the sustained nature of international activity in this field and the wide range of the decisions already taken. The reports which the Committee has had before it reflect an intense concern with the minimum wage problem on the national level also, and reveal its immediacy in countries with widely varying degrees of economic development. Reference may be made, by way of illustration, to the Indian Minimum Wages Act, which was enacted in 1948 and has undergone repeated amendment in the light of problems arising out of its operation, to the extensive legislative activity mentioned in the report of the United States Government on Convention No. 26, and to the discussions proceeding in Japan and Pakistan with a view to the introduction of minimum wage systems.

87. An index to developments in the field of minimum wages in member countries is likewise to be found in the increasing number of ratifications of the two Conventions in question. It is to be noted, in particular, that Convention No. 26, although adopted 30 years ago, has within the last four years been ratified by no less than 11 countries, thus bringing the total number of ratifications to 37. Equally noteworthy is the fact that eight of these 11 countries are in Asia or Africa, from which Continents only two ratifications had come previously. It may confidently be expected that both instruments will shortly receive additional ratifications, because, in respect of the Convention of 1928, five governments and, in respect of the Convention of 1951, six governments report that the ratification process has been initiated, that ratification is under consideration, or that measures to make ratification possible are contemplated. Moreover, although only a limited number of governments refer directly to the prospects of ratification, it would appear that, as regards each Convention, a considerable proportion of the countries which have submitted reports under article 19 of the Constitution possess legislation meeting in large measure the requirements of the respective instruments.¹⁵⁶

88. The States which at present possess no minimum wage legislation would appear to be mainly of two kinds. On the one hand there is a group of countries in which, in view of the breadth of the trade union movement, the widespread use of collective

bargaining and conciliation and arbitration machinery, and stable employment conditions, the State considers it unnecessary to create special minimum wage fixing machinery. In contrast, in a number of countries the absence of a minimum wage system is attributed to the lack of organisation of industry and among workers, as well as to general economic conditions. Yet, it is to be noted that the circumstances mentioned in the latter case are precisely those which are singled out in the Convention of 1928 as requiring the application of minimum wage fixing machinery.

89. It appears from the reports that, since the adoption in 1928 of Convention No. 26, the concept of the minimum wage has undergone considerable evolution. Thirty years ago minimum wage fixing machinery seems to have been regarded primarily as a marginal mechanism intended to be applied in cases where, through lack of adequate wage regulating arrangements, there was a danger of sweated labour. This implied, on the one hand, that the wage fixing machinery should not impinge upon existing collective bargaining, conciliation and arbitration arrangements, and, on the other, that it should operate only in particular, isolated cases. In the intervening years the concept of the national minimum wage (or, as it is termed in French legislation, the interoccupational guaranteed minimum wage) has developed. Such a minimum wage appears to have been adopted in a number of countries in the place of or even in addition to earlier legislation which permitted the fixing of minimum rates for particular trades. The trend towards the generalisation of minimum wage protection may be seen also in the tendency of certain minimum wage authorities to issue general minimum wage orders instead of orders for particular occupations, in the establishment of a basic or living wage as a standard of reference for particular wage orders, and in the extension to male workers of legislation previously applicable to women and minors only. It is, however, to be noted that, according to several reports, it is principally among workers who are not organised that general minimum rates tend to become the actual wage rates, so that a general minimum wage may in practice provide precisely the marginal protection which is envisaged by Convention No. 26.

90. One of the consequences of the above-mentioned changed approach to the question of minimum wages is that the distinction formerly drawn between rates fixed by collective bargaining and analogous arrangements and rates fixed under minimum wage legislation has lost some of its force. Indeed in certain countries there would appear to be a tendency for minimum wage fixing machinery and collective bargaining, conciliation and arbitration arrangements to coalesce. In this connection it is also to be observed that Convention No. 99 no longer makes any distinction between collective bargaining, arbitration machinery, and statutory minimum wage fixing machinery: as was noted in paragraph 33 above, the Convention requires the creation or maintenance of machinery by which minimum wages can be fixed for agricultural and related workers generally, but is worded so as to permit its implementation by collective agreement as well as by government action.

91. At the present time, as regards the fixing of minimum wages in industry and commerce, the two types of systems referred to above—what may be termed the marginal minimum wage and the national minimum wage—appear to have roughly equal currency in the countries which have supplied reports. In the case of legislation applicable to agricultural undertakings and related occupations, however, pro-

¹⁵⁶ Reference may be made, in particular, *as regards the Convention of 1928*, to Austria, Ceylon, Costa Rica, Guatemala, Haiti, Iran, Philippines, Portugal, Turkey, and the United States (33 states), and, *as regards the Convention of 1951*, to Argentina, Australia (except the state of South Australia), Belgium, Chile, Costa Rica, Egypt, Guatemala, Haiti, India, Ireland, Morocco, Nicaragua, Portugal, Spain, Tunisia and Turkey.

vision appears to be made in the majority of cases for the fixing of minimum rates for all workers, which may be due to some extent to the relative uniformity of employment conditions and state of organisation of workers in this sector of the economy. At the same time it is to be observed that this general agricultural minimum wage legislation frequently permits of a considerable flexibility in application—for example, by providing for regional variations, the fixing of different rates for permanent, casual, and seasonal workers, and the evaluation of benefits in kind. The Committee is of the opinion that, in a number of countries, the obstacles mentioned by governments as standing in the way of implementation of Convention No. 99 might be overcome if it were recognised that this flexible approach is possible.

92. It should be borne in mind that the precept of “an adequate living wage”, to which the Preamble to the Constitution of the International Labour Organisation refers as one of the principal means of improving social conditions, must necessarily lie at the basis of any minimum wage system and is implicit in the two Conventions under consideration. It is, moreover, restated in the two Recommendations, which provide that, for the purpose of determining minimum wage rates, account should be taken of the necessity of enabling the worker concerned to maintain a suitable standard of living. It follows that, in the fixing of minimum remuneration, regard should be had to workers’ normal needs. Consequently, factors such as the quantity and the quality of the work performed by the individual worker, while appropriate elements in the determination of his actual remuneration, should not affect the right to payment of a minimum wage, which should be a guarantee of a just remuneration in return for work duly performed during a stated period. For these reasons also, where a minimum wage system is based primarily on piece rates, great care needs to be exercised to ensure that, under normal conditions, a worker can earn enough to be able to maintain an adequate standard of living, and that his output, and consequently his earnings, are not unduly limited by conditions independent of his own efforts. It may be recalled that in one country a solution to this problem has been found in the rule, established by the courts, that, where the minimum wage is a time rate, piece workers are entitled to payment thereof, irrespective of their output. In certain other countries the wage fixing authority has power, when it fixes piece rates, to make these subject to a time rate which, though fixed at a level somewhat below what the average worker may expect to earn

on the piece-rate basis, yet establishes an absolute minimum below which remuneration may not fall in any case. Given this approach, the special case of the rate to be paid to the sub-standard worker (who, it may be suggested, should be a charge on the community at large, rather than on his employer) can be dealt with appropriately by a licensing system—a procedure which has the merit of providing for prior official sanction and of placing the onus of proof on the person wishing to pay less than the prescribed rates. As has been seen, such a licensing system is in fact to be found in a large number of reporting countries.

93. The survey of the effect given to the four instruments considered here has necessarily referred mainly to the legislative provisions in force in the reporting countries. However, in the case of these instruments, perhaps more than any others adopted by the International Labour Conference, it is practical application that counts. In this connection the Committee has noted that in a number of countries periodic reports on the working of the minimum wage legislation are issued. Such reports are of considerable value, not only in showing the real impact of minimum wage fixing machinery on working conditions but also in bringing to light difficulties encountered in the application of the legislation and thus paving the way for further action.

94. The close interdependence of social and economic considerations, which is at the heart of the minimum wage fixing problem, exemplifies the particular value of these standards in pursuing the basic objectives of the Organisation. Here, more perhaps than in any other field of labour policy, the goal is to achieve what the Declaration of Philadelphia calls “a just share of the fruits of progress to all and a minimum living wage to all employed” together with the economic well-being of the community as a whole. To ensure that a given minimum wage system is appropriate to national conditions, careful preparation is therefore required. It may be necessary to carry out extensive preliminary studies, to seek technical assistance, and to adopt a flexible and even an experimental approach. It is clear that the experience already gained in reporting countries in the operation of minimum wage fixing machinery and the legislative texts constitute in themselves a valuable source of reference for these purposes. At the same time, the flexibility of the minimum wage fixing machinery Conventions, which lay down general principles and do not prescribe detailed rules, facilitates their adaptation to national and local circumstances.

Geneva, 29 March 1958.

(Signed) P. TSCHOFFEN,
Chairman.

H. S. KIRKALDY,
Reporter.

Appendix. Reports Requested and Reports Received by 29 March 1958

State ¹	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	26, 99	30, 89	4	—	—	—
Albania	26, 99	30, 89	4	26, 99	30, 89	4
Argentina	99	30, 89	3	99	30, 89	3
Australia	99	30, 89	3	99	30, 89	3
Austria	26	30, 89	3	26	30, 89	3
Belgium	99	30, 89	3	99	30, 89	3
Bolivia	99	30, 89	3	—	—	—
Brazil	26, 99	30, 89	4	—	—	—
Bulgaria	99	30, 89	3	99	30, 89	3
Burma	99	30, 89	3	99	30, 89	3
Byelorussia	26, 99	30, 89	4	26, 99	30, 89	4
Canada	99	30, 89	3	99	30, 89	3
Ceylon	26	30, 89	3	26	30, 89	3
Chile	99	30, 89	3	99	30, 89	3
China	99	30, 89	3	—	—	—
Colombia	99	30, 89	3	—	—	—
Costa Rica	26, 99	30, 89	4	26, 99	30, 89	4
Cuba	—	30, 89	2	—	30, 89	2
Czechoslovakia	99	30, 89	3	99	30, 89	3
Denmark	26, 99	30, 89	4	26, 99	30, 89	4
Dominican Republic	26, 99	30, 89	4	26, 99	30, 89	4
Ecuador	99	30, 89	3	—	—	—
Egypt	26, 99	30, 89	4	26, 99	30, 89	4
Ethiopia	26, 99	30, 89	4	—	—	—
Finland	26, 99	30, 89	4	26, 99	30, 89	4
France	—	30, 89	2	—	30, 89	2
Germany (Federal Republic)	—	30, 89	2	—	30, 89	2
Ghana	26, 99	30, 89	4	—	—	—
Greece	26, 99	30, 89	4	26, 99	30, 89	4
Guatemala	26, 99	30, 89	4	26, 99	30, 89	4
Haiti	26, 99	30, 89	4	26, 99	30, 89	4
Honduras	26, 99	30, 89	4	26, 99	30, 89	4
Hungary	99	30, 89	3	99	30, 89	3
Iceland	26, 99	30, 89	4	26, 99	30, 89	4
India	99	30, 89	3	99	30, 89	3
Indonesia	26, 99	30, 89	4	26, 99	30, 89	4
Iran	26, 99	30, 89	4	26, 99	30, 89	4
Iraq	26, 99	30, 89	4	—	—	—
Ireland	99	30, 89	3	99	30, 89	3
Israel	26, 99	30, 89	4	26, 99	30, 89	4
Italy	99	30, 89	3	99	30, 89	3
Japan	26, 99	30, 89	4	26, 99	30, 89	4
Jordan	26, 99	30, 89	4	26, 99	30, 89	4
Lebanon	26, 99	30, 89	4	—	—	—
Liberia	26, 99	30, 89	4	—	—	—
Libya	26, 99	30, 89	4	—	—	—
Luxembourg	26, 99	30, 89	4	26, 99	30, 89	4
Mexico	—	30, 89	2	—	30	1
Morocco	26, 99	30, 89	4	26, 99	30, 89	4
Netherlands	—	30, 89	2	—	30, 89	2
New Zealand	—	30, 89	2	—	30, 89	2
Nicaragua	99	30, 89	3	99	30, 89	3
Norway	99	30, 89	3	99	30, 89	3
Pakistan	26, 99	30, 89	4	26, 99	30, 89	4
Panama	26, 99	30, 89	4	—	—	—
Paraguay	26, 99	30, 89	4	—	—	—
Peru	26, 99	30, 89	4	—	—	—
Philippines	26	30, 89	3	26	30, 89	3
Poland	26, 99	30, 89	4	26, 99	30, 89	4
Portugal	26, 99	30, 89	4	26, 99	—	2
Rumania	26, 99	30, 89	4	—	—	—
El Salvador	26, 99	30, 89	4	26, 99	30, 89	4
Spain	99	30, 89	3	99	30, 89	3
Sudan	26, 99	30, 89	4	99	89	2
Sweden	26, 99	30, 89	4	26, 99	30, 89	4
Switzerland	99	30, 89	3	99	30, 89	3
Syria	26, 99	30, 89	4	—	—	—
Thailand	26, 99	30, 89	4	—	—	—
Tunisia	26, 99	30, 89	4	26, 99	30, 89	4
Turkey	26, 99	30, 89	4	26, 99	30, 89	4
Ukraine	26, 99	30, 89	4	26, 99	30, 89	4
Union of South Africa	99	30, 89	3	99	30, 89	3
U.S.S.R.	26, 99	30, 89	4	26, 99	30, 89	4
United Kingdom	—	30, 89	2	—	30, 89	2
United States	26, 99	30, 89	4	26, 99	30, 89	4
Uruguay	—	30, 89	2	—	30, 89	2
Viet-Nam	99	30, 89	3	99	30, 89	3
Yugoslavia	26, 99	30, 89	4	26, 99	30, 89	4
Total	48, 67	78, 78	271	33, 49	58, 58	198

¹ Members on 23 January 1957, date on which reports were requested.

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Argentina :

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VII B, Nos. 8, 12, 17, 19, 22, 23, 26, 32, 33, 35, 36, 42, 77, 78, 79.
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Australia :

VII B, No. 63.
VIII B, Nos. 29, 85.
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Austria :

VII B, Nos. 4, 24, 33, 42, 81, 89.

Belgium :

VII B, Nos. 22, 32, 58, 62, 69, 74, 87, 98, 100.
VIII: A, and B, Nos. 64, 84.

Bolivia :

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Brazil :

General Report, paragraph 16.
VII: A, and B, Nos. 3, 16, 92.
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Bulgaria :

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Burma :

General Report, paragraph 17.
VII: A, and B, Nos. 52, 63.
IX.

Byelorussia :

VII B, No. 11.
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Canada :

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¹ The roman numerals and the letters refer to the chapters of the report and the arabic numerals to the numbers of the Conventions.

Ceylon :

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VIII: A, and B, Nos. 3, 4, 5, 6, 10, 13, 26, 29, 42, 62, 81, 85, 89, 94, 95, 99, 100.

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Hungary :

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